

RECORD OF DECISION

Gold Line Corridor Project

**Denver, Arvada, Wheat Ridge, Adams
County, Jefferson County, Colorado**

November 2009

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Acronym List

| | |
|------------------|---|
| Btu | British thermal unit |
| CMP | Construction Mitigation Plan |
| CO | carbon monoxide |
| CPTED | Crime Prevention through Environmental Design |
| CRMF | Commuter Rail Maintenance Facility |
| CWA | Clean Water Act |
| DEIS | Draft Environmental Impact Statement |
| DMU | diesel multiple unit |
| DRCOG | Denver Regional Council of Governments |
| DUS | Denver Union Station |
| EIS | Environmental Impact Statement |
| EMU | Electric Multiple Unit |
| FEIS | Final Environmental Impact Statement |
| FRA | Federal Railroad Administration |
| FTA | Federal Transit Administration |
| HASP | Health and Safety Plan |
| HMMP | Hazardous Materials Management Plan |
| LRT | light rail transit |
| MBTA | Migratory Bird Treaty Act |
| MOA | Memorandum of Agreement |
| MOW | maintenance-of-way |
| MS4 | Municipal Separate Storm Sewer System |
| MSE | mechanically stabilized earth |
| NAAQS | National Ambient Air Quality Standards |
| NEPA | National Environmental Policy Act |
| NO _x | nitrogen oxide |
| NPDES | National Pollutant Discharge Elimination System |
| PM ₁₀ | particulate matter of 10 microns in diameter or smaller |
| pnR | park-n-Ride |
| ROD | Record of Decision |

| | |
|------------|--|
| ROW | right-of-way |
| RTD | Regional Transportation District |
| RTP | Regional Transportation Plan |
| SAFETEA-LU | Safe, Accountable, Flexible, Efficient Transportation Act – A Legacy for Users |
| SEA | Supplemental Environmental Assessment |
| SHPO | State Historic Preservation Officer |
| SPCC | Spill, Prevention, Control, and Countermeasure Plan |
| SU&DP | sewer use and drainage permits |
| SWMP | Stormwater Management Plan |
| USACE | United States Army Corps of Engineers |
| VOC | volatile organic compound |

Decision

The Federal Transit Administration (FTA), pursuant to 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 Gold Line Corridor project proposed by the Regional Transportation District (RTD). This FTA decision applies to the Preferred Alternative, which is described and evaluated in the Gold Line Corridor Final Environmental Impact Statement (FEIS) prepared by the RTD and the FTA and signed on August 21, 2009.

The FTA has considered the information contained in the public record, including the Gold Line 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 11.2-mile Electric Multiple Unit (EMU) commuter rail system operating between Denver Union Station (DUS) in downtown Denver and Ward Road in Wheat Ridge with seven stations. The Gold Line Preferred Alternative alignment will operate primarily on a double-track system (with the exception of one single track segment of approximately 1.5 miles in the western end of the corridor, designed to avoid significant impacts, as described in the Preferred Alternative section below) dedicated to commuter rail with no track being shared with freight rail operations. The Preferred Alternative from DUS to the CRMF, shares the alignment with all of the FasTracks Commuter Rail corridors (East, North Metro, and Northwest Rail) for vehicle service at the CRMF. Passenger service for the Gold Line and Northwest Rail share the alignment from DUS to Pecos Street. West of Pecos Street to Ward Road, the Preferred Alternative alignment separates from the Northwest Rail project and travels on its own alignment separate from the freight railroad to Ward Road.

Because it is required as a supporting component of the Preferred Alternative, the Commuter Rail Maintenance Facility (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.

Basis for Decision

The environmental record for the Gold Line project includes the 2008 Gold Line DEIS, the 2009 CRMF SEA, and the 2009 Gold Line FEIS, comments received on these documents and responses to those comments. The FEIS includes a review of the purpose and need for the project, goals and objectives, consideration of alternatives, environmental impacts and measures to minimize harm.

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 Gold Line Final Environmental Impact Statement (FEIS) addresses the project in the central western 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 Gold Line study area.

Alternatives Considered

The Gold Line FEIS evaluated more than 20 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 Gold Line study area, to minimize environmental impacts, and in response to the input from the agency and public involvement process.

As a result of the alternatives analysis process during the NEPA process, a Preferred Alternative was selected. The Preferred Alternative was found to be the environmentally preferred alternative. Avoidance and minimization measures that were taken to reduce the impacts of the Preferred Alternative have served to further reduce the environmental consequences associated with its construction and operation.

