RECORD OF DECISION

North Metro Corridor Project

Denver, Commerce City, Thornton, Northglenn, and Adams County, Colorado

April 22, 2011
## Table of Contents

Acronym List ................................................................................................................................................. ii  
Decision ......................................................................................................................................................... 1  
Basis for Decision .......................................................................................................................................... 2  
Background ................................................................................................................................................... 2  
Alternatives Considered ................................................................................................................................ 2  
  No Action Alternative ................................................................................................................................ 4  
  Preferred Alternative ................................................................................................................................ 4  
Avoidance, Minimization and Mitigation Measures for the Preferred Alternative ...................................... 9  
Public Opportunity to Comment ................................................................................................................... 9  
Determination and Findings ....................................................................................................................... 12  
  Section 106 Compliance .......................................................................................................................... 12  
  Section 4(f) Determination ..................................................................................................................... 13  
  Section 6(f) Determination ..................................................................................................................... 13  
Conformity with Air Quality Plans ........................................................................................................... 14  
Floodplains .............................................................................................................................................. 14  
Wetlands and Waters of the U.S. .............................................................................................................. 15  
Updates Since the Final Environmental Impact Statement ........................................................................ 15  
Finding ......................................................................................................................................................... 16  
References .................................................................................................................................................. 17  

### Figures

- Figure 1  Alternatives Screening Process  
- Figure 2  North Metro Corridor Preferred Alternative

### Tables

- Table 1  North Metro Corridor Station Characteristics  
- Table 2  North Metro Corridor Rail Operations Plan

### Appendices

- Appendix A  FTA, RTD and SHPO Section 106 Memorandum of Agreement  
- Appendix B  Impacts and Mitigation Measures of the Preferred Alternative  
- Appendix C  Changes and Errors in the North Metro Corridor Final Environmental Impact Statement
### Acronym List

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>BFE</td>
<td>base flood elevation</td>
</tr>
<tr>
<td>BMPs</td>
<td>best management practices</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>CLOMR</td>
<td>Conditional Letter of Map Revision</td>
</tr>
<tr>
<td>CRMF</td>
<td>Commuter Rail Maintenance Facility</td>
</tr>
<tr>
<td>DEIS</td>
<td>Draft Environmental Impact Statement</td>
</tr>
<tr>
<td>DMU</td>
<td>diesel multiple unit</td>
</tr>
<tr>
<td>DRCOG</td>
<td>Denver Regional Council of Governments</td>
</tr>
<tr>
<td>DUS</td>
<td>Denver Union Station</td>
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<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
<td>EMU</td>
<td>electrical multiple unit</td>
</tr>
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<td>FEIS</td>
<td>Final Environmental Impact Statement</td>
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<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
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<td>FIRM</td>
<td>Flood Insurance Rate Map</td>
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<td>FTA</td>
<td>Federal Transit Administration</td>
</tr>
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<td>HOV</td>
<td>high-occupancy vehicle</td>
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<tr>
<td>LOMR</td>
<td>Letter of Map Revision</td>
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<td>LWCF</td>
<td>Land and Water Conservation Fund</td>
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<td>NPS</td>
<td>National Parks Service</td>
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<td>National Environmental Policy Act</td>
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<td>pnR</td>
<td>park-n-Rides</td>
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<td>ROD</td>
<td>Record of Decision</td>
</tr>
<tr>
<td>ROW</td>
<td>right-of-way</td>
</tr>
<tr>
<td>RRIF</td>
<td>Railroad Rehabilitation and Improvement Financing</td>
</tr>
<tr>
<td>RTD</td>
<td>Regional Transportation District</td>
</tr>
<tr>
<td>RTP</td>
<td>Regional Transportation Plan</td>
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<tr>
<td>SAFETEA-LU</td>
<td>Safe, Accountable, Flexible, and Efficient Transportation Act – A Legacy for Users</td>
</tr>
<tr>
<td>SHPO</td>
<td>State Historic Preservation Office</td>
</tr>
<tr>
<td>SH</td>
<td>State Highway</td>
</tr>
<tr>
<td>TIFIA</td>
<td>Transportation Infrastructure Finance and Innovation Act of 1998</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>TIP</td>
<td>Transportation Improvement Program</td>
</tr>
<tr>
<td>UP</td>
<td>Union Pacific</td>
</tr>
<tr>
<td>USACE</td>
<td>United States Army Corps of Engineers</td>
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<td>USEPA</td>
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<tr>
<td>UDFCD</td>
<td>Urban Drainage and Flood Control District</td>
</tr>
<tr>
<td>USC</td>
<td>United States Code</td>
</tr>
<tr>
<td>VHT</td>
<td>vehicle hours travelled</td>
</tr>
<tr>
<td>VMT</td>
<td>vehicle miles travelled</td>
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</table>
Decision
The Federal Transit Administration (FTA), pursuant to 23 Code of Federal Regulations (CFR) 771 and 774 and 40 CFR Parts 1500-1508, has determined that the requirements of the National Environmental Policy Act (NEPA) have been met for the North Metro Corridor project proposed by the Regional Transportation District (RTD). This Federal Transit Administration (FTA) decision applies to the Preferred Alternative, which is described and evaluated in the North Metro Corridor Final Environmental Impact Statement (FEIS), prepared by RTD and FTA, and signed on January 3, 2011.

