

MEETING SUMMARY

**I70 East Preferred Alternative Collaborative Team (PACT)
Swansea Recreation Center, Denver
August 12, 2010, 2:00-6:00pm**

OBJECTIVES

- To review/revise the interests/criteria list.
- To receive and understand more project data, that data requested and exists in the DEIS or other documents.

MEETING OVERVIEW

The Preferred Alternative Collaborative Team (PACT) conducted a shortened data meeting, during which the PACT members:

- Reviewed/revise the PACT interests/criteria list with a few agreed upon additions.
- Received information, presentation and discussion regarding:
 - Property acquisition and residential and business relocation process and regulations;
 - DRCOG Model – what goes into it and how it works;
 - Traffic volumes – on the highway and key local roadways
 - RTD station and line locations –where and how the RTD facilities may affect any of the I-70 east alternatives
- Received materials, without discussion, about:
 - Noise
 - Zoning maps from Aurora, Commerce City & Denver
(Adams County maps will be distributed at the next meeting)
 - Tolling revenue
 - Construction cost breakdown of the alternatives
 - Air quality
 - 46th Avenue design
- **AGREEMENTS** reached:
 - Add to the Interests/Criteria List
 - Build collaborative agreement
 - Continue to have neighborhood education facilities
 - Avoid causing economic devastation to individuals or businesses
 - Meet/address environmental justice issues
 - Use the existing DRCOG Traffic Model data in the DEIS
- **ACTIONS** pending:
 - Denver will distribute a list of city plans
 - RTD will circulate more detailed information related to 40th Avenue.

MEETING SUMMARY

I. Interests List – Review/Revision

The PACT reviewed the draft interests/criteria list compiled from PACT discussions at the first meeting as well as discussions at the PACT Invited Business Workshop (July 14, 2010) and PACT Community Workshop (July 16, 2010).

ACTION: Jess Ortiz, Denver, will send the PACT a list of Denver plans and links. This will help the PACT address the interest that any solution: “align with local and state plans”.

AGREEMENT: Add the following interests:

- Build collaborative agreement
- Continue to have neighborhood education facilities
- Avoid causing economic devastation to individuals or businesses
- Meet/address environmental justice issues

II. Data Presentations and Discussions

Property Acquisition and Relocation

Greg Jamieson, Region 6 Right of Way Manager, CDOT, described the property acquisition and residential and business relocation process, including general timelines and what owners receive financially. He started with property acquisition; below are some of the process and financial points he made (this is not an exhaustive list):

Note: Relocation time frames and monetary benefits and eligibility for monetary benefits are complex. The summary explanations provided herein do not include important details associated with these items. The CDOT Right of Way Manual provides more detailed explanations of these issues.

Acquisition:

- U.S. and State of Colorado Constitutions require governments to pay landowner's "just compensation" when acquiring property for public improvement projects. "Just compensation" is fair market value

Process:

- CDOT sends the landowner a written "notice of intent to acquire". This formally starts the acquisition process. This step is not taken until the project is funded. CDOT usually starts its appraisal of the acquisition near the time the notice is provided.
- The notice of intent to acquire lets the landowner know they can get their own appraisal, and if such appraisal is submitted to CDOT in a certain frame and it meets certain criteria, CDOT must pay the reasonable value of the appraisal. Appraisers appraise the property as if the project did not exist. If the appraisers conclude that the project has depressed property values within the project limits they must find sales of properties outside the project limits so the value established reflects the hypothetical situation of an estimate of value as though the project never existed.

Residential Relocation – (below are some of the points made)

- Based on assumption that the landowner lives in the house
- Before sending a "notice of intent," CDOT talks with the residents and asks them their individual concerns and wishes for a new house (e.g. close to a certain school, near transit stops, handicap accessible, etc.).
- CDOT examines the market to establish that there is sufficient inventory of properties that fit the needs of the displaced occupants. There must be a sufficient inventory of replacement properties as precondition to being approved to begin the acquisition/relocation process.

