

RECORD OF DECISION

East Corridor Project

Denver, Aurora, Adams County, Colorado

November 2009

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Acronym List

A

B

BMP Best management practices
 BRT Bus rapid transit
 BTU British thermal unit

C

CCD City and County of Denver
 CDOT Colorado Department of Transportation
 CDOW Colorado Division of Wildlife
 CFR Code of Federal Regulations
 CO Carbon monoxide
 CRMF Commuter rail maintenance facility

D

dBA Decibel (A-weighted scale)
 DEIS Draft Environmental Impact Statement
 DIA Denver International Airport
 DMU Diesel multiple unit
 DRCOG Denver Regional Council of Governments
 DUS Denver Union Station

E

EIS Environmental Impact Statement
 EMU Electric multiple unit

F

FAA Federal Aviation Administration
 FEIS Final Environmental Impact Statement
 FHWA Federal Highway Administration
 FTA Federal Transit Administration

G

H

I

J

K

L

LOS Level of service
 LRT Light rail transit
 LUST Leaking underground storage tanks

M

MSAT Mobile source air toxics

N

NEPA National Environmental Policy Act
 NO_x Nitrogen oxides
 NPL National Priorities List

O

P

PM₁₀ Particulate matter having a diameter less than or equal to 10 micrometers

Q

R

RCRA Resource Conservation and Recovery Act
 ROD Record of Decision
 ROW Right of way
 RTD Regional Transportation District
 RTP Regional Transportation Plan

S

SEA Supplemental environmental assessment
 SHPO State Historic Preservation Office

T

TDM Transportation demand management
 TOD Transit-oriented development
 TOFC Trailer-on-flat-car
 TSM Transportation system management

U

UDFCD Urban Drainage and Flood
 Control District
Uniform Act Uniform Relocation Act
 Amendments of 1987
UPRR Union Pacific Railroad
U.S. United States
USACE United States Army Corps of
 Engineers
USC United States Code
USFS U.S. Fish and Wildlife
 Service

V

VMT Vehicle miles traveled
VOC Volatile organic compounds

W

X

Y

Z

1.0 DECISION

The Federal Transit Administration (FTA), pursuant to Title 23 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 East Corridor project proposed by the Regional Transportation District (RTD). This FTA decision applies to the Preferred Alternative, which is described and evaluated in the East Corridor Final Environmental Impact Statement (FEIS), prepared by RTD and FTA and signed on September 4, 2009.

FTA has considered the information contained in the public record, including the East Corridor Draft Environmental Impact Statement (DEIS), the FEIS, regulatory and resource agency coordination, public hearing and public meeting comments, and agency review comments on the environmental documents. This Record of Decision (ROD) summarizes 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, and presents the Section 4(f) determination for the project.

The Preferred Alternative consists of an electric multiple unit (EMU) commuter rail train and track system between Denver Union Station (DUS) and Denver International Airport (DIA), located 23 miles northeast of downtown Denver. The alignment follows the Union Pacific Railroad (UPRR) corridor between DUS and Airport Boulevard and then heads north and east to DIA. The East Corridor Preferred Alternative alignment will operate on a double-track system using a combination of UPRR right of way (ROW), private property, and shared City and County of Denver (CCD) and City of Aurora (Aurora) ROW. The new track will not be shared with existing or planned freight rail operations. East Corridor vehicles will use the shared alignment north of DUS to the Commuter Rail Maintenance Facility (CRMF) with the FasTracks' Gold Line, North Metro, and Northwest commuter rail corridors.

Because it is a required supporting component of the Preferred Alternative, the CRMF is also included in this project. A Supplemental Environmental Assessment (SEA) to support the Gold Line and East Corridor DEIS documents was prepared for the CRMF and is incorporated herein by reference (FTA, 2009). Content and comments from that document are incorporated into this ROD.

Neither the FEIS nor this ROD constitutes an FTA commitment to provide financial assistance for the construction of the project. In this instance, RTD is seeking funding under FTA's Major Capital Investments ("New Starts") program. FTA will decide whether to commit New Starts funds to the project in accordance with applicable Federal law including, but not limited to, the New Starts evaluation procedures codified at 49 U.S.C. Section 5309.