FTA has considered the information contained in the public record, including the North Metro Corridor Draft Environmental Impact Statement (DEIS), the FEIS, regulatory and resource agency coordination, public hearings and public meeting comments, and agency review comments on the environmental documents. This Record of Decision (ROD) summarizes the FTA’s decisions regarding compliance with relevant environmental requirements, describes the mitigation measures to be included in the project, summarizes public outreach and agency coordination efforts, responds to substantive comments received in response to the FEIS, and presents the Section 4(f) and 6(f) determination for the project.

The Preferred Alternative consists of an 18-mile electric multiple unit (EMU) commuter rail train and track system between Denver Union Station (DUS) and the State Highway (SH) 7/162nd Avenue area. Eight stations are proposed for this service, in addition to DUS. The alignment will be located adjacent to and east of the existing BNSF Brush Subdivision from DUS access in Denver to roughly the Adams County line. The alignment will then leave the adjacent BNSF Railway right-of-way (ROW) to proceed north on a cross-country alignment that generally parallels O’Brien Canal to bypass Sand Creek Junction, and then will be located within the existing Union Pacific (UP) Boulder Branch Alignment between 70th Avenue and the SH 7/162nd Avenue area.

The Preferred Alternative must also access RTD’s Commuter Rail Maintenance Facility (CRMF) at the Fox North site. The North Metro trains will need to travel to the CRMF for overnight storage and maintenance, which is approximately 2.5 miles from DUS. The CRMF site was evaluated in the Commuter Rail Maintenance Facility Supplemental Environmental Assessment to FasTracks Commuter Rail Corridors (FTA and RTD 2009) which serves as a supplement for the Gold Line DEIS (FTA 2008) and East Corridor DEIS (FTA 2009a). The CRMF was subsequently included in the Gold Line Corridor FEIS (FTA 2009b) and East Corridor FEIS and Section 4(f) Evaluation (FTA 2009c). In November 2009, a ROD was issued for both these projects which included the CRMF.

Neither the North Metro Corridor FEIS nor this ROD constitutes an FTA commitment to provide financial assistance for the construction of the project. In addition to FasTracks program funds, RTD’s financing plan is likely to include one or some combination of funding from the following: (1) Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) Program, (2) FTA’s Major Capital Investments (“New Starts”) Funding Program, and/or (3) Railroad Rehabilitation and Improvement Financing (RRIF) Program. Depending on the timing and availability of funding, the corridor may be implemented in phases. Subsequent environmental documentation or review would be required to assess impacts associated with interim improvements or a phasing plan for the Preferred Alternative.
Basis for Decision
The environmental record for the North Metro Corridor project includes the North Metro Corridor DEIS (2009) and the North Metro Corridor FEIS (2011) along with the Gold Line ROD and East Corridor ROD (2009), which included the CRMF. The North Metro Corridor FEIS includes a review of the project purpose and need, goals and objectives, consideration of alternatives, environmental impacts, and mitigation measures.

Background
According to the Metro Vision 2035 Plan (DRCOG 2010), the population of the Denver region is expected to grow by 59% and employment is forecast to increase by 64% between the years 2005 and 2035. As a result of this expected growth, the Metro Vision 2035 Regional Transportation Plan (Metro Vision 2035 Plan) estimated that the average vehicle miles traveled (VMT) in the Denver region would increase by 74% during this same time period and the number of congested lane miles would triple(DRCOG 2010). The North Metro corridor study area is projected to experience growth that exceeds that of the Denver region in the same timeframe. In response to this anticipated growth and to improve mobility options throughout the Denver metropolitan area, the region has explored several transportation mode solutions including bus, rail, and high-occupancy vehicle (HOV) lanes to help relieve expected congestion, address air quality issues, and offer additional transportation options to citizens within the region.

In November 2004, voters in the metropolitan Denver’s RTD approved the FasTracks initiative, which is intended to expand and improve public transit service to metropolitan Denver communities over a 12-year period. The FasTracks comprehensive plan calls for the construction and operation of rail lines as well as improved bus service and park-n-Rides (pnR) throughout the region. The North Metro Corridor FEIS addresses the northeast area of the Denver metropolitan region that is part of the RTD FasTracks Plan. The FEIS examined a range of alternatives, their respective environmental consequences, and mitigation measures to provide fixed-guideway transit service in the North Metro corridor study area.

