

**I-70-East Preferred Alternative Collaborative Team
Swansea Recreation Center
July 14, 2011**

MEETING SUMMARY

Objective: To build agreement on a recommendation and final PACT message.

Meeting Overview:

- PACT members agreed to current alignment, north shift including mitigation elements (the “Will list” of elements that CODT will complete) with three conditional elements/agreements requiring additional work.
- PACT will meet in January 2012 to confirm the conditional elements were met to their satisfaction; to confirm the consensus recommendation is still the consensus.

***Facilitator Note:** Following this meeting, constituents reviewed the agreement and residents of one neighborhood objected to the North Shift, and its PACT representative withdrew their support for the agreement. Consequently, the leadership of CDOT and the City and County of Denver agreed to a one-month pause in the I-70 East EIS process in order to give Denver time to consult with city and neighborhood leaders to determine whether consensus is possible. Work was suspended on the conditional items that were adopted by the PACT. The parties agreed to report progress by the end of August 2011.*

I. Alternatives (includes improvements developed during the PACT process, on the ‘Will Do’ list)

Carrie Wallis, Atkins Global, reviewed the two current alignment alternatives, including the improvements suggested during the process that CDOT will complete.

Discussion

- Design phase will fine tune the design and ultimately the impacts.
- North shift needs to be better designed to lessen residential impacts in Elyria (lessen the number homes acquired) – move the ramps as close to the highway structure as possible
- Traffic impacts of the exit ramps around Brighton Boulevard needs to be considered.
- Quebec would be built to current standards, sidewalks, etc.
- Grades on Quebec approaching I-70 from the south are steep, it would be good to lessen them.
- Sand Creek Greenway needs a seamless connection under/around I-70 and Quebec.
- Thompson Court connection east west would be good – would be a Denver project.
- Bike route could be changed from 47th to 46th avenue when 46th is built under the highway. The city and county of Denver’s current bike route is on 47th, but it is possible to have more than one route.
- Alignment shift should be south between Colorado Boulevard and Quebec for the least economic impacts. This is challenging due to the distance it takes (1,500 feet) to get from the north shift alignment to the south shift alignment east of Colorado. The biggest concern is avoiding Safeway.

AGREEMENT: The PACT agreed to focus its recommendation on the Brighton Boulevard to Colorado Boulevard section of I-70 East. The engineers will work to design the roadway to incur the least economic impacts between Colorado and Quebec.

II. Denver PACT Caucus Work (proposal)

Lesley Thomas and John Lucero, City and County of Denver, presented the work of the PACT Denver caucus; mitigation requirements for north and those for south shift (Appendix B). The caucus' preferred option was north shift with a list of elements that must occur to recommend the north shift. The caucus came to its preference only if the elements were completed. There was also a list of elements if the south shift was selected.

John Lucero also distributed an updated version of the economic impact study materials (originally passed out at the supplemental PACT meeting July 11, 2011)

Discussion – North Shift requirements

The PACT discussed the north shift mitigation requirements. The discussion centered around the following elements (see Appendix B for the full list of mitigation requirements as proposed)

Odor – The Nestlé Purina Petcare Co. (Purina) wants to remain in its present location, and is willing to put in the capital investment to reduce the odor 90-95 percent. CDOT/FHWA has no authority to ask Purina to invest in odor reduction measures. Because Purina meets all odor and particulate regulations (national, state and local) there is no authority or regulation that would require them to install additional odor-reducing technology.

Residents would like to see all odor eliminated. It was mentioned that there is no technology exists to “eliminate” all odor, but it can be reduced. Although residents would like to have the odor removed prior to the highway project, it may be very difficult to accomplish.

Louis Thomas, vice president of the Purina plant, communicated Purina's commitment to the neighborhood and the reduction of odor from the plant. He also said Purina would be willing to enter into a voluntary agreement with Denver to reduce the odor.

Additional questions arose about how to measure odor and how to assure the reduction it will be enough, and what happens if it is not enough? There is an odor-meter used by Denver to measure the baseline, establishing whether Purina is in compliance. This could be used to develop and agreement between the city and Purina regarding threshold numbers. The measurement needs to be no less than a 95 reduction for the community to agree to a north shift.

Swansea School – Denver met with Denver Public Schools (DPS) on a two possible co-location scenarios with a new school and a regional recreation center. The school could be co-located with the recreation center without a vote of the people as long as the park land is still used for park programs.

CDOT would contribute the funds required for a functional replacement of the current school (a school appropriate for current capacity and size). If DPS wants a larger school (to accommodate early education to 8th grade), or to significant upgrade other elements, DPS would need to provide funding as well (possibly contribute the money gained from the sale of the current

Swansea School property to CDOT). Businesses should also contribute; they should contribute to the community where they do business.