During the initial phases of the NEPA process, the freight railroads (UP and BNSF) adopted policies that disallow sharing of their ROWs with technologies such as light rail transit (LRT), which do not comply with Federal Railroad Administration (FRA) standards for crash-worthiness. As a result, the LRT alternative chosen by previous planning studies had to be dropped from further consideration. Instead, heavier commuter rail technologies (both electric and diesel powered) that could operate within the freight railroad ROW were evaluated. LRT was evaluated only on alignments that either parallel the freight rail ROW or are on city streets. Streetcar technology was also evaluated because it provided an alternative to LRT that is easier to construct, and with fewer impacts, in an urban environment.

Several conceptual-level alignments for the EMU, diesel multiple unit (DMU), LRT, and streetcar were developed to determine the best routes for each technology from DUS to Ward Road.

These technologies and alignments were then evaluated through a 5-level screening process following FTA, NEPA, and SAFETEA-LU requirements.

Based on FTA's "*Procedures and Technical Methods for Transit Project Planning*", the alternatives progressed through the five screening levels; the number of alternatives decreased

while being subjected to an increasing level of detailed analysis, including engineering, environmental, and community impact criteria.

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 RTP. The No Action Alternative roadway network in the region (including roadways within the Gold Line study area) was assumed to be the roadway projects included in the DRCOG 2030 RTP. These included:

- Reconfiguration of the I-70/SH 58 interchange
- Reconstruction of the I-70/Kipling interchange
- Addition of new lanes on Wadsworth Boulevard between 46th Avenue and 36th Avenue.

Transit improvements include bus service changes and committed bus service enhancements that are planned to occur in the next 1 to 5 years, as well as committed bus service enhancements that will occur between 2006 and 2030. It also assumes that no additional transit facilities would be constructed in the Gold Line study area and that the Ward Road and Olde Town pnR exist in the same locations as today and would not be expanded.

Baseline Alternative

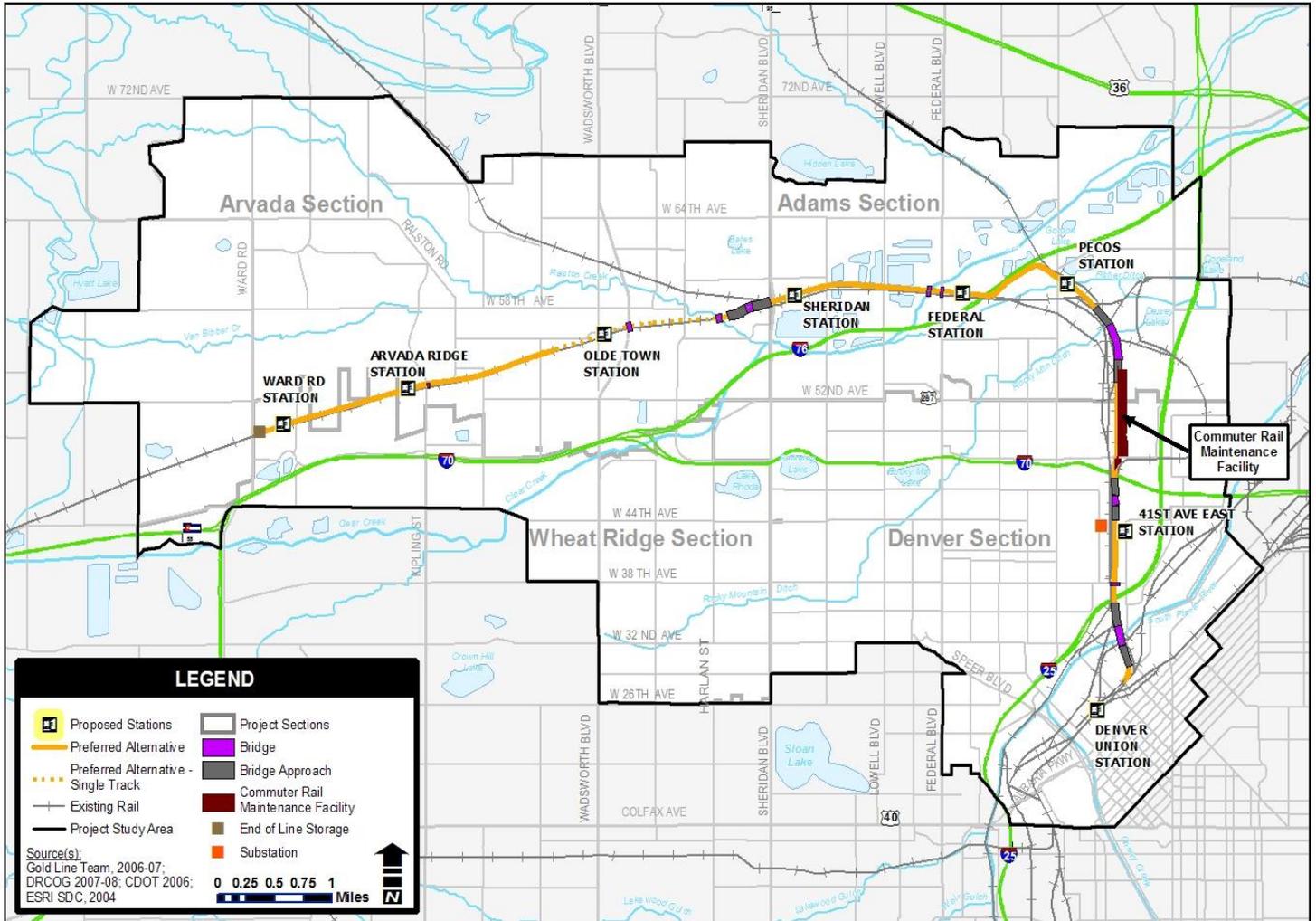
A Baseline Alternative was also developed to represent the "best that can be done" without implementing a major capital investment such as rail transit. The Baseline Alternative was included for financial and mobility comparisons in the FEIS (in Chapter 4, Transportation Systems and in Chapter 5, Evaluation of Alternatives). Because the Baseline Alternative did not meet the Purpose and Need for the project it was not evaluated for environmental impacts in the DEIS or FEIS.