Alternatives Considered
The North Metro Corridor EIS evaluated numerous alternatives to meet the purpose and need for the corridor. Alternatives were developed and evaluated to address the travel markets in the North Metro corridor study area, to minimize environmental impacts, and in response to input from the agency and public involvement process. The alternatives include several elements: alignments, transit modes, vehicle technologies, transit station locations, and service plans. As a result of the alternatives analysis, the Preferred Alternative was found to be the environmentally preferred alternative. Avoidance and minimization measures to reduce the impacts of the Preferred Alternative have served to further reduce the environmental consequences associated with the proposed project’s construction and operation. Figure 1 illustrates the overall screening process and shows the sections of the corridor that were addressed at each screening level in the alternatives analysis.
Figure 1. Alternatives Screening Process
No Action Alternative
The No Action Alternative provides a base of comparison for determining the impacts of project alternatives. It does not mean that no improvements occur. The No Action Alternative includes existing projects and financially committed projects to respond to the expected growth in the North Metro corridor study area to the year 2035. These projects will be completed with or without implementation of the North Metro corridor Preferred Alternative. By accounting for other projects to be built in a corridor or study area, the No Action Alternative provides the benchmark from which the Preferred Alternative is evaluated. Both transit and highway projects are part of the No Action Alternative.

Transit Projects
The No Action Alternative includes existing transit service and facilities inside the North Metro corridor study area and committed improvements, including improved bus service and facilities, identified in the Denver Regional Council of Government’s (DRCOG) Metro Vision 2035 Plan (DRCOG 2010). It also includes the entire FasTracks Plan (RTD 2004) except for the North Metro corridor project.

Highway Projects
The No Action Alternative roadway network in the region, including within the North Metro corridor study area, is assumed to be the roadway projects included in the DRCOG Metro Vision 2035 Plan (2010), the 2008-2013 Transportation Improvement Program (TIP) (2009), and the local jurisdiction’s Capital Improvement Programs.

Preferred Alternative
The alignment, technology, station, and service elements of the Preferred Alternative are described below. The transit and highway projects described in the No Action Alternative are also part of the Preferred Alternative.

Alignment
For evaluation purposes, the corridor was divided into two sections, as shown on Figure 2. The Southern Section covers the area from the DUS access to 84th Avenue. The Northern Section continues from 84th Avenue to the northern terminus, the 162nd Avenue area.

The Preferred Alternative alignment generally follows the BNSF Brush Subdivision to the UP Boulder Branch between DUS and the 162<sup>nd</sup> Avenue area, a distance of approximately 18 miles. This is referred to as the BNSF/UP Boulder Branch Alternative. The southern terminus is at DUS and the northern terminus is the 162<sup>nd</sup> Avenue area in Thornton. The Preferred Alternative is located adjacent to and just east of the BNSF mainline (Brush Subdivision) in Denver. In Commerce City, the Preferred Alternative crosses over the BNSF mainline and is generally adjacent to the O’Brian Canal through private commercial and industrial parcels in what is referred to as the “cross-country area.” The alignment connects with the UP Boulder Branch ROW near West 70<sup>th</sup> Avenue. North of Commerce City, the Preferred Alternative remains within the UP Boulder Branch ROW, which was purchased by RTD in 2009.
Figure 2. North Metro Corridor Preferred Alternative
The majority of the alignment is single-track, with passing track segments in five locations: between DUS and 38th Street; between south of 72nd Avenue and just north of I-76; between north of Thornton Parkway and just north of 104th Avenue; between south of 124th Avenue and south of York Street; and between SH 7 and the end of line – approximately 162nd Avenue. The second track in these locations allows trains in two directions to pass without delay, thus maintaining the peak period service plan for 15-minute headways between DUS and the SH 7/162nd Avenue Station.

The BNSF/UP Boulder Branch alignment was the Preferred Alternative when compared to the No Action Alternative because it improves mobility, reduces VMT and vehicle hours travelled (VHT), provides construction jobs, increases access to jobs, and supports local land use plans and transit-oriented development plans.

Compared to the other alignment alternatives, the Preferred Alternative from DUS to the 72nd station had no railroad operation conflicts and fewer safety concerns in the industrialized refinery area. The Preferred Alternative also had fewer impacts due to its location within an existing rail corridor north of West 70th Avenue (south of the 72nd Avenue station) to the end of line north of 162nd Avenue.

**Technology**

EMU was selected as the preferred commuter rail vehicle technology for the North Metro corridor. This was primarily due to cost effectiveness when considering total fleet requirements and operating costs over a long-term horizon. The EMU technology also had less noise impact than the diesel multiple unit (DMU) commuter rail technology. The EMU vehicles require electrification of the tracks by an overhead contact system (commonly called an “overhead catenary system”) along the corridor to provide power.

A traction power system is being installed for the EAGLE P3 Project, comprising substations at Argo (on the Electrified Segment of the Northwest Rail Line, which is also shared with Gold Rail Line operations) and at Sandown (on the East Rail Line). The installed capacity of these substations necessary to provide reliable and redundant supply to the EAGLE P3 Project services can also meet the needs of the North Metro Rail Line service without increasing the installed capacity. The two autotransformers required by North Metro for power will be located within properties identified to be acquired for either a station or the alignment, and impacts will be contained therein. Representative locations have been identified at the 88th Avenue Station and within the UP Boulder Branch ROW north of 136th Avenue.