1.1 BASIS FOR DECISION

The environmental record for the East Corridor project includes the East Corridor DEIS (2009), the CRMF SEA (2009), and the East Corridor FEIS (2009), comments received on these documents and responses to those comments. The FEIS included a review of the purpose and need for the project, goals, and objectives, consideration of alternatives, environmental impacts, and measures to minimize harm.

2.0 BACKGROUND

Planning studies conducted for the Denver metropolitan area have shown that population and employment is anticipated to increase approximately 54 percent by the year 2030 (according to the 2030 Regional Transportation Plan [RTP]). Automobile and bus travel times are anticipated to increase by approximately 35 percent in the same period. 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 HOV lanes to help relieve expected congestion, address air quality issues, and offer additional transportation options to citizens within the region.

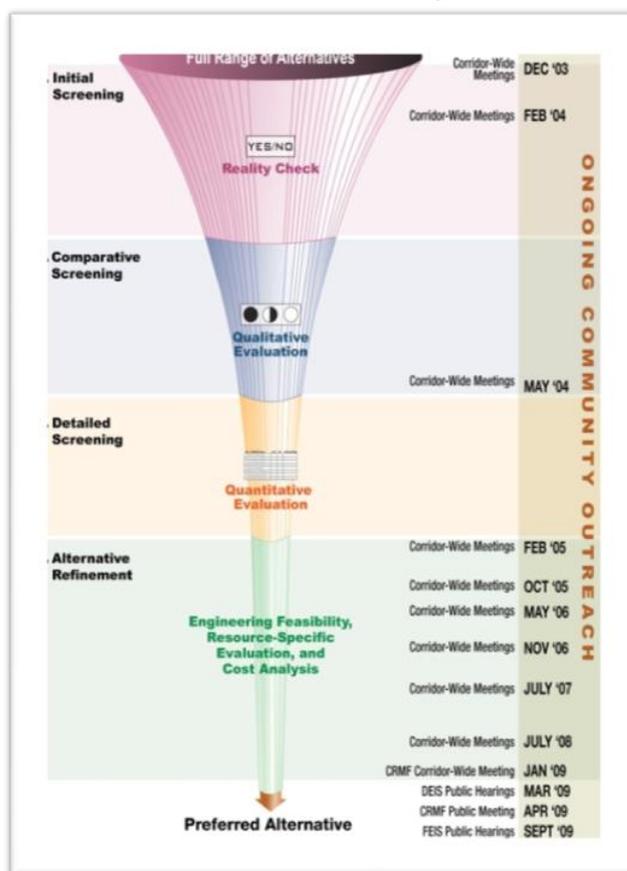
In November 2004, voters in metropolitan Denver’s RTD approved the FasTracks initiative, which is intended to expand and improve public transit service to metropolitan Denver communities over a 12-year period. The FasTracks comprehensive plan calls for the construction and operation of rail lines as well as improved bus service and park-n-Rides (pnR) throughout the region. The East Corridor Final Environmental Impact Statement (FEIS) addresses the project in the eastern 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 improved mobility in the East Corridor study area.

3.0 ALTERNATIVES CONSIDERED

The East Corridor EIS evaluated numerous alternatives and other iterations of those alternatives to meet the purpose and need for the corridor. Alternatives were developed and evaluated to address the travel markets in the East Corridor project area, to minimize environmental impacts, and in response to the input from the agency and public involvement process. As a result of this screening and evaluation process, the Preferred Alternative was determined to be the environmentally preferred alternative. Avoidance and minimization measures taken to reduce the impacts of the Preferred Alternative have served to further reduce the environmental consequences associated with its construction and operation.

More than 100 transportation elements were evaluated during the screening process. A four-level screening process was used to reduce the range of alternatives considered for the selection of the Preferred Alternative. Alternatives were evaluated with increasing levels of detailed analysis at each screening level: initial screening, comparative screening, detailed screening, and alternative refinement.