There needs to be an agreement among the parties about the co-location option, rather than the record of decision saying it must be in a particular location, which would limit CDOT. The school would need to be relocated prior to construction on the section of highway near/next to the current school, while building the recreation center may come later (phased).

Recreation Center – The best location for the school is where the Swansea Recreation Center presently sits; it would be a walkable distance for current residents, therefore the recreation center would have to be acquired. A regional recreation center is in Denver Park’s current plans (while no funding has been allocated, it is in the plan). CDOT cannot justify completely paying for the construction of a new recreation center if it is not directly impacted by I-70 project; there needs to be link to the project. CDOT might be able to partner and contribute a portion.

Grade Separated Crossing at 48th Ave. or 47th Ave – A grade separated crossing is a way to mitigate neighborhood traffic issues during construction, correcting sins of the past and quality of life. 48th Avenue is the best option because it has the greatest east west connection - potentially all the way from Colorado Boulevard to Vasquez and across the South Platte River; creating connectivity both in the neighborhood and regionally. The question of whether an overpass or underpass is better was briefly discussed. It was explained that more distance is required to for an overpass (approximately 900 feet) than for an under-pass (approximately 725 feet).

CDOT and FHWA cannot establish a direct relationship between the need for the grade separated crossing and impacts of the I-70 project. It is a recognized challenge in the neighborhood, but it is not due to the I-70 project. Without the direct effect link it cannot be a part of the I-70 project. Neither is there a link established as part of the school construction; there isn’t a clear need for it to access the proposed new school location (the school can be accessed without it).

Beyond the lack of a link to the I-70 project, the grade separated crossing would require its own environmental review process due to many potential environmental impacts (4f-parks, historic properties, environmental and social justice, possible environmental, etc.), regulations, engineering and costs that must be considered.

Funding – The budget is not based on using the highest cost estimate for any alternative and saying there is “savings” that can be used if a cheaper alternative is selected. CDOT is concerned with the idea that many of the mitigation requirements state that they must be done “prior” to construction. It will be very hard to justify the expense on the mitigation elements without any money spent on the new viaduct, and the Transportation Commission would be less likely to authorize funding. Also, the Bridge Enterprise fund is strictly for replacement (in-kind, bring it up to standard); funds must be spent on the highway.

Discussion – South Shift requirement

Three requirements included in the north shift would also be proposed by the caucus if the shift was south. : relocating 46th Ave under the highway; adding connectivity elements from AECOM study (or “do not preclude items) and working to relocate residents in the neighborhood.

III. Building Agreement

Through discussion of the mitigation requirements, a possible agreement arose around the Denver caucus' north shift preference, including a modified list of mitigation elements and some conditional elements. A couple PACT members mentioned their dissatisfaction and discomfort with getting the proposed north shift recommendation at the last minute and with no prior review time. Many mentioned deferring to the Denver caucus as the most impacted and therefore more their decision.

The following the tentative agreement reached (one person was willing to live with it, but did not love it):

AGREEMENT: The PACT recommends the Current Alignment North Shift as the preferred alignment including elements on the current CDOT/FHWA 'Will list' and the following additional or revised 'Wills' and conditional elements. The PACT will meet in January 2012 to review the conditional elements, are they satisfactory enough to continue to recommend the north shift.

[Facilitator Note: Following this meeting, constituents reviewed the agreement and residents of one neighborhood objected to the North Shift, and its PACT representative withdrew their support for the agreement. Consequently, the leadership of CDOT and the City and County of Denver agreed to a one-month pause in the I-70 East EIS process in order to give Denver time to consult with city and neighborhood leaders to determine whether consensus is possible. Work was suspended on the conditional items that were adopted by the PACT. The parties agreed to report progress by the end of August 2011.]

"Will List" Additions/Revisions

1. Provide funding for construction of a new school to replace the Swansea Elementary School (funds for similar size; if a larger facility is desired, other entities may contribute additional funds) and to replace the Swansea recreation center in accordance with Denver Parks Game Plan.
2. Retain 46th Ave as a street under the new viaduct providing both east west connectivity and north south connectivity (this is already on the "Will List").
3. Commit to specific connectivity improvements, or not preclude them, from Denver's connectivity study (developed by AECOM) (this is already on the 'Will List').
4. Reduce the impact to residential properties in Elyria by "skinny up" the design or shifting south as much as possible between Brighton Boulevard and the Union Pacific Railroad tracks.
5. Work with displaced residents to relocate them within the neighborhood if they desire it.
6. Develop a funding status report including funding plan for phase I.
7. Replace any park space acquired as a result of highway construction.
8. Minimize impact to businesses between Colorado and Quebec (adjust the shift north or south for least impacts)
9. Work on a seamless connection of the Sand Creek Greenway at Quebec/I-70
10. Work to decrease grades at Quebec Street

Conditional Requirements

11. If the Swansea School is co-located on the Swansea recreation center site and it requires the acquisition of the recreation center, CDOT will contribute \$5-8 million for construction a new recreation center.