**Stations**

In addition to the existing DUS in lower downtown, there are eight proposed stations in the North Metro corridor. Approximately 4,020 parking spaces will be provided on opening day, with an additional 4,470 added by the horizon year (2035) for a total of 8,490 parking spaces. Five of the eight stations include parking structures in the horizon year, as shown in Table 1. Two stations are located in the Southern Section, while the remaining six stations are located in the Northern Section.
<table>
<thead>
<tr>
<th>Station</th>
<th>Station Type</th>
<th>Parking 2020/2035</th>
<th>Access</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>2020/2035</td>
<td>Auto</td>
</tr>
<tr>
<td><strong>Southern Section</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Western Stock Show (Denver)</td>
<td>Commuter</td>
<td>210/210</td>
<td>Brighton Boulevard (one full parking access and one bus-only access)</td>
</tr>
<tr>
<td>72nd Avenue (Commerce City)</td>
<td>Town Center or Commuter</td>
<td>330/330</td>
<td>Colorado Boulevard (one bus/auto access at 72nd Avenue)</td>
</tr>
<tr>
<td><strong>Northern Section</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>88th Avenue (Thornton)</td>
<td>Neighborhood or Commuter</td>
<td>550/1,500 (structure in 2035)</td>
<td>Welby Road (one bus/auto access) and 88th Avenue (bus-only exit)</td>
</tr>
<tr>
<td>104th Avenue (Thornton)</td>
<td>Town Center or Commuter</td>
<td>880/1,460 (surface and structure in 2035)</td>
<td>Colorado Boulevard (one bus/auto access and one three-quarter parking access) and 104th Avenue (one bus/auto access)</td>
</tr>
<tr>
<td>112th Avenue (Northglenn)</td>
<td>Neighborhood</td>
<td>310/1,200 (structure in 2035)</td>
<td>York Street (two full parking accesses and one bus-only access)</td>
</tr>
</tbody>
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### TABLE 1. NORTH METRO CORRIDOR STATION CHARACTERISTICS

<table>
<thead>
<tr>
<th>Station</th>
<th>Station Type</th>
<th>Parking 2020/2035</th>
<th>Access</th>
<th>Pedestrian/Bike</th>
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<tr>
<td>124th Avenue/</td>
<td>Main Street</td>
<td>410/960 (structure in 2035)</td>
<td>Relocated Claude Court (two full parking accesses and one bus-only exit)</td>
<td>RTD Routes 120, 128, and 144 (new), – direct connections. Within Thornton/ Northglenn call-n-Ride area. Local connectivity via existing sidewalks, and on-street bicycle facility along Birch Street. Regional connectivity via multi-use trail along 124th Avenue. Potential local connectivity from north of the station if the UP Railroad Trail is extended south, as proposed by Thornton.</td>
</tr>
<tr>
<td>Eastlake (Thornton)</td>
<td></td>
<td></td>
<td></td>
<td>Woodhaven Park neighborhood.</td>
</tr>
<tr>
<td>144th Avenue (Thornton)</td>
<td>Neighborhood</td>
<td>370/370</td>
<td>144th Avenue (one bus/auto access)</td>
<td>RTD Route 144 (new) – direct connection. Local connectivity via existing sidewalks. The station access road will include a sidewalk to 144th Avenue. Potential local connectivity from north and south of the station via proposed future facilities by Thornton, connecting to existing trails.</td>
</tr>
<tr>
<td>SH 7/162nd Avenue</td>
<td>Town Center or Commuter</td>
<td>960/2,460 (surface and structure in 2035)</td>
<td>Colorado Boulevard (full parking access) and SH 7 (new bus/auto access)</td>
<td>RTD Routes 92 (to be extended), 160L (new), and LX – direct connections. Potential local and regional connectivity via two proposed multi-use trail facilities by others.</td>
</tr>
<tr>
<td>(Thornton)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

Source: North Metro Corridor Project Team, 2010.

**Rail Operating Plan**

Rail transit service will be provided from 5:00 a.m. to 11:30 p.m. on weekdays. Travel time will be 32 minutes between DUS and 162nd Avenue, with 24,500 riders per weekday (2035). Trains will operate 365 days a year, with more limited service on weekends and holidays. Two-car trains will be used for opening day 2020 with services expanded to four-car trains by 2035. Weekday service will be 30-minute headways in off-peak time periods and 15-minute headways in peak hours (peak periods are 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m.). In addition, late night service will be provided between 10:30 p.m. and 1:30 a.m. on Friday and Saturday nights. Table 2 illustrates the rail operations plan for the
North Metro corridor Preferred Alternative. The rail operations plan consists of hours of operation, service frequency, and headways (minutes between trains).