Preferred Alternative

Alignment

The Preferred Alternative (EMU-BNSF/UP) will begin at DUS, share the alignment with the Northwest rail project from DUS to Pecos Street, and terminate at Ward Road in Wheat Ridge (Figure 1 below).

FIGURE 1: PREFERRED ALTERNATIVE



Beginning at DUS, the alignment will operate on a double-track system dedicated to commuter rail. The first station north of DUS is the 41st Avenue East Station located at 41st Avenue and Fox Streets in Denver.

The next station will be constructed in Adams County at Pecos Street. West of the Pecos Station, the Preferred Alternative will separate from the Northwest Rail project and travel on its own alignment for the remaining 7.7 miles to Ward Road. Between the Pecos Station and Ward Road, the following five stations will be constructed: the Federal Station in Adams County, the

Sheridan, Olde Town, and Arvada Ridge Stations in the City of Arvada, and the Ward Road Station located in the City of Wheat Ridge.

To avoid impacts in areas of constrained ROW, the alignment will have a section of single track beginning at Ralston Road and returning to double track west of Olde Town. The single-track section is approximately 1.5 miles long.

Traction Power

Electric power for the EMU trains will be provided by one substation powered from the existing local electrical grid, located immediately west of the existing Xcel Argo substation near West 43rd Avenue and Inca Street in Denver (this is required for operations of all of the commuter rail corridors traveling to the CRMF). There may also be a paralleling substation located in the Sheridan Station area.

End of Line Facilities

Two additional tracks are provided for vehicle storage at the western end of the Gold Line. Up to six trains may be stored on this track overnight to begin the morning service.

Transit Stations

Seven transit stations will be constructed along the Gold Line corridor. The characteristics of those transit stations are shown in Table 1.

The Gold Line FEIS evaluated 7.5 minute headways in the peak period, therefore the impacts disclosed in the FEIS represented the maximum impacts from an environmental perspective and mitigations are proposed accordingly in the FEIS and in this ROD.

The FEIS also identified that peak headways may be reduced to 15 minutes. That reduction in peak train frequencies would decrease parking demand, and other environmental impacts, in the horizon year of 2030.

An updated, FTA approved, model was used to evaluate the effects of the 15 minute peak headways after the release of the FEIS. The model was updated to include a new regional transit survey recently completed (showing transit patron travel patterns), revised model inputs (including new land use assumptions) and overall model improvements. Because of these model changes care must be taken in directly comparing the results of the 7.5 and 15 minute peak headway scenarios.

For example, although it may seem somewhat counterintuitive, on opening day (2015) there is a demand for 50 additional parking spaces for the 15 minute peak headway scenario over the 7.5 minute peak headway scenario. However, the total overall parking demand for the horizon year of 2030 is significantly less in the 15 minute peak headway scenario than in the 7.5 minute peak headway scenario.