12. Build an agreement by Denver with Purina to reduce the impact of odor from their plan (using thresh hold numbers). Odor reduction measures much be operational and provide significant odor reduction.
13. Support the City and County of Denver in its pursuit of a grade separated crossing of the Union Pacific railroad – advocate for project funding with Denver Regional Council of Governments and provide guidance to getting expedited clearances for the project.

For some PACT members, if the requirements for the North shift cannot be met, they want the highway alignment to shift south, citing quality of life issues. It was stated that, even if the road went south there will be improvements to the recreation center. For instance construction on \$550 thousand in irrigation, walking trail, etc. improvements begin this summer.

IV. PACT Messaging – what to say to the public about their recommendation and process

Participants reviewed and approved PACT messaging about: 1) the PACT process and history; 2) recommended alignment (current alignment); and 3) recommended shift (north shift with additional mitigations and conditional elements).

Sections one and two were taken from the PACT message for previous public meetings, therefore the present discussion centered on Section 3: the recommended shift language, the rationale, and the conditional elements. This message was also revised via email following this meeting. To decrease confusion, the north shift language below reflects both edits during the meeting and those received via email after the meeting:

PACT Messaging - Final/Closure/Agreement

1. PACT PROCESS

- a. The Preferred Alternative Collaborative Team (PACT) is a group of stakeholders representing federal and state agencies, local governments, and community and business interests. This group was convened and managed by a neutral third-party mediation team from The Keystone Center (TKC) to ensure consideration of a range of perspectives. The PACT’s purpose is to build mutual understanding of all interests, data, and concerns, in order to move forward from the two alignments that were identified in the DEIS and identify a preferred alignment that meets the most interests and best addresses all concerns.
- b. Schedule of Process to Date
 - i. October/November 2009: TKC Assessment - interviewed over 60 residents, neighborhood groups, businesses and business groups, local governments, state and federal agencies and other interest groups
 - ii. December 2009-May 2010: Worked with several government stakeholders to address outstanding data questions
 - iii. February 2010: Due to variability of the existence and credibility of neighborhood or business associations, TKC was unable to select the PACT members; the selection was conducted by invited community and business representatives (whose names were mentioned most frequently) at separate community and business workshops and interviews
 - iv. July 2010: The Community Workshop determined there would be six community representatives: Elyria/Globeville (1), Swansea (1), Denver (1),

Commerce City (2), Adams County (1), Aurora (1). Also they caucused and selected their representatives

- v. July 2010: The Business Workshop determined there would be five business representatives: Denver (Swansea/Elyria/Globeville) (1), Commerce City (1), Adams County/Aurora (1), National Western Stock Show (1), and Colorado Motor Carriers (1) and selected their representatives
- vi. July 2010: Other PACT members identified were municipalities (Adams County, Aurora, Commerce City and Denver) and certain agencies with responsibilities in the project (Regional Transit District-RTD, Colorado Department of Public Health and Environment-CDPHE, Sand Creek Regional Greenway Partnership, Colorado Department of Transportation-CDOT and Federal Highway Administration-FHWA)
- vii. PACT Meetings – July 2010-present: PACT meetings identified data needs to fully understand what is known about the alignment options; to understand the interests of all the stakeholders; to evaluate the two alignments against the PACT-identified interests (neighborhood quality, transportation, environmental and economic development); to select and work on the alignment that seemed to hold more potential for consensus, and to gather public input before a final decision.
- viii. All PACT meetings were/are open to the public
- ix. Members of the PACT have called the process: “deliberate,” “thoughtful,” “very conscious of neighborhoods,” “inclusive,” “working to make things better.”