**TABLE 2. NORTH METRO CORRIDOR RAIL OPERATIONS PLAN**

<table>
<thead>
<tr>
<th>Hours of Operation</th>
<th>Service Frequency (Between DUS and 162nd Avenue)</th>
<th>Headway</th>
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<tr>
<td>Weekday Early Morning Service (5:00 a.m. to 6:00 a.m.)</td>
<td>Two trains per hour</td>
<td>30 minutes</td>
</tr>
<tr>
<td>Weekday Evening Service (6:00 p.m. to 11:30 p.m.)</td>
<td>Two trains per hour</td>
<td>30 minutes</td>
</tr>
<tr>
<td>Weekday Morning Peak Period Service (6:00 a.m. to 9:00 a.m.)</td>
<td>Four trains per hour</td>
<td>15 minutes</td>
</tr>
<tr>
<td>Weekday Evening Peak Period Service (3:00 p.m. to 6:00 p.m.)</td>
<td>Four trains per hour</td>
<td>15 minutes</td>
</tr>
<tr>
<td>Friday and Saturday Night Service (10:30 p.m. to 1:30 a.m.)</td>
<td>One train per hour</td>
<td>60 minutes</td>
</tr>
<tr>
<td>Weekday Mid-Day Service (9:00 a.m. to 3:00 p.m.)</td>
<td>Two trains per hour</td>
<td>30 minutes</td>
</tr>
<tr>
<td>Saturday Service (6:00 a.m. to 11:30 p.m.)</td>
<td>Two trains per hour</td>
<td>30 minutes</td>
</tr>
<tr>
<td>Sunday or Holiday Service (6:00 a.m. to 11:30 p.m.)</td>
<td>Two trains per hour</td>
<td>30 minutes</td>
</tr>
</tbody>
</table>

Source: North Metro Corridor Project Team, 2010.

Notes:
- a.m. = morning
- DUS = Denver Union Station
- p.m. = evening

A mid-day layover track will be provided in the Southern Section near 31st Street. This facility will primarily be used to store trains between the weekday morning and afternoon peak periods, and for emergencies. It will not typically be used for overnight storage or for maintenance. A tail track will be provided north of the SH 7/162nd Avenue Station to stage trains preparing to head south or for emergencies.

**Avoidance, Minimization and Mitigation Measures for the Preferred Alternative**

The avoidance and minimization of impacts for the North Metro corridor project are discussed by resource topic in the *North Metro Corridor FEIS*. RTD will design and incorporate into the project mitigation measures included in the *North Metro Corridor FEIS* for the Preferred Alternative, which are also summarized in Appendix B of this document, and those measures identified during final design.

**Public Opportunity to Comment**

Public opportunities to review the North Metro corridor project have included many meetings and workshops, including opportunities for public comment at all Safe, Accountable, Flexible, and Efficient Transportation Act – A Legacy for Users (SAFETEA-LU) milestones. Examples of the major project milestones include:

- Scoping Meetings
- Conceptual Screening
- Detailed DEIS Evaluation
- Review and Evaluation of the Proposed Build Alternative
- Review and Evaluation of Proposed Vehicle Technology
Eight rounds of corridor-wide public meetings (total of 15 meetings) were held from September 2006 leading up to the release of the DEIS. Upon release of the DEIS, two public hearings were held in early December 2009. One additional round of public meetings was held in April 2010 to provide a recap of what was heard during the DEIS comment period, and to review the Preferred Alternative and station locations. An additional set of public hearings was held in February 2011 after the release of the FEIS. Approximately 1,324 members of the public attended the 21 public meetings and hearings during the course of this study.

FTA and RTD released the North Metro Corridor FEIS on 28 January 2011, for a 30-day review period ending on March 1, 2011. Public meetings were held on February 16 and 17, 2011. During the public comment period, 71 respondents submitted 256 comments. Eleven people submitted comments verbally at the public hearing while ten people submitted written comments at the public hearing. Forty public written comments were submitted during the comment period and ten agencies and jurisdictions submitted written comments. Comments received on the FEIS and responses to those comments are available on the project website, www.RTD-FasTracks.com. A summary of the comments and responses are presented below.

The common themes of the FEIS comments included:

- **Design Changes.** A number of comments were submitted from the local jurisdictions on the 30% design drawings that were part of the FEIS.
  - **Response:** All appropriate local standards will be followed in final design. Furthermore, the jurisdictions will be able to review the final design plans and provide input prior to construction. Responses to specific engineering comments (drainage, track alignment, etc.) can be found on the project website and are documented to be addressed in final design.
- **Stations.** A number of comments were submitted regarding the North Metro Corridor Stations. A large number of these comments expressed support for the National Western Stock Show Station, while others commented on different stations or expressed a desire for changes to the station designs during final design.
  - **Response:**
    - **National Western Stock Show Station.** RTD will continue to work with the City and County of Denver on the layout and design specifics as the City and County works through their station area planning process. RTD will continue coordination with CDOT as an I-70 East EIS preferred alternative is identified and modify NWSS station layout if needed.
    - **72nd Avenue Station.** RTD will continue to coordinate with Commerce City on a possible second access to this station through final design.
    - **124th Avenue/Eastlake Station.** RTD recognizes the support for the more compact layout of the 124th Avenue/Eastlake Station and will continue to work
with the City of Thornton and the surrounding neighborhoods during final design.