Approximately 2,250 to 2,300 parking spaces will be provided on opening day, with capacity for an additional 590 to 1,880 spaces by the horizon year 2030 (depending on the peak headways assumed). Total parking required for the Gold Line project (2030) would be 2,890 spaces (assuming 15 minute peak headways) up to 4,130 spaces (assuming 7.5 minute peak headways).

Table 1 below shows the parking results for both 7.5 minute peak headway and 15 minute peak headway scenarios.

TABLE 1: TRANSIT STATION CHARACTERISTICS

| Stations | Description | Pedestrian Structure | Parking Spaces | | |
|------------------|--|----------------------|--|--|--|
| | | | Opening Day 2015 (7.5 minute peak headways/15 minute peak headways) | Spaces Added by 2030 (7.5 minute peak headways/15 minute peak headways) | Total Parking Spaces by 2030 (7.5 minute peak headways/15 minute peak headways) |
| 41st Avenue East | Located on one private industrial property; a four-level parking structure is proposed in 2030 | Yes | 500/500 | 500/270 | 1,000/770 |
| Pecos | Located east of Pecos Street, south of I-76 and north of the proposed alignment | Yes | 300/300 | 225/0 | 525/300 |
| Federal | Located just east of Federal Boulevard and north of the proposed alignment | No | 300/280 | 275/90 | 575/370 |
| Sheridan | Located east of Sheridan Boulevard and north of the proposed alignment | No | 300/330 | 100/0 | 400/330 |
| Olde Town | Located east of Vance Street | No | 500 ¹ /400 | 100/0 | 600/400 |
| Arvada Ridge | Located in the southwest quadrant of the intersection of the proposed alignment and Kipling Street | Yes | 150/200 | 180/80 | 330/280 |
| Ward Road | Located north of the proposed alignment and east of Ward Road | No | 200/290 | 500/150 | 700/440 |
| Total | | | 2,250/2,300 | 1,880/590 | 4,130/2,890 |

Source: Gold Line Team, 2008/2009

¹ Includes 200 existing parking spaces at the Olde Town Arvada pnR

Commuter Rail Maintenance Facility

The EMU vehicles for all the FasTracks commuter rail projects 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, an EMU rail storage yard, DMU rail storage yard, employee facilities, administrative offices, employee parking facilities, a maintenance-of-way (MOW) building, and a lay-down yard. The facility will service the following fleets:

- Gold Line—12 (15 minute peak headways) to 22 (7.5 minute headways) EMU's
- 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 for 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 as 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.

Rail Operations Plan

The Preferred Alternative will operate between 4:00 a.m. and 12:30 a.m. The trains will operate 365 days a year on either a weekday or a weekend/holiday schedule. The frequency of service for the Gold Line Preferred Alternative is summarized in Table 2 below.

TABLE 2: PREFERRED ALTERNATIVE SERVICE FREQUENCIES AND HEADWAYS

| Hours of Operation | Service Frequency | Headway |
|--|----------------------------|------------------------|
| Morning and Evening Peak Period Service – Weekdays (6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:30 p.m.) | Eight/Four trains per hour | 7.5 minutes/15 minutes |
| Off-peak service – Weekdays (9:00 a.m. to 3:00 p.m.) | Four trains per hour | 15 minutes |
| Early morning (4:00 a.m. to 6:00 a.m.) and Late Evening Service (6:30 p.m. to 12:30 a.m.) | Two trains per hour | 30 minutes |
| Weekend/Holidays (8:00 a.m. to 6:30 p.m.) | Four trains per hour | 15 minutes |
| Weekend/Holidays (4:00 a.m. to 8:00 a.m. and 6:30 p.m. to 12:30 a.m.) | Two trains per hour | 30 minutes |

Source: RTD, 2008/2009

The operations plan will be optimized as the design progresses such that the project minimizes operational costs while maximizing ridership. The most likely change to the operations plan for the Preferred Alternative would be the reduction of train service frequencies and headways from 8 trains per hour to 4 trains per hour and from 7.5 minutes to 15 minutes in the peak period as previously noted. Reduced train frequencies would reduce traffic, parking, and noise impacts in the horizon year of 2030. Therefore, the train frequencies of 7.5 minutes during the peak, and 15 minutes in the off peak, assumed in the FEIS and the proposed mitigation measures in the FEIS and this ROD represents the “worst case” from an environmental impact perspective.

Avoidance and Minimization of Impacts from the Preferred Alternative

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. The measures to minimize harm are fully described in the FEIS.