2. PACT Preferred Alignment

- a. PACT members have said: “There are no perfect solutions here,” “there are tough trade-off choices to make.” “All choices have impacts.”
- b. The PACT agrees that Current Alignment is the more promising alternative, including improvements agreed to and listed in “PACT Alternative Suggestions, Improvements and Modifications: Will be included” document. Current Alignment provides the most opportunities to mitigate impacts to neighborhood growth and quality, and more broadly improve/encourage transportation/transit safety and use, and economic development.
- c. The PACT agrees that Current Alignment is the preferred alignment because of the following positive aspects (in no particular order); and acknowledges that there are still negatives, as there are negatives with either alignment:
 - i. Maintains current location/plan for the FasTracks NWSS station
 - ii. Preserves a larger area for potential Transit Oriented Development at the FasTracks NWSS station
 - iii. Maintains two major highways in the areas (I-70 and I-270) for safety, multiple route choices, and emergency access
 - iv. Avoids the negative impacts on the neighborhood of between 1 and 20 times the amount current traffic on 46th Avenue in realignment
 - v. Results in less impact to Sand Creek Regional Greenway compared to the realignment alternative that adds a second river crossing and moves I-270 closer to the river
 - vi. Allows for South Platte River access without a visual barrier
 - vii. Maintains the current straight, shorter highway alignment compared to the realignment’s additional curves, improving safety and fuel consumption
 - viii. Preserves potential for NWSS to continue to operate for the short term in its current location with their current programs

- ix. Represented familiarity with the current conditions, leading to better understanding of the potential future impacts associated with widening the current I-70
- x. Higher potential for near term funding because it can be phased

The Final EIS Process and Record of Decision processes will continue to try and address negative aspects:

- a. Impacts to neighborhood quality – visual, noise and air quality
- b. Impacts to development opportunities due to the continued existence of a viaduct in the neighborhood
- c. The number of houses acquired or impacted
- d. The number of businesses acquired or impacted
- e. Emergency response times hampered by one-way local streets

SHIFT: NORTH

3. PACT Preferred Alignment Shift – North

- a. **AGREED TO AT MEETING** - The PACT recommends the Current Alignment North shift as the preferred alternative including elements on the ‘will list’ because of the following positive aspects (in no particular order. This does not imply that the PACT believes that there are no negatives, only that the positives outweighed the negatives on the north or the positives and negatives of the south shift):
 - i. Maintains significant jobs and revenue from businesses in the area
 - ii. Moves school further from the highway
 - iii. Provides an opportunity for an improved school and regional recreation center; a newly built replacement school for Swansea Elementary, possibly collocated with a new regional recreation center
 - iv. Reduces fiscal impacts to local agency budgets
 - v. Reduces odor in the community
 - vi. Supports addressing the need for a grade separated east west connection in the neighborhood as a separate project.
- b. The North shift recommendation requires the following conditions to be addressed in order for the PACT to agree to its implementation. The PACT will meet in January 2012 to confirm consensus on the North shift recommendation (or decide conditions have not been met and the recommendation is south shift or there is no agreement and CDOT/FHWA will decide):
 - i. Written agreement between Denver Public Schools, City and County of Denver (CCD) and CDOT on location of the replacement of Swansea Elementary school and Recreation Center.

- ii. A conceptual alternatives analysis by CCD to improve east west neighborhood connectivity with a grade separated crossing of the Union Pacific railroad tracks at either 48th or 47th avenue (including an area of impact, schedule, and funding scenario).
- iii. Written agreement between CCD and Purina on a commitment to significantly reduce the impact of odor from the plant (including threshold numbers).

V. Public Comment Session

Tom Anthony - Elyria resident - Commended the group for realizing re-alignment was mistake, given it would move the highway closer to the Suncor refinery. Neighborhood issues include a cancer study that indicated eight types of elevated cancers, but the study was never followed up. A list was cited of 1,000 people who signed a petition for partial buried lanes, but it was never vetted. What were vetted were solutions that did not have a chance of passing. A neighborhood plan in 2006, where there were 500 signatures, showed our plan with a tunnel. The Platte River Greenway connecting and infill development would result. All of this was ignored by the city and now they're dealing with buried waste at Asarco. Purina would have to kick in money for tunnel.

Bettie Cram, Elyria resident - "Elyria" was disconcerted by the plan to go north; it just takes homes out. We need the Stock Show to stay. Since plans began, there have been no businesses moving in; nobody is moving here, there are weeds, it is unkempt. Plans are beautiful. Will houses be cheaper to buy? I just can't see a 10-lane highway. This is a city, we don't have to have 10 lanes.

Leo Branstetter, Elyria business - Don't let all this work go away by not making a decision today. Make a decision, north or south. Write in the requirements you want to see happen. You can't take all this time taking comments and now say, "best of luck to CDOT" to make a decision. Don't let them take a decision that you couldn't make.

Max Weyler, Swansea resident- If goes north it will wipe us all out. I'd like to see it go south. Realize what Purina brings to the city, but in the future, best thing for us is for the highway to go south.