- **144th Avenue Station.** During the EIS process, RTD and the North Metro team considered many different layouts for the 144th Station, including west side, east side, split (east and west sides) and stations farther to the south adjacent to Rocky Top Middle School. In response to comments received during public meetings, a new station option (the Preferred Option) was developed on the west side that was adjacent to 144th Avenue so that the station would be farther from Rocky Top Middle School and the Fallbrook Farms housing development. In addition to public support of the FEIS Preferred Station Option location (west side and to the north adjacent to 144th Avenue), the Preferred Station Option avoided gas well(s) and the proposed school site on the east and therefore was selected in the evaluation process.

- **Funding/Schedule.** A number of comments were submitted with questions and concerns regarding funding for the North Metro Corridor and the timing for construction and operations.
  - **Response:** The RTD Board and FasTracks team is committed to completing the entire FasTracks program, which includes the North Metro Corridor from Denver Union Station to State Highway 7. Our financial challenges are a result of increased cost of materials and decreased sales tax revenue needed to fund the system. With the approval of the 2011 FasTracks Financial Plan, the Board is assuming a ballot initiative in 2012 for a 0.4% sales and use tax increase (needed to complete FasTracks by 2020) with the flexibility to seek an election in 2011 if conditions support it.

  In the meantime, the RTD may take advantage of short-term funding that is embedded in the 2011 Financial Plan to build the first segment of the corridor (Denver Union Station to National Western Stock Show Complex) and continue to seek any and all additional funding opportunities. Once the planning process is complete with the anticipated Record of Decision, the North Metro Corridor will be in a better position to take advantage of funding opportunities. Note phasing plans may require additional environmental documentation.

- **Prairie Dogs.** A number of comments were regarding impacts to prairie dogs as a result of construction of the North Metro Corridor and the larger FasTracks system.
  - **Response:** The FasTracks program first established its Prairie Dog Mitigation Policy in 2007, as RTD takes seriously its efforts to avoid, minimize or mitigate for impacts to our environment. The mitigation policy states (in order of preference) that RTD will:
    - First avoid, minimize and/or mitigate for impacts to prairie dogs if feasible;
    - Second, relocate prairie dogs if RTD can obtain permission and find property and the relocation is not cost prohibitive;
    - Third, donate prairie dogs to raptor rehabilitation programs or to the US Fish and Wildlife Service (USFWS) ferret program;
    - Finally, humanely euthanize on site as a last resort.

  The policy clearly states, “At no time will RTD authorize earth-moving activities that result in the burying of live prairie dogs”. In an effort to find suitable land for relocations, RTD has established a Working Group composed of interested parties to look for ways to clear the obstacles RTD has encountered in trying to implement live relocations.
The Working Group has broken into smaller task forces, each working on one major issue in live relocations — obtaining permission from local authorities as required under Colorado statutes; identifying suitable and available habitat within practicable distance of the project; and investigating outside resources such as third-party funding, grants or in-kind contributions. Each task force will meet between periodic sessions of the entire working group. At least one RTD-owned site is being studied for inclusion in the program, and the task force has visited the location.

RTD will take under advisement any feedback from the Working Group during the construction of the North Metro Corridor.

- **Noise and Quiet Zones.** A number of comments were submitted with questions regarding the noise analysis and the proposed Quiet Zone.
  - **Response:** As part of the FEIS a noise analysis was completed to evaluate potential noise impacts and to document mitigation measures. The results of the noise analysis suggest that the most effective mitigation approach is to first establish Quiet Zones between 88th Avenue and SH7 and then to construct 16,500 feet of noise barriers along the alignment. RTD is coordinating the Quiet Zone application on behalf of the jurisdictions within the Corridor. As stated in “The Responsible Rail Amendment” (RTD 2008), RTD is committed to assisting local jurisdictions with their Quiet Zone applications. RTD is making progress towards implementing Quiet Zones for the North Metro corridor. RTD has developed a Quiet Zone work plan and held a programwide workshop with FRA, the UP Railroad, the BNSF Railway, and other representatives. It has also presented and reviewed safety and noise analyses with local jurisdictions during individual coordination meetings. Since exact vehicle specifications and track design will not be known until Final Design, RTD will establish a Noise Mitigation Fund in the amount of $10 million. This money will be held until Final Design is completed; thereafter, a new noise analysis will be conducted to determine any changes to mitigation requirements which will subsequently be paid for through the use of these funds as necessary.

- In addition the United States Environmental Protection Agency (USEPA) submitted comments on water quality and stormwater best management practices (BMPs). The comments discussed the Driscoll modeling method used for the water quality analysis and the planned BMPs for the project.
  - **Response.** An extended detention basin or water quality detention was assumed as the BMP in use at each station unless noted otherwise. Other BMPs to be used at Park-n-Rides that have higher pollutant removal rates include porous landscape detention, sand filters and infiltration basins among others. In general, the project will be designed to meet all applicable local jurisdictional requirements for stormwater quality and detention.