As the alternatives progressed through the screening levels, the number of alternatives



evaluated decreased while being subjected to an increasing level of detailed analysis, including engineering, environmental, and community impact criteria. Using the alternative elements remaining after the initial and comparative screening, eight alternatives were developed for detailed screening. These alternatives followed various alignments between DUS and DIA and assumed both on-street and separate ROW operations. These alignments were a combination of the alignment and technology elements remaining after comparative screening that provided the best overall system operations. The corridor-wide transit alternatives evaluated in detailed screening included BRT, LRT, and commuter rail along various routes from DUS to DIA. The FEIS fully evaluated the Preferred Alternative compared to the No Action Alternative.

3.1 NO ACTION ALTERNATIVE

The No Action Alternative was also evaluated in the DEIS and FEIS and included several roadway and transit projects from the Denver Regional Council of Government's (DRCOG) *Fiscally Constrained 2030 Regional Transportation Plan (RTP)*. The No Action Alternative roadway network in the region (including roadways within the East Corridor project area) was assumed to be the roadway projects included in the DRCOG 2030 RTP as well as the connection of Smith Road through the Stapleton Redevelopment, which is not part of the DRCOG RTP, but is expected to be constructed by private stakeholders before 2030.

The transit network for the No Action Alternative included all FasTracks corridors except the East Corridor. Bus service improvements for the No Action Alternative are intended to keep pace with population and employment growth, consistent with trends in the East Corridor project area, and are based on the assumption that the Stapleton and 40th/Airport park-n-Rides remain in the same locations as today and are not expanded.

3.2 TRANSPORTATION SYSTEM MANAGEMENT ALTERNATIVE

A Transportation System Management (TSM) Alternative was developed to represent the "best that can be done" without implementing a major capital investment such as rail transit. The TSM Alternative was included for financial and mobility comparisons in the FEIS (in Chapter 4, Transportation Systems, and in Chapter 5, Financial Analysis and Evaluation of Alternatives). The TSM Alternative was not carried forward as a stand-alone alternative or evaluated environmentally in the DEIS or FEIS because it did not meet the project purpose and need. The TSM Alternative has been approved by FTA as the Baseline Alternative for New Starts evaluation purposes.