Public Opportunity to Comment

Public opportunities to review the Gold Line project have included meetings and workshops for all Safe, Accountable, Flexible, and Efficient Transportation Act – A Legacy for Users (SAFETEA-LU) milestones including:

- ✓ **Scoping Meeting** – including: Purpose and Need, Range of Alternatives, Study Area, Initial Evaluation Criteria, Potential Environmental Issues, and Milestone Schedule
- ✓ **Conceptual Screening** – including: Methodologies, Screening Criteria, Alternative Descriptions, Cost-Effectiveness Measures, Potential Environmental Impacts, and Public and Agency Comments
- ✓ **Detailed Evaluation** – including: Detailed Evaluation Criteria, Descriptions of Alternatives, Cost-Effectiveness Measures, Potential Environmental Impacts, and Public and Agency Comments
- ✓ **Selection of the Preferred Alternative** –including: Cost-Effectiveness Measures, Environmental Impacts, and Public and Agency Comments
- ✓ **Preliminary Results of the DEIS** –including: Purpose and Need, Alternatives Evaluated, Environmental Consequences, Transportation Impacts, and Public and Agency Comments
- ✓ **Preferred Alternative Refinement** – including: Improvements to the Preferred Alternative including alignment and station design options
- ✓ **DEIS Hearings** –including: Open House, Presentation of DEIS Results, and Public Hearings
- ✓ **FEIS Hearings** – including: Open House, Presentation of FEIS Results, and Public Hearings

Public involvement has included 16 public workshops, 55 listening sessions on specific topics, 23 issue focus teams, and public hearings for the DEIS and the FEIS. A project website was maintained that was viewed more than 70,000 times, and more than 34,000 newsletters and scoping booklets were sent to members of the public, agencies, and others.

The RTD Board of Directors adopted the Gold Line Preferred Alternative in July of 2007. The RTD Board of Directors then approved the release of the DEIS in June of 2008 and the FEIS in July of 2009. The FTA and RTD released the Gold Line DEIS on July 18, 2008 for a 45-day comment period ending on September 1, 2008. Public hearings for the DEIS were held on August 6 and August 7, 2008. During the public comment period for the DEIS, 163 comments were received and were responded to in the FEIS. The FTA and RTD released the Gold Line FEIS on August 21, 2009 for a 30-day review period ending on September 21, 2009. Public hearings for the FEIS were held on September 9 and 17, 2009. During that timeframe, a total of 40 individuals and agencies submitted approximately 217 comments in writing or orally at the public hearing.

Comments and Responses during the NEPA Process

DEIS Comments

During the DEIS comment period from July 18, 2008 to September 2, 2008, 80 organizations and individuals submitted 163 comments on the DEIS. These comments were generally related to the design of stations, operations, bicycle and pedestrian access, costs and funding, aesthetics, environmental issues, property acquisition, praise for the public involvement process, noise and vibration impacts, and transit technology. All of these comments were addressed in Volume II of the FEIS.

CRMF SEA Comments

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.

FEIS Comments

During the comment period on the FEIS from August 21, 2009 to September 21, 2009, 217 comments were received. Of these, 12 were received verbally at the two Public Hearings, with the remaining 205 being submitted in writing.

At the Public Hearings, nine comments were from the public and three from private businesses. Eight of the comments praised the EIS process and one addressed concerns about funding. The business comments related to property acquisition.

Of the written comments received, 16 were from the public, six from regulatory agencies, and three from private businesses.

The majority of the written comments received were from the cities of Denver, Wheat Ridge, and Arvada, who posted 16, 146, and 14 comments, respectively. Adams County submitted one comment. Most of the comments from the local municipalities pertained to design elements of the project that will be addressed in final design.

All public and agency comments have been responded to individually and can be found on the project website at www.rtdgoldline.com.

The comments received on the FEIS are summarized below.

The common themes of the FEIS comments included:

- *Quiet Zones as noise mitigation.* A number of comments were submitted that were supportive of the use of quiet zones as noise mitigation as proposed for this project. Some of these comments expressed a desire to see the quiet zones implemented as soon as possible in the development of the project.
 - *Response:* RTD will pass on to the selected contractor the agency and community desire to implement the Quiet Zone as early as is feasible in the project development process. RTD will also continue to work with local

governments in the application process for the Quiet Zone and is committed to providing the grade crossing improvements necessary to qualify for the Quiet Zone as indicated in the mitigation measures for noise impacts from this project.