- When a formal acquisition offer is made, the displaced occupants are provided a 90 day notice to find and move into a replacement property. The 90 day time frame is the minimum time frame for relocation provided by law. *CDOT acknowledges that this required time frame is too short and works with its engineers to expand the time. Displaced occupants are often allowed 6 to 9 months to find a replacement property and move into it.*
- CDOT provides the owner with listing of available properties that can be purchased. Owners can select one of those properties and attempt to purchase it or they can use their own brokers or other means available to find a replacement property.
- CDOT pays closing costs on the replacement property and all moving expenses
- Replacement Housing Payment – a reimbursement payment made available if the average of active similar property listings are greater than the acquisition property value. This monetary benefit is established as follows: CDOT will analyze the property to be acquired to determine its key attributes (number of bedrooms, bathrooms, etc.) CDOT will then look in the market for active listings of properties as similar as possible. An average of the listings found, less the amount CDOT pays for the acquisition property determines the amount of the Replacement Housing Payment. For example, CDOT and the landowner agree the acquisition property is worth \$300,000. The listings of similar properties in the market is \$350,000. In this instance, the Replacement Housing Payment is set at \$50,000. The \$50,000 Replacement Housing Payment is a reimbursement payment, meaning it will only be paid if the landowner actually purchases a replacement home for more than \$300,000 or more.
- Mortgage Adjustment – if the current house is paid off or if owner cannot get interest rates as low as the current mortgage, CDOT pays the difference between the mortgage interest rate for the replacement property and the mortgage interest rate on the property acquired for a certain period of time.

Questions, answers and comments from PACT members

Q: Who prepares CDOT's appraisals?

A: Sometimes the appraisals are done by a CDOT appraiser and sometimes by an independent fee appraiser (CDOT consultant). All the appraisals are reviewed by a CDOT appraiser.

Q: Does a landowner pay for her/his own appraisal?

A: Initially yes, but they may be reimbursed if submitted to CDOT for review within 90 days from the notice of intent and if it meets certain criteria; CDOT must reimburse the landowner for the reasonable cost of the appraisal. When the landowner's appraisal is submitted for this review, if the CDOT appraisal reviewer determines that the landowner's appraisal reflects fair market value better than CDOT's appraisal and is more consistent with accepted appraisal practices, the CDOT appraisal reviewer will accept the landowner's appraisal and change the offer to purchase to be consistent with the landowner's appraisal.

Q: How are residential properties appraised where their value is drastically depressed because of the original I-70 project (that is I-70 as it exists today)?

A: First, value is a function of many variables - size and location of the lot; size, age and shape of the improvements (*e.g.* has there been recent renovations?), landscaping, views, etc. Proximity to a freeway or major arterial is one of many variables that determine value. Such

proximity may be a negative variable on value as a result of noise, for example, however easy access to the freeway or major arterial may be a positive variable on value.

Second, the value of owner occupied residential properties is usually determined by sales of similar properties in similar locations. If the values of an entire neighborhood or area are depressed, recent sales of homes in that neighborhood or area will be used to value the property sought to be acquired, so its values will likely be similar to sales of comparable properties in that neighborhood or area. If the property sought to be acquired is located in the project limits of a new proposed project and if there is market evidence that the values of properties in the limits of the proposed project have been depressed by the proposed project, such “project influence” must be ignored, as described above, by using sales of similar properties outside of the project limits.