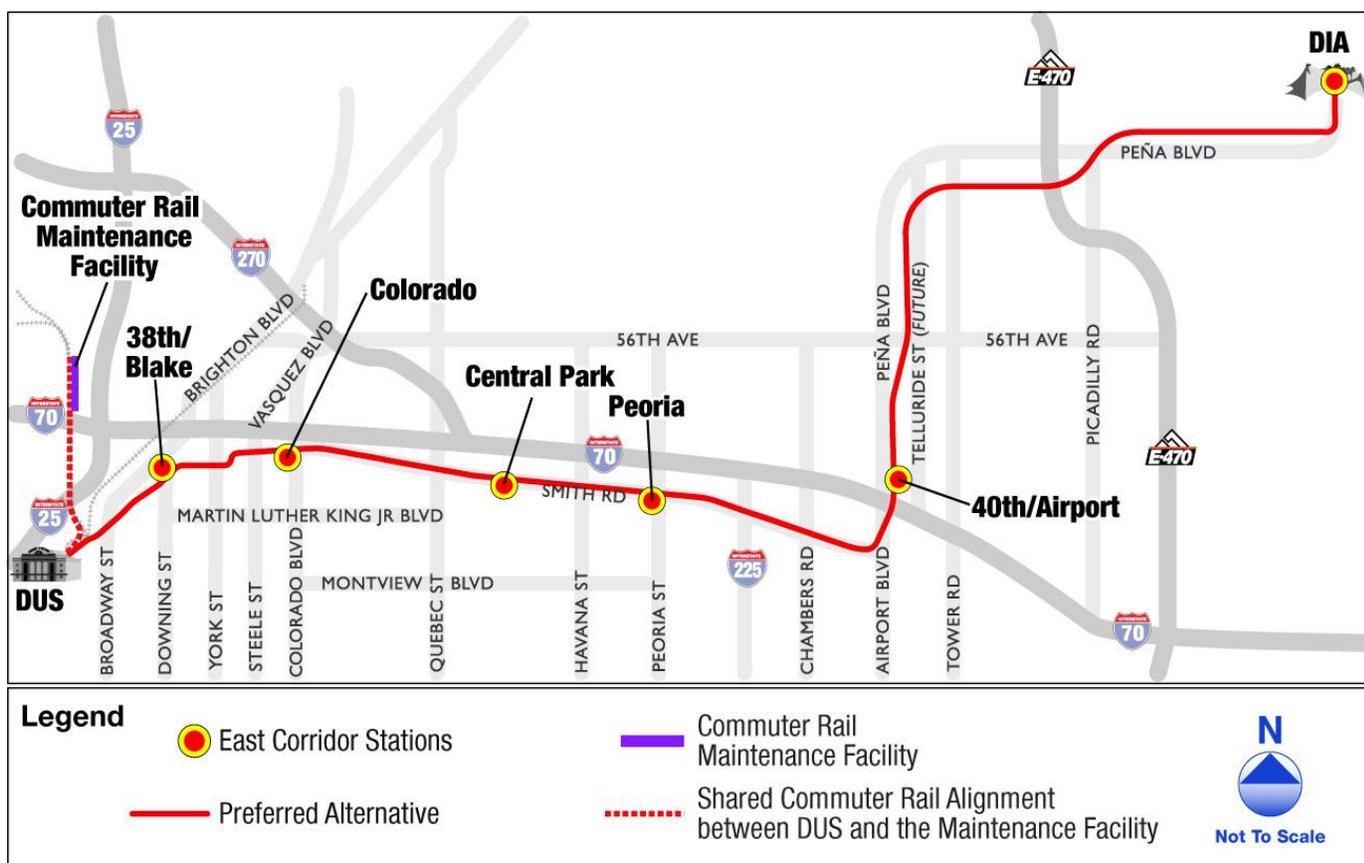
3.3 PREFERRED ALTERNATIVE

The Preferred Alternative is comprised of double-tracked EMU commuter rail between DUS and DIA. The East Corridor Preferred Alternative alignment, stations, and CRMF are shown in Figure 1.

3.3.1 Alignment

The alignment follows the UPRR corridor between DUS and Airport Boulevard. This portion of the alignment uses a combination of UPRR ROW, private property, and shared CCD and Aurora ROW. At Airport Boulevard near Smith Road, the alignment heads north and then east to DIA within the Peña Transportation Corridor. The Preferred Alternative also includes a connection to the CRMF on a shared alignment with the Gold Line and Northwest Corridor.

**Figure 1
East Corridor Preferred Alternative Alignment**



3.3.2 Transit Stations

In addition to DUS and DIA, five stations are included in the Preferred Alternative. Approximately 3,500 parking spaces will be provided on opening day, with capacity for an additional 4,400 spaces by the horizon year (2030).

It is anticipated that the East Corridor ridership will increase significantly between opening day and 2030. The drive access demand to East Corridor station areas, and the associated number of parking spaces and environmental analysis, is based on estimates from a travel demand model. Should the drive access demand, and associated requirements for parking, be higher

than the estimates used for the East Corridor FEIS and this ROD, appropriate environmental approvals will be obtained, and additional parking constructed at that time.

Station sites were identified based on ridership. In addition, station requirements were developed for parking, bus bays, and other infrastructure based on the technical analysis that was part of alternative refinement. Table 1 lists the characteristics of each of the proposed stations.

- 38th/Blake (formerly called 40th/40th)
- Colorado
- Central Park
- Peoria
- 40th/Airport

Potential stations at 64th/Peña and 72nd/Himalaya or Dunkirk are not part of the Preferred Alternative. If implemented in the future, these stations would require additional environmental analysis and approvals. RTD will continue to coordinate with developers and local agencies on these potential stations.