**Determination and Findings**

**Section 106 Compliance**

FTA has determined, in coordination with the Colorado State Historic Preservation Officer (SHPO), that the Preferred Alternative will result in adverse effects to the Quimby Railroad Stop (5AM2111), Eastlake Railroad Stop (5AM2114), and the Historic Farmstead (5AM2158). Mitigation measures have been identified and are described in the Memorandum of Agreement among FTA, RTD and SHPO dated April 18, 2011 (Appendix A).
Section 4(f) Determination
FTA determined through the Section 4(f) process that there are no feasible and prudent avoidance alternatives, as defined in 23 CFR 774.17, to the use of the Quimby Railroad Stop (5AM2111), Eastlake Railroad Stop (5AM2114), the Historic Farmstead (5AM2158), and the Globeville Landing Park. FTA also determined that the project incorporates all possible planning to minimize harm, as defined in 23 CFR 774.17 that results from the use of those resources.

FTA has determined that there would be a *de minimis* impact to ten archaeological and historic sites (BNSF Railway in Denver County [5DV6247 and 5AM464], Historic Marker [5DV10616], Brighton Boulevard [5AM2410 and 5DV10617], Clear Creek Ditch [5AM80], Burlington Ditch [5AM465], UP Railroad Dent Branch Mainline [5AM472], National Western Historic District [5DV10050], Signal Ditch [5AM473], German Ditch [5AM471], and the UP Railroad Borrow-pit [5AM2402]. Since the release of the FEIS, FTA notified SHPO, and the SHPO acknowledged, of the *de minimis* impact finding for these ten resources.

FTA has also determined that there would be a *de minimis* impact to 12 park and recreation resources (South Platte River Trail Greenway [first and third crossings], Fernald Trailhead and Regional Trail Access, Colorado Agricultural Trail, Grandview Ponds Open Space and Prairie Dog Habitat, Settlers Chase Condos Unnamed Local Trail, Fox Run Open Space and Trail Network, Grange Hall Creek Trail, Eastlake Railroad Property, Signal Ditch Trail, Larry Walker Ball Fields, Rocky Top Middle School Connector Trail, and the Haven Trail). For each of these resources, the agency with jurisdiction concurred in writing with the *de minimis* finding.

Section 6(f) Determination
The Land and Water Conservation Fund (LWCF) Act (16 USC 4601-4 through 4601-11) contains provisions to protect LWCF grant-assisted areas from conversions to non-recreation purposes. For state and local grant recipients, the Colorado State Parks is the state liaison to the National Park Service (NPS) which administers the program. In this role, Colorado State Parks requested NPS review of the North Metro project. The NPS response indicates that at one 6(f) property, the South Platte River Trail Greenway, the area for the bridge pier at the first crossing of the South Platte River may constitute a conversion to non-recreation purposes.

RTD has tried to avoid property, but that requires a clear span in excess of 350’ resulting in an exponential increase in cost (likely in excess of four times the cost of a 2 span bridge). RTD has minimized the impact by removing 2 piers and having the single pier located out of the water and out of the main area of public use. No direct impacts to South Platte River Trail would occur and the new bridge would provide approximately 20 feet of clearance over the South Platte River and South Platte River Trail. There would be one bridge pier within the greenway area near the east bank of the river. The general location for the pier was selected in cooperation with the City and County of Denver during an onsite meeting on March 2, 2010.
RTD has coordinated with the City and County of Denver Department of Parks and Recreation and the Colorado State Parks, and both have determined that the active and passive recreation opportunities of the greenway would not be diminished as a result of the North Metro Commuter rail project.

As requested by NPS, RTD and FTA will continue to coordinate with Colorado State Parks and the City and County of Denver Department of Parks and Recreation during final design and construction; and after construction is completed, NPS will assess the area of impact to determine if a conversion of recreational land to non-recreational land has occurred. The current estimated impact area is 50 square feet. If necessary, RTD will work through Colorado State Parks to prepare the required documentation to request permission to convert LWCF-assisted property to non-recreational use and mitigate the loss of property through substitution as required by Section 6(f)(3) of the LWCF Act.

**Conformity with Air Quality Plans**

On the basis of the determinations made in compliance with relevant provisions of federal law, FTA finds that the North Metro corridor project satisfies the requirements of NEPA, the Clean Air Act of 1970, and the U.S. Department of Transportation Act of 1966, as amended. The project is included in the conforming Long Range Transportation Plan and in the conforming Transportation Improvement Program for the Denver Metropolitan Area.