- Q:* What is done for those properties that were devalued by the original I-70 project and are still owned by the same family? The property was devalued 40 years ago will they be compensated for that original devaluation? If I-70 was not there the property value would be more.
- A:* Value is the function of many variables (*see answer above*). The original I-70 project is likely one of many factors contributing to the value of properties in the area, and its affect on value may be positive or negative. If, hypothetically, properties in this area were devalued solely as a result of the original I-70 project 40 years ago, the property owners who have owned their property for 40 years (or whose families still own the property) have no legal recourse for such devaluation. The law only allows compensation to those whose property is actually acquired for a project. Properties in close proximity to a project that remain in completely intact (no portion of the property is actually acquired) have no legal right to compensation from the project.
- Q:* Will a residential owner who is a retiree on a fixed income and paid off their home be compensated with a comparable house and comparable financial situation?
- A:* The residential acquisition/relocation program is not a “make whole” program, but most residential owners whose entire property is purchased and who are relocated into a replacement property seem to be satisfied with the financial package of benefits provided by the program. Residential owners that live in the home will be paid just compensation (fair market value) for the residential property and be eligible for an additional Replacement Housing Payment upon the purchase of a replacement home. .
- C:* There is a difference between someone who is living in the home they purchased before the highway existed and those that purchase a home knowing the highway’s proximity. There needs to be social responsibility for those who were hurt by the original project.
- A:* The law only allows compensation to those whose property is actually acquired for a project at the time it is acquired. Properties in close proximity to a project but remain completely intact (no portion of the property is actually acquired) have no legal right to compensation from the project.

C: Consider the potential financial opportunities that came to the neighborhood near the Rocky Mountain Arsenal when the Arsenal was cleaned up and how those opportunities would be lessened by proximity to a realigned I-70.

Q: How is the distance for property takings (right of way-ROW) determined? Could the PACT choose to widen the distance - to create a bigger buffer - to not replicate the current I-70 proximity's impact on homes (example: current homes are 10 feet from the existing structure). A bigger buffer would allow for the potential of another, future widening that may be necessary from the long-term future growth base on growth at DIA and Arsenal clean up.

A: Yes, the PACT can discuss the ROW distance. If the buffer is widened, the number of homes taken will increase. The PACT will have to weigh the impacts on those homes that remain close in a smaller buffer scenario, with the impacts of an increase in the number of homes taken in a bigger buffer scenario. CDOT tries to minimize acquisitions because it is a very sensitive thing. The current ROW buffer was discussed at public meetings with individual property owners, those who would experience the most impacts.

Q: Will the edge of the ROW have retaining walls?

A: Some location will have retaining walls, especially in ROW constrained locations. These locations will be further refined as the design of the alternatives moves forward.

Q: What is the difference in noise impacts between an elevated and at-grade highway facility? The assumption is there is more with an elevated structure.

A: The amount of noise experienced now is due to older materials and construction. The noise estimates for the alternatives is based on newer materials and construction methods. In relation to property takings, for measuring noise impacts houses are taken within 50 feet.

Business Relocation

- Business displacement commonly involves many economic damages that are not compensated by CDOT
- CDOT pays for:
 - o Costs incurred for searching for a replacement property, capped at \$2,500
 - o Moving costs (no cap)
 - o Reestablishment costs covers many things, but most notably interior finish at new location, capped at \$10,000
 - o One time all inclusive payment "in lieu" of all other monetary relocation benefits, capped at \$20,000
- Businesses that lease properties may have rights to share in just compensation payable to the underlying landowner. However, most commercial leases include a condemnation clauses that prohibits the lessee from receiving any compensation.
- There is no replacement payment similar to the Replacement Housing Payment in business relocation.
- The payment caps were established by congress in 1970 when the federal acquisition and relocation law was enacted. The payment caps reflect 1970 values
- CDOT would like to do more but are limited by current legislation

Q: Is it harder to find comparable business properties than for residential?

A: Maybe, maybe not. However, once a business finds a replacement property, it usually takes longer to move into the replacement property than residential relocations. Most business moves require construction of interior finish at the new location and reprinting of marketing materials (business cards, letterhead, etc.). CDOT asks the engineers to give them as much time as possible

Q: Does RTD use the same process? The business people seem satisfied with working with RTD.

A: RTD East line and West line are using federal dollars and uses the same process, follows the same federal guidance and regulations as CDOT. Not all businesses were satisfied with RTD's negotiations.

DRCOG Traffic Model – 101

A presentation was made by Eric Subinis, *title* DRCOG and Chris Primas, *title* Jacobs (formerly worked for DRCOG), who led the forecasting/modeling team presented the data that goes into the DRCOG model and how it is used. The model is jointly developed and maintained by CDOT, RTD and DRCOG. It is a behavioral model forecasting people's travel choices, which mode of travel they use (bus, car, bike) and which route they are likely to take. Inputs to the model include many things from state and local governments including: land use, number and location of homes and businesses, details on roadways and transit systems, population growth projections, Travel Household Survey data (where, when, why and how people in a house traveled and fees they paid- tolls, parking, etc.), freight survey, air quality data from CDPHE and much more. Each year the model is updated.