**Table 1
Transit Station Characteristics**

Station	Description	Approximate Size (acres) ¹	Parking Spaces		
			Opening Day 2015	Spaces Added by 2030	Total Parking Spaces by 2030
38th/Blake	Located both northwest and southeast of UPRR corridor.	5	200	300	500
Colorado ²	Located west of Colorado Boulevard, south UPRR. Parking structure to be built south of station by 2030.	3	200	1,600	1,800
Central Park	Located southwest of proposed Central Park Boulevard and Smith Road, and south of the proposed alignment.	21	1,500	0	1,500
Peoria	Located southwest quadrant of Peoria Street and Smith Road and south of the proposed alignment. Additional surface and parking structure to be built by 2030.	30	550	1,350	1,900
40th/Airport	Located southeast of Peña Boulevard and 40th Avenue at existing RTD park-n-Ride. Parking structure to be built by 2030.	15	1,079	1,121	2,200
Total			3,529	4,371	7,900

¹ Improvements to the roadway network required by the station location are included in the station ROW.

² The Colorado station park-n-Ride facility and the associated ROW acquisitions will be phased as necessary between opening day and 2030. The numbers in the table are for 2030.

Note: Only the 38th/Blake station includes a pedestrian structure.

3.3.3 Commuter Rail Maintenance Facility

The EMU vehicles for all the FasTracks commuter rail projects, including the East Corridor, will be serviced at a central CRMF, located immediately north of 48th Avenue on what is referred to as the Fox North site. The CRMF will include a maintenance shop, EMU rail storage yard, DMU rail storage yard, employee facilities, administrative offices, employee parking facilities, a maintenance-of-way building, and a lay-down yard. The facility will service the following fleets:

- Gold Line: 12 to 22 EMUs
- Northwest Rail: 22 DMUs
- East Corridor: 30 EMUs
- North Metro Corridor: 22 DMUs or EMUs

Train movements will occur throughout the day, with 229 movements scheduled between 7 a.m. and 10 p.m. and 87 movements between 10 p.m. and 7 a.m. The CRMF environmental analysis (based on these 229 movements) includes the maximum number of vehicles above (i.e. 22 for the Gold Line project). Train movements within the CRMF will occur at night. The operation of the CRMF will be ongoing 24 hours per day, 7 days per week. Maintenance activities need to occur during times when trains are not in revenue service. Night movements to and from the CRMF shop will be conducted in the same manner as daytime movements.

3.3.4 UPRR Track Relocation

In some sections along the UPRR corridor, mainline freight track will be relocated to accommodate both the commuter rail and freight rail in the available ROW or with minimal additional property requirements. The mainline freight track will be relocated (shifted slightly to the north) between the trailer-on-flat-car (TOFC) yard and Dahlia Street. UPRR storage tracks will be reconstructed at various locations between Colorado Boulevard and Sable Boulevard.

3.3.5 Traction Power

The Preferred Alternative will use substations to supply electricity for train operations. The power for the system will be provided by the local electrical grid. An autotransformer substation will be east of the Quebec Street and Smith Road intersection. Two paralleling substations will be located along the Peña Boulevard portion of the commuter rail alignment; one north of 40th Avenue and one east of Tower Road. Another autotransformer substation will be located near West 43rd Avenue and Inca Street which is required for all commuter rail corridors using the CRMF.

3.3.6 Rail Operations Plan

The Preferred Alternative operating plan will operate four trains per hour in each direction between DUS and DIA throughout most of the day. During late-evening periods, train service will be reduced to two trains per hour in each direction. The Preferred Alternative would operate between 3:00 a.m. and 1:00 a.m. Trains would operate 365 days a year on a weekday or weekend/holiday schedule. Table 2 shows the Preferred Alternative operating plan hours of operation and proposed operation schedules.

**Table 2
Preferred Alternative Commuter Rail Operations**

Day	Service Span	Service Frequency
Weekdays	3:00 a.m. to 1:00 a.m.	Peak periods: 15 minutes Midday: 15 minutes Evening: 15 minutes Late/Early: 30 minutes
Weekends/Holidays	3:00 a.m. to 1:00 a.m.	Midday: 15 minutes Late/Early: 30 minutes

Source: East Corridor Transit Operations Plan (2008).