- *Visual and Aesthetics.* Some comments appreciated the fencing options that were developed as sensitive to the surrounding land uses. Some comments expressed a desire for changes to station area aesthetics and/or fencing types, and a desire to screen electric substations.
 - *Response:* Comments were made on the Gold Line DEIS about concerns regarding project aesthetics both related to station areas and to fencing. As a result, between the DEIS and FEIS, the Gold Line team held a series of agency and public workshops to address these issues. The results of those workshops can be found in the FEIS; pages 2-45 and 2-46 describes the station architectural style process and results and pages 2-60 to 2-62 describes the alignment fencing selection process.

RTD has committed to fencing options, station aesthetics and screening the electric substation in the mitigation table in the FEIS and in this ROD (Appendix B in the Visual and Aesthetic mitigation section) that were the results of the public outreach efforts.

- *Alternatives Considered.* There were a few comments expressing the opinion that a diesel train would be preferable to an electric train mostly based on cost. There were two comments from the same commenter expressing the desire for a bus over a rail alternative. There were two comments (from the potentially impacted business) indicating that the 41st Avenue East Station should be moved and there were several comments supporting the 41st Avenue East Station location indicating that the station should be built as early as possible in the project development process. There was one comment expressing support for the Preferred Alternative.
 - *Response regarding diesel versus electric vehicles:* RTD did an extensive evaluation of the costs of diesel versus electric commuter rail vehicles. The results of that evaluation were; while the up-front capital costs for electric vehicles and electrification are more than diesel, the operational and life cycle costs showed a savings for electric vehicles. The Gold Line project was shown to “pay back” the original capital cost for electric vehicles in a relatively short amount of time. Additionally, diesel vehicles have greater noise impacts than electric vehicles (due to engine noise which they are accelerating) and had less public and agency support overall.
 - *Response regarding the process for selecting rail:* The Gold Line team evaluated a number of modal options in the EIS and in previous planning studies. Bus alternatives were eliminated due to the environmental impacts related to the alternative and a lack of public and agency support. Throughout the EIS process, there has been considerable support for a rail alternative and little/no support for a bus alternative.
 - *Response to the comment to move the 41st Avenue station to avoid impacts to a property owner:* The Gold Line team evaluated a number of station alternatives over the 3 year process in the 38th Avenue area. The criteria for the evaluation of these stations included: spatial and geometric considerations, expandability,

ease of access for bicycles, pedestrians, buses and vehicles, compatibility with existing and future land use plans, acquisitions required for implementation, proximity to major activity centers and minimization of environmental impacts. There were a number of station selection public meetings with opportunities to comment. The 41st/Fox station was selected with significant agency and public support.

- *Land Acquisition, Displacements and Relocation of Existing Uses.* There were three property owner comments expressing concern about the potential need for their properties to implement the project.
 - *Response to the comments about property acquisitions:* A major goal of the Gold Line environmental process was to minimize environmental impacts, including property acquisitions. This resulted in no full residential acquisitions required and 16 business acquisitions required. RTD will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the Fifth Amendment of the United States Constitution. This will include relocation assistance and the provision of just compensation for properties required to implement the Gold Line (Appendix B mitigation measures under Land Acquisition, Displacements and Relocations of Existing Uses).
- *Community Enhancements.* There were local government comments which expressed the desire for additional sidewalks, improved drainage, local roadway improvements, additional parking at stations, and the like.
 - *Response to local government requests for community enhancements:* The Gold Line team will continue to coordinate with local governments to provide the best project possible considering real financial constraints. RTD will provide the local government design comments to the bidders on the project for their consideration as well.
- *Positive statements about the EIS and public involvement process.*
 - *Response:* Comment noted.

Determinations 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 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). Mitigation measures have been identified and are described in a Memorandum of Agreement among FTA, RTD, and SHPO dated July of 2009 (Appendix A).

Section 4(f) Determination

FTA determined through the Section 4(f) analysis that there are no feasible and prudent avoidance alternatives, as defined in 23 CFR 774.17, to the use of 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). 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.

In addition, FTA has determined that the use of the Jim Baker Reservoir, including any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures) committed to will have a *de minimis* impact on the property. Adams County, the official with jurisdiction, concurred that the impacts to Jim Baker Reservoir meet the *de minimis* requirements. In addition, the City and County of Denver, Adams County, and the City of Arvada concurred with the proposed trail detours during construction activities as identified in the mitigation measures for Parklands, Open Space and Recreational Resources in Appendix B of this ROD.

Conformity with Air Quality Plans

On the basis of the determinations made in compliance with relevant provisions of federal law, FTA finds that the Gold Line 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.