Questions, answers and comments from PACT members

Q: How does the model address for changes in oil/gas prices and subsequent transportation choices (e.g. more transit)?

A: DRCOG cannot forecast oil/gas price changes. The model holds steady on the cost of driving one mile; doesn't account for potential oil/gas price fluctuation. In the past as gas price fluctuates people buy different types of cars. The model does assume more people will use transit in the future.

Q: As a behavioral model it is good at addressing commuter travel patterns. Does it accurately address freight traffic patterns?

A: The model is accurate for the existing commercial vehicle patterns/amounts, but is not able to forecast changes to freight traffic patterns. DRCOG does a freight survey to identify the origin-destination trips and will be doing a new one soon.

Q: If forecasting has been fairly accurate (1960s to today) why not make decisions for another 100 years instead of just 30 years?

A: Sometimes we get forecasts wrong in 30 years. We could not presume to know what the world might look like in 100 years.

Q: DRCOG updates the model frequently. How different are the results from update to update? Would it be useful to use a newer model version?

A: Adjustments don't dramatically change congestion numbers on freeways. There are bigger differences in other modes. The DEIS is using 2030 numbers; the DRCOG update uses 2035 numbers. The 2030 model includes all the major land-use changes as the 2035 model (e.g. DIA, Gateway, Fitzsimons, and Stapleton). There are no significant changes for I-70 between the two models.

Q: Since there is a model update, should we do a new model run? Is there a difference in the outcome?

A: A sensitivity analysis was conducted between 2030 and 2035 models and 2035 congestion numbers were lower than 2030. Based on this it made sense to stick with the worse-case 2030 numbers. The reason the 2035 congestion numbers were lower was due to the looking at the flat traffic numbers (vehicle miles traveled) in the past few years; until then traffic numbers had been steadily climbing. Commerce City has been working with CDOT on the number and they are not seeing significant differences in the outcomes.

AGREEMENT: The PACT members agreed to use the existing DEIS model data/numbers.

Traffic Volumes

Carrie Wallis, Senior Project Manager, PBS&J, presented the traffic counts along I-70 in the different alignment alternatives and some traffic counts and key local roadways. Since numbers are sometimes difficult to compare CDOT translate the numbers into Levels of Service (LOS). LOS range, like school grades, from A (free and clear) to F (congested and slow travel times).

Questions, answers and comments from PACT members

Q: Are traffic volumes lower from Washington to Brighton Boulevard in alternative 4 because traffic is going to 46th Avenue?

A: Yes, that is the assumption

Q: Is it necessary to take out the York Street exit? There is more traffic on 40th Avenue because there is no exit at York.

A: Having a York Street exit was not analyzed because of the difficulty of engineering an exit ramp that meets standards, safety concerns, and doesn't take an excessive amount of additional properties.

Q: What are the lane assignments for 40th Avenue and Smith Road? Denver allowed RTD joint use along that route (tracks will be at the edge of the roadway), therefore restricted any future widening.

A: All of the future models have four-lanes on 40th Avenue, two-lanes on Smith Road west of Quebec Street and four-lanes for Smith Road east of Quebec Street.

Q: In alternative 4, the I-70/I-270 section has 277,800. Where else in the state are there traffic volumes that high?

A: Possibly I-25 through downtown.

Q: What are the traffic numbers on I-70 west of I-25? In the realignment, would more people choose to get to I-25 north using I-270?

A: The numbers don't show more people using I-270 to go north because of the constraint of I-270/I-25/36 congestion. The model sees I-270 as heavily congested until it is updated.

Q: Does the model consider the congestion at the mouse trap a constraint that influences travel choice?

A: Yes.

Q: Does the model account for new plans for I-25 north?

A: No, because those plans were not in place.