The operations plan will be optimized as the design progresses such that the project minimizes operational costs while maximizing ridership. Possible changes could result in the use of 4-car trains sooner after opening day than currently projected, but are not anticipated to change frequencies or consist sizes for the horizon year.

3.3.7 Grade Crossings

When the train crosses a roadway, it can cross either at the same level as the roadway (at grade) or above or below the roadway (grade separated). The Preferred Alternative will be grade separated at the following crossings:

- 20th Street
- Park Avenue West
- Broadway
- 38th Street
- Colorado Boulevard
- Quebec Street
- Proposed Central Park Boulevard
- I-225
- UPRR mainline
- Airport Boulevard
- East 31st Avenue
- East 32nd Place
- I-70
- 56th Avenue
- E-470
- Peña Boulevard
- Tibet Street (private DIA access)
- Airport exit road
- Airport entrance road
- The airport commercial vehicle service turnaround road

All other roadway crossings will be at grade.

4.0 MITIGATION MEASURES TO MINIMIZE HARM

The Regional Transportation District will design and incorporate into the project all mitigation measures included in the FEIS for the Preferred Alternative and those measures identified during final design. FTA will require in any future funding agreement on the project and as a condition of any future grant or Letter of No Prejudice for the project, that all committed mitigation be implemented in accordance with the FEIS and ROD. FTA will require that RTD periodically submit written reports on its progress in implementing the mitigation commitments. FTA will monitor this progress through quarterly review of final engineering and design, land acquisition for the project, and construction of the project.

5.0 PUBLIC OPPORTUNITY TO COMMENT

The East Corridor FEIS development followed an extensive public and agency involvement process since the project began in July 2003 as the I-70 East Corridor EIS. Public opportunities for input have included 22 corridor-wide meetings, 37 working group meetings, 12 neighborhood meetings, 8 topic-specific neighborhood meetings, and 4 public hearings for the DEIS and the FEIS. A project website was maintained that was viewed more than 20,000 times, and newsletters were sent to members of the public, agencies, and others on a mailing list that contains more than 14,000 addresses. Project updates were sent to more than 700 addresses in the e-mail notification database.

FTA and RTD released the East Corridor DEIS on January 30, 2009, for a 45-day comment period ending on March 16, 2009. Public hearings for the DEIS were held on March 4 and 5, 2009. During the public comment period, 97 comments were received and were responded to in the FEIS.

An additional 154 comments were submitted on the SEA for the CRMF. Most of these comments addressed concerns regarding the potential loss of jobs at the Owens Corning Denver Roofing and Asphalt Plant located on the proposed CRMF site. These comments were mitigated through a reconfiguration of the site that offset the need to acquire the Owens Corning plant.

FTA and RTD released the East Corridor FEIS on September 4, 2009, for a 30-day review period ending on October 7, 2009. Public meetings were held on September 23 and 24, 2009. During the public comment period, 35 respondents submitted 41 comments. Comments received on the FEIS and responses to those comments are available on the project website, www.eastcorridor.com. Comments received on the FEIS are summarized below with general responses.

Potential stations: Requests to include the additional stations along the Peña Boulevard alignment as part of the Preferred Alternative.

Response: RTD and FTA recognize the growth occurring in the Gateway and Green Valley Ranch communities. Additional stations between 40th/Airport and DIA were evaluated during the alternative refinement phase of the alternative screening process. These stations are not included in the Preferred Alternative because stations at 64th/Pena and at 72nd/Himalaya increased corridor ridership less than three percent and therefore did not justify the additional cost to the project. RTD and FTA will continue to coordinate with developers and local agencies regarding future potential stations.

Grade Separations: Desire from residents to improve the existing grade separation at 38th Street and to construct a new grade separated crossing at Peoria Street.

Response: The existing underpass at 38th Street currently experiences traffic congestion and delay that are beyond the scope and budget of the East Corridor project. The East Corridor traffic analysis reported in the DEIS and the FEIS confirmed that the additional trips to and from the station do not make conditions worse on 38th Street in the Preferred Alternative than the No Action scenario. A grade separation at Peoria Street was determined infeasible due to associated property impacts and cost constraints. Additionally, the grade separation would not address existing and future traffic congestion problems in that location as they are not directly related to the implementation of the East Corridor.