Floodplains

100-year floodplains associated with the South Platte River, Clear Creek, and Ralston Creek would be affected by the implementation of the project. Bridge construction would require the placement of piers within the 100-year floodplain of all three water-courses.

Bridge span lengths were widened to avoid placement within the normal channel flow of the South Platte River at an additional cost to the project to minimize impacts to the riparian system and flood elevations. Nonetheless, two piers remain within the 100-year floodplain. Modeling of the new bridge suggests a maximum rise of 100-year flood elevation of 0.19 foot just upstream of the bridge.

The bridge spans at Clear Creek were designed to mirror the spans of the existing UPRR Bridge immediately upstream and to avoid impacts to wetlands. Modeling of the new bridge suggests a maximum rise of 100-year flood elevation of 0.58 foot, just upstream of the existing bridge.

At Ralston Creek, a new seven-span bridge with new pier locations mirroring those of the existing BNSF Railway Company Bridge would be installed resulting in a modeled rise of the 100-year elevation of 0.15 foot. Alternatives to the recommended bridge design at Ralston Creek were considered but found infeasible as the use of longer spans required an increase of the structural depth of the bridge deck, and/or raising the bridge. Raising the commuter rail bridge resulted in the need to demolish the existing Ralston Road Bridge (which passes over the commuter rail alignment) and is not cost effective. If the bridge is not raised and the deck depth is increased to accommodate longer spans, there would be insufficient clearance under the bridge for the existing pedestrian/bicycle path paralleling Ralston Creek resulting in a 4(f) impact. Additionally, the bottom cord of the bridge would be submerged by the 100-year floodwaters resulting in a greater impact to flood elevations than the proposed design.

Wetlands and Other Water Features

The Preferred Alternative will result in impacts to 0.15 acres of jurisdictional wetlands and 0.19 acres of other water features. A Nationwide Permit request has been approved by the United States Army Corps of Engineers (USACE), and the contractor will comply with all requirements of the Nationwide Permit (wetlands will be replaced per USACE and United States

Environmental Protection Agency requirements for jurisdictional wetlands). Additionally RTD has committed to 1:1 mitigation for non- jurisdictional wetlands as noted in the mitigation table in Appendix B.

Changes from the Final Environmental Impact Statement

The following changes have occurred since the FEIS was released:

- Property Acquisitions. Due to additional survey information, the property acquisitions required for the Preferred Alternative have decreased slightly.
- Pecos Station Option A from the FEIS (only required if Adams County did not complete the Pecos Grade Separation project) is no longer under consideration since Adams County is currently preparing for construction of the Pecos Grade Separation. The design of the main Pecos Station option, included in the Preferred Alternative described in the FEIS and this ROD, is consistent with the implementation of the grade separation.
- Two mitigation measures were refined due to agency and stakeholder comments.
- Peak hour headways are likely to be reduced from 7.5 minutes to 15 minutes. This potential change was disclosed in the FEIS. This change would result in a decrease in impacts previously reported.

In addition to these changes, minor corrections to typographical errors in the FEIS can be found in the response to comments on the project website.

Land Acquisition, Displacement, and Relocation of Existing Uses

Based on additional survey information received since the release of the FEIS, modifications to property acquisitions were identified. These changes slightly decrease the total acres of private property to be acquired from 128.2 acres to 127.5 acres. In addition, these changes decrease the number of partial residential impacts from 13 to eight.

Table 3 summarizes new property impacts that were identified or revised impact acreages from the survey data. New or modified impacts, noted in this ROD, will not result in any additional business relocations or any residential relocations.

TABLE 3: PROPERTY IMPACTS THAT HAVE BEEN UPDATED OR ADDED SINCE THE FEIS

| Parcel ID and Property Owner | Property Type | Acres Acquired | Percent Impact | Business Relocations | Comments |
|--|---------------|----------------|----------------|----------------------|---|
| Gold Line Alignment and Stations | | | | | |
| 0227300092000 City and County of Denver Park Avenue West Maintenance Facility | Industrial | 1.18 | 14 (Partial) | 0 | Impacts to parcel 0227300092000 were included in the municipal total in the FEIS, but the City and County of Denver requested that impacts to this parcel be documented individually. |
| 215300070000 Owens-Corning Fiberglas Corporation | Industrial | 0.08 | 16 (Partial) | 0 | Owens Corning representatives requested that impacts be recalculated with additional survey information. |
| 182515204006 Owens-Corning Fiberglas Corporation | Industrial | 1.92 | 16 (Partial) | 0 | Owens Corning representatives requested that impacts be recalculated with additional survey information. |