Q: Where are there similar volumes to the four-lane 46th Avenue in the realignment alternative?

A: On four-lane facilities there are 33,000 cars on Colfax east between Lincoln and Peoria; 37-38,000 cars on Federal boulevard between I-70 and I-76; and 40-48,000 cars on Sheraton between I-70 and I-76.

Q: Does the model assume a higher proportion of truck traffic?

A: Don't know for sure.

Q- What is the existing Level of Service (LOS) for I-270 for Colorado-Quebec?

A – This information was not immediately available at the meeting. Following the meeting PBS&J identified the LOS from the DEIS as follows:

- LOS F in both the eastbound and westbound directions between I-70 and Quebec for existing (2003) conditions, 2030 no-action and 2030 Alternative 1.
- Alternative 4 has LOS D in both the eastbound and westbound directions between 46th Avenue and Quebec; LOS E in both directions between Quebec and I-70; and LOS F in both directions north of I-70.

RTD Stations and Lines

Kevin Flynn, Eagle Project Public Information Manager and Bill Van Meter, Assistant General Manager presented the location of the East line, East line stations and the North line station at Elyria.

Questions, answers and comments from PACT members

Q: What is the status of adding two stations on the East Line along *Peña Blvd*?

A: The decision process is being led by DIA, which will make a selection by January 31, 2011, with RTD review and acceptance to follow by mid-February.

Q: Will the tracks be on 40th Avenue or just bus access?

A: There will be tracks partially located within the current westbound lane of 40th Avenue from Blake Street until York/Josephine as well as bus access. The street will be shifted slightly to the south to maintain two-lane traffic. Because of the tracks along 40th Avenue, Denver restricts any future 40th widening in the future.

Q: Would the East Line stations or ridership be impacted by the I-70 project?

A: We expect little to no impacts to the East Line from any of the I-70 alternatives.

Q: Will the North Metro Corridor Elyria station design work with the realignment? Even with the west realignment alternative?

A: RTD worked with CDOT to make the Elyria station design and station access work with the realignment, even with the west realignment alternative.

ACTION: RTD will circulate more detailed information related to 40th Avenue.

III. Public Comment

Leo Branstetter, Elyria business and property owner

The recent RTD meeting on the station plans in Elyria was really nice. It was announced as kick-off meeting. It was friendly, well attended (50 people), with lots of viewpoints expressed. The nice thing was the meeting talking about the positives – business growth, neighborhood planning, preservation of the river, helping friends and the National Western Stock Show; using words like vibrant and robust. None of those positives can happen if I-70 is realigned up Brighton blvd. We know the transit station will make the neighborhood thrive, while a realigned highway will kill it by decreasing property values, leaving no expansion for Denver, no help for the National Western Stock Show, and no business opportunity.

APPENDIX A

Attendance

Reza Akhavan, Colorado Department of Transportation
Tom Acre, City of Commerce City
Art Ballah, Colorado Motor Carriers Association
Doug Bennett, Federal Highway Administration
Tony Brake, Aurora resident
Jimmy Burds, Commerce City Business and Professional Association
Larry Burgess, Denver - Elyria/Swansea/Globeville Business Association
Jim Dileo, Colorado Department of Public Health and Environment
Drew Dutcher, Denver / Elyria resident
Norma Frank, Adams County resident
Russ George, Colorado Department of Transportation
Pat Grant, National Western Stock Show
Scott Jaquith, Commerce City resident
Nanette Neelan, City of Commerce City
Jess Ortiz, City of Denver
Guillermo Serna, Commerce City resident
Anthony Thomas, Denver resident
Jeanne Shreve, Adams County
Bill Van Meter, Regional Transportation District FasTracks

Members not attending

Bill Becker, Adams County Economic Development
Mac Callison, City of Aurora
Shaun Cutting, Federal Highway Administration - Program Delivery Manager
Paul Garcia, Denver / Swansea resident
Amy Pallante, Colorado State Historic Preservation Office
Lesley Thomas, City of Denver
Kate Kramer, Sand Creek Regional Greenway Partnership