38th/Blake Pedestrian Street Bridge: Desire from local agency and residents to move the 38th/Blake station pedestrian bridge connection from 38th Street to 36th Street.

Response: The City and County of Denver adopted a station area plan which recommends moving the proposed 38th Street pedestrian bridge. Between the DEIS and the FEIS, the 38th/Blake station platform was shifted south to better coordinate with the potential future 36th Street bridge. RTD and FTA will continue coordination with CCD regarding the possible 36th Street location for the pedestrian bridge.

Local Bus Routes: Comments and questions regarding the adjustment of local bus routes to provide connections to the commuter rail stations throughout the corridor.

Response: Local bus routes will be adjusted to provide connections to the commuter rail stations on opening day throughout the corridor. Bus service will continue to be monitored and adjusted as appropriate through RTD's semiannual service changes.

Coordination with the Urban Drainage and Flood Control District (UDFCD): The UDFCD sent an FEIS comment letter noting concerns about coordination, concerns about the potential impacts to detention ponds along the Peña Corridor, and various other permitting concerns.

Response: RTD met with UDFCD after receipt of the letter to express the intent to closely coordinate with UDFCD. Mitigation measures were added to the project based on this comment letter and can be found in Section 7.3 of this ROD and in the mitigation measures in Appendix A. Additionally, RTD committed to developing a Memorandum of Understanding (MOU) with UDFCD to address coordination and permitting going forward as indicated in the response to FEIS comments on the East Corridor website at www.eastcorridor.com.

6.0 DETERMINATIONS AND FINDINGS

6.1 SECTION 106 COMPLIANCE

FTA has determined, in coordination with the Colorado State Historic Preservation Office (SHPO), that the Preferred Alternative will result in an adverse effect to the Denver West Side Line (5DV3512.3); the Denver Utah Pacific Railroad, Chicago Burlington Quincy Siding & Spur (Waterworks Sales Co, J.M. Warner Co, & Richardson Lumber Spur) (5AM1888 and 5DV6243); and the Allen-Rand Ditch (5JF4454.1). Since the FEIS, a Memorandum of Agreement (MOA) among FTA, RTD, and SHPO has been executed. Mitigation measures have been identified and can be found in the MOA, dated September 11, 2009, in Appendix B of this ROD.

6.2 SECTION 4(F) DETERMINATION

FTA determined that there will be a use of a portion of the ROW from two historic resources: 35th and Blake LLC and the Freedom Cab Company. FTA also concluded that segments of two linear historic resources will be permanently incorporated into the project: Derby Lateral (High Line Canal Lateral A Extension/Segment "The Doherty Ditch") and the Denver Utah Pacific Railroad, Chicago Burlington Quincy Siding and Spur.

Two recreational trails that will be impacted by the project are protected under Section 4(f); however, only the existing Sand Creek Regional Greenway trail will incur a use. FTA received concurrence from CCD and the Sand Creek Regional Partnership that the use of the trail, including the consideration of impact avoidance, minimization, and mitigation or enhancement measures, does not adversely affect the activities, features, and attributes that qualify these resources for protection under Section 4(f).

FTA determined there are no feasible and prudent avoidance alternatives to the use of the Derby Lateral (High Line Canal Lateral A Extension/Segment "The Doherty Ditch"), 35th and Blake Street LLC, Freedom Cab Company, Denver Utah Pacific Railroad, Chicago Burlington Quincy Siding and Spur, and Sand Creek Regional Greenway trail. The project includes all possible planning to minimize harm, as defined in 23 CFR 774.17 that results from the use of these resources.

6.3 CONFORMITY WITH AIR QUALITY PLANS

On the basis of the determinations made in compliance with relevant provisions of federal law, FTA finds that the East 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 identified in the conforming Long Range Transportation Plan and in the conforming Transportation Improvement Program for the Denver metropolitan region.