Juanita Gable, Elyria resident (letter read by Drew Dutcher) - President of Elyria Neighborhood Association. The Association favors the south shift . Purina says it gives large taxes to city, but it has not allocated anything to neighborhoods that are affected. How many jobs are we losing with the stench inhibiting growth? I'm willing to give a revenue generator (National Western) to another town, but nothing for this neighborhood? Finally we have an opportunity to turn neighborhood around by development benefitting the community as a whole.

Maxine Ichikawa, Elyria resident - I want Purina out of here, keep the school where it's at, and we don't need to rebuild the recreation center, it's nice.

Louis Thomas, Purina -We have been in business in this community 81 years, but that doesn't give us license to infringe on neighborhood. We've made improvements in recent years. The problem is unavailability of technology to reduce odor. There is technology that we would use that is similar to that used in a plant in Ontario. Right now using that technology we can promise

75 percent reduction; with two of these scrubbers in series we could achieve 95 percent reduction. It's a cold plasma system. We would voluntarily commit to reduction in emissions.

Lorelai Cole, Cole Neighborhood - The biggest mistake in this process was limiting the choices that maybe could have kept Purina. I don't think school children should be near a 10-lane highway. Throwing the tunnel off the table was the biggest problem. Purina is a big problem, I can't breathe at my house a mile away. If we want to minimize industry in this area, if we're infilling east, then the less industrial we have, the better. I haven't been convinced that expanding the highway is the best choice anyway. The train to the airport will minimize some traffic. If the population grows, then we should consider highway improvements.

VI. Next Steps

- The PACT messaging will be distributed for additional edits; edits due in a week.
- Materials from the meeting will be posted to the I-70-east.com website.
- Don Hunt, CDOT will report the PACT's tentative agreement and final January meeting to the Transportation Commission next week so they can start setting aside Bridge Enterprise funds for this project.

VII. Final Thoughts

Participants communicated their final thoughts on the recommendation and process:

- There will be hard work for the next six months to accomplish the conditional agreements needed to confirm a north shift recommendation.
- Respect the time everyone has given to the process.
- We are leaving the place better than it is now.
- Sometimes you have to start heading for the door to get the best agreement; that's negotiation.
- Recognize the contribution of former CDOT Executive Director Russ George, who started this process. He would be proud of the work that was done here today.
- Respect people's time and willingness to be open minded.
- Appreciate the collaborative process to come up with a viable project for the community.
- It was a great experience: moved by the people and the process.
- Collaborative process takes time, but it works.
- Thank you to the Keystone Center for helping us set up a process and walking us through it.
- The process allowed us to explore what our options were; a new way to work with various interests to figure out how to make good decisions.
- Thank you to all the participants for their willingness to participate and work hard.
- Impressed with how far CDOT and FHWA have come along in getting to consensus.
- This process changed my opinion from what CDOT was in the past; creating this atmosphere was fabulous.
- Appreciated the chance to go behind the scenes to see the community; to see it personally through the experience of residents like Bettie and Fred.
- This process continued and had the maintained commitment through two governors and two executive directors.
- Not easy and not all fun, but it was interesting.
- Participants and higher-up understand the neighborhood better than before.
- Learned a lot; gained insights and enjoyed everyone.
- There is an opportunity here; don't mess it up.
- Fabulous opportunity to do good things with the people involved.

APPENDIX A

Attendance

Tom Acre, City of Commerce City
Reza Akhavan, Colorado Department of Transportation
Tricia Allen, Adams County Economic Development
Art Ballah, Colorado Motor Carriers Association
Doug Bennett, Federal Highway Administration
Jimmy Burds, Commerce City Business and Professional Association
Larry Burgess, Denver - Elyria/Swansea/Globeville Business Association
Mac Callison, City of Aurora
Jim Dileo, Colorado Department of Public Health and Environment
Drew Dutcher, Denver / Elyria resident
Norma Frank, Adams County resident
Paul Garcia, Denver / Swansea resident
Pat Grant, National Western Stock Show
Don Hunt, Executive Director, Colorado Department of Transportation.
Scott Jaquith, Commerce City resident
Kate Kramer, Sand Creek Regional Greenway Partnership
Brian McBroom, City of Commerce City
John Lucero, Denver Office of Economic Development
Guillermo Serna, Commerce City resident
Jeanne Shreve, Adams County
Anthony Thomas, Denver resident
Lesley Thomas, City of Denver
Bill Van Meter, Regional Transportation District FasTracks

Members not attending

Tony Brake, Aurora resident
Shaun Cutting, Federal Highway Administration - Program Delivery Manager
Amy Pallante, Colorado State Historic Preservation Office

APPENDIX B

PACT Denver Caucus Mitigation Proposal handed out at the Meeting

PENDING