**Floodplains**

The 100-year floodplains associated with the Preferred Alternative include 17 streams and drainages (South Platte River – East of Fox Street, South Platte River – North of 38th Street, Sand Creek, South Platte River – North of 72nd Avenue, Niver Creek, Northfield Creek/Hoffman Drainage, Basin 4100, Riverdale Tributary to Grange Hall Creek, Grange Hall Creek, North Tributary to Grange Hall Creek, Northeast Tributary to Grange Hall Creek, Brantner Gulch, Wadley South Creek, Wadley North Creek, Short Run, Morris Creek, Big Dry Creek). As stipulated in 23 CFR 650.115(5), encroachment within any of the floodplains will be subject to the requirements of local jurisdictions.

It is assumed for this proposed project that all new structures, embankments, or other modifications to open channels will be designed according to current RTD, Urban Drainage and Flood Control District (UDFCD), and local government criteria, and that proposed modifications to the floodplains crossed by the proposed projects will be performed in accordance with current Federal Emergency Management Agency (FEMA) regulations and local agency requirements. Each new crossing and station site that is in a floodplain will require a floodplain development permit from that local jurisdiction. Hydraulic analyses will need to be provided that demonstrate that changes to the base flood elevation (BFE) as a result of the project do not adversely impact adjacent properties upstream and downstream of the project. Proposed modifications to floodplains will be submitted to FEMA for approval of a Conditional Letter of Map Revision (CLOMR) prior to construction. Where the floodplain elevations and limits are changed by the project, it will be necessary to file a Letter of Map Revision (LOMR) with FEMA after construction is complete so that Flood Insurance Rate Maps (FIRM) can be updated.
Wetlands and Waters of the U.S.
The Preferred Alternative will impact 2.15 acres of waters of the United States (1.46 acres permanent, 0.69 acre temporary). This level of impact requires application for an individual Clean Water Act Section 404 permit through the U.S. Army Corps of Engineers (USACE). The public comment period for the 404 permit application was January 28, 2011 to February 27, 2011. Permit conditions have been finalized and USACE has issued a provisional permit contingent on the 401 water quality certification. RTD and the contractors will adhere to the mitigation requirements as specified in the 404 permit for jurisdictional wetlands as noted in the mitigation table in Appendix B. In addition, RTD will mitigate non-jurisdictional wetlands at a 1:1 ratio.

Updates Since the Final Environmental Impact Statement
Mitigation Measures

Refinements to mitigation measures include the following, which are also documented in Appendix B.

- Land Acquisition, Displacements, and Relocation of Existing Uses - The existing 72nd Avenue bridge over the O’Brian canal will be widened to improve safety of adding future station traffic with the existing truck turning movements.
- Wetlands – In addition to the mitigation measures identified in the 404 permit, impacts to non-jurisdictional wetlands will be mitigated at a 1:1 ratio.
- Safety and Security - RTD will conduct a public outreach safety program for the North Metro Corridor. As part of this educational safety program Operation Lifesaver will be utilized to provide rail safety training and information to the community.
- Section 6(f) - As requested by NPS, RTD and FTA will continue to coordinate with Colorado State Parks and the City and County of Denver Department of Parks and Recreation during final design and construction; and after construction is completed, NPS will assess the area of impact to determine if a conversion of recreational land to non-recreational land has occurred. The current estimated impact area is 50 square feet. If necessary, RTD will work through Colorado State Parks to prepare the required documentation to request permission to convert LWCF-assisted property to non-recreational use and mitigate the loss of property through substitution as required by Section 6(f)(3) of the LWCF Act.

Changes and errors on the FEIS are documented in Appendix C.
Finding
In accordance with 49 USC Section 5324 (b), FTA has determined that the environmental documentation prepared for the Preferred Alternative satisfies the statutory and regulatory requirements of NEPA and fully evaluates the potential environmental impacts of the project. The North Metro Corridor FEIS represents the detailed statement required by NEPA regarding:

- The environmental impacts of the proposed project;
- Adverse environmental effects which cannot be avoided should the proposed project be implemented;
- Alternatives to the proposed project; and
- Irreversible and irretrievable commitments of resources, which would be involved if the proposed project is implemented.

Having carefully considered the environmental record noted above, the mitigation measures as required in Appendix B herein, and the written and oral comments offered by the public and other agencies on this record, the FTA has determined that adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest, and consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located; and all reasonable steps have been taken to minimize adverse environmental effects of the proposed project and, where adverse environmental effects remain, there exists no feasible and prudent alternative to avoid or further minimize such effects.

_Terry J. Rosapep_  
Regional Administrator, Region 8  
Federal Transit Administration  

April 22, 2011  
Date
References


Federal Transit Administration (FTA) and Regional Transportation District (RTD). 2009. *Commuter Rail Maintenance Facility (CRMF) Supplemental Environmental Assessment to FasTracks Commuter Rail Corridors*. April.

North Metro Corridor Project Team. 2010. Field work, research, modeling, and observations.


Appendix A  FTA, RTD and SHPO Section 106 Memorandum of Agreement
Appendix B  Impacts and Mitigation Measures of the Preferred Alternative
Appendix C  Changes and Errors in the North Metro Corridor Final Environmental Impact Statement