6.4 FLOODPLAINS

The 100-year floodplains associated with Sand Creek, First Creek, Second Creek, and Third Creek will be impacted by the Preferred Alternative. With a minimal cross-sectional area, new proposed bridge piers will have a negligible impediment on the 100-year floodplains of all four streams. A new embankment across the Sand Creek floodplain overflow area, east of the old runway tunnels, will slightly modify water surface elevations. The Preferred Alternative will also impact existing and proposed detention ponds along the Peña Transportation Corridor.

A conditional letter of map revision will be submitted as part of continued design coordination. Detention and water quality treatment of surface drainage will be conducted in accordance with the Urban Drainage and Flood Control District (UDFCD) and local jurisdiction design requirements, and best management practices (BMPs). Floodplain management will be coordinated with local jurisdictions and UDFCD and a Floodplain Use Permit will be obtained.

6.5 WETLANDS

Based on the jurisdictional determinations issued by the U.S. Army Corps of Engineers (USACE), the Preferred Alternative will permanently and directly impact approximately 1.0942 acres of jurisdictional wetlands and 0.0035 acre of jurisdictional open waters (1.0977 acres total). This level of impact requires application for an individual Clean Water Act Section 404 permit from USACE. The public comment period for the 404 permit application was September 4th through October 11th 2009. Permit conditions have been finalized and USACE has issued a

provisional permit contingent on the 401 water quality certification. Additionally, RTD has committed to 1:1 mitigation for non-jurisdictional wetlands as noted in the mitigation table in Appendix A of this ROD. The contractor will comply with all requirements of the individual permit.

7.0 UPDATES SINCE THE FEIS

There have been refinements to the impacts and mitigations, as well as advancements in coordination since the publication of the FEIS. Additional coordination has been completed since the FEIS for Section 106 compliance, Section 4(f) concurrence, and for wetlands and are documented in Section 6.0, Determinations and Findings.

7.1 HAZARDOUS MATERIALS

A Phase II Environmental Site Assessment Process, as defined by American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments (ASTM Standard E 1903 [2]), was completed in October 2009 for the Preferred Alternative.

7.2 LAND ACQUISITION

In the FEIS Table 3.4-3, Summary of Property Acquisitions – Preferred Alternative Alignment, the parcel with map number 22 was erroneously listed as Parcel ID 0224301005000. The correct Parcel ID is 0224303014000. The property owners for both parcels were contacted to notify them of the corrections. The parcel listed as map number 15 which was identified as Parcel ID 02279160118000 in Table 3.4-3, Summary of Property Acquisitions – Preferred Alternative Alignment, should have been listed as 022791618000. The property owner was notified of the correction.

Parcel ID 0119300013000 will be impacted by roadway improvements. The impacted property owner was aware of the impacts through meeting discussion related to the relocation of Smith Road at Colorado Boulevard prior to publication of the FEIS, and the owner was notified of the omission.

Parcel ID 0182326104002 will be impacted by roadway improvements associated with the Peoria Station. The owner of this parcel also owns the adjacent Parcel ID 0182326104003 and was notified of the impact.

Parcel ID 0223312021000 will be impacted by roadway improvements along 40th Avenue. The owner of this parcel was notified of the omission.

7.3 MITIGATION MEASURES

Additional floodplain and drainage mitigation measures have been identified since publication of the FEIS. These measures include:

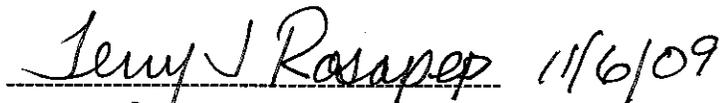
- Obtain Floodplain Use Permits for floodplain and drainage way crossings.
- Submit Conditional Letter of Map Revision for floodplains predicted to experience any rise in water surface (Sand Creek).
- Reshape and/or relocate detention ponds where embankment encroaches into regional detention ponds along the Peña Transportation Corridor.

8.0 FINDING

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 environmental documents represent 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 A 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 mitigate such effects.

 11/6/09

Terry J. Rosapep
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