| Parcel ID and Property Owner | Property Type | Acres Acquired | Percent Impact | Business Relocations | Comments |
|---|---------------|----------------|----------------|----------------------|---|
| 182510300003 Koppers Industries Inc. | Industrial | 0.23 | 5 | 0 | Impacts were modified as a result of additional survey information. |
| 182510300004 Koppers Industries Inc. | Industrial | <0.01 | <1 | 0 | Impacts were documented as a result of additional survey information. |
| 0182515205008 Mountain States Packaging | Industrial | 0.01 | <1 (Partial) | 0 | Impacts were documented as a result of additional survey information. |
| 0182509400026 Newman Polly c/o Robert Pierce | Industrial | <0.01 | <1 (Partial) | 0 | Impacts were documented as a result of additional survey information. |
| 182509104012 EP Investment LLC | Industrial | 6.61 | 100 (Full) | 0 | Impacts to 182509104012 increased as a result of revised parcel records which documented that parcel 182509104007 no longer exists. |
| 3912399003 Lykou Family LLC | Commercial | 0.04 | 9 (Partial) | 0 | Impacts were documented as a result of additional survey information. |
| Commuter Rail Maintenance Facility | | | | | |
| 215300070000 Owens-Corning Fiberglas Corporation | Industrial | 0.06 | 12 (Partial) | 0 | Owens Corning representatives requested that impacts be recalculated with additional survey information. |
| 182515204006 Owens-Corning Fiberglas Corporation | Industrial | 1.19 | 10 (Partial) | 0 | Owens Corning representatives requested that impacts be recalculated with additional survey information. |

Source: Gold Line Team, 2009

The parcels identified in Table 4 below were documented as impacted in the FEIS, but based on additional survey information will not be permanently impacted.

TABLE 4: PROPERTY IMPACTS THAT HAVE BEEN REMOVED SINCE THE FEIS

| Parcel ID and Property Owner | Property Type | Acres Acquired | Percent Impact | Business Relocations | Comments |
|--|---------------|----------------|----------------|----------------------|--|
| 182509400053 Broderick Investment Company | Other | 1.04 | 2 (Partial) | 0 | Based on additional survey information this area is owned by Adams County. Therefore the total acres of all municipal impacts will increase from 13.92 to 14.96 acres. |

| Parcel ID and Property Owner | Property Type | Acres Acquired | Percent Impact | Business Relocations | Comments |
|---|---------------|----------------|-----------------|----------------------|---|
| 182509104007 EP Investment LLC | Industrial | 4.35 | 100 (Full) | 0 | Impacts to parcel 182509104007 are removed from the impacts and were added to parcel 182509104012 as noted in Table 3 above, based on revised parcel records for the Pecos station which indicate that parcel 182509104007 no longer exists |
| 182508300013 Lynetta King | Commercial | 0.06 | 4 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3912300071 Gilbert Dunn | Industrial | 0.02 | 3 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3912300072 Family Precision LLC | Commercial | 0.08 | 10 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3912300075 Lectra Products Co | Commercial | 0.02 | 2 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3915212014 Geoffrey Bruce | Residential | 0.03 | 15 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3916406005 Arvada Ridge Market Place LLC | Commercial | 0.11 | 8 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3916406013 Arvada Ridge Market Place LLC | Commercial | <0.01 | <1 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3916406006 Arvada Ridge Market Place LLC | Commercial | <0.01 | <1 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3916406014 Arvada Ridge Market Place LLC | Other | 0.07 | 9 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3917403013 Spencer Clark | Residential | 0.03 | 11 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3917403001 Gary Gosik | Residential | 0.03 | 8 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |
| 3917403014 The Martin Family Trust | Residential | 0.02 | 6 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |

| Parcel ID and Property Owner | Property Type | Acres Acquired | Percent Impact | Business Relocations | Comments |
|------------------------------|---------------|----------------|----------------|----------------------|--|
| 3917403012 Ronald Yelick | Residential | 0.01 | 3 (Partial) | 0 | Based on additional survey information permanent impacts to this parcel will be avoided. |

Source: Gold Line Team, 2009

In addition, parcel 0227801017000 (Combined Fishman Properties) was documented as a partial acquisition in Table 3.3-2 and as a full acquisition in Table 3.3-3 of the FEIS. Impacts to this property will result in a full acquisition as was documented in Table 3.3-3 of the FEIS.

Refined Mitigation Measures Based on Comments

Based on comments from stakeholders, two mitigation measures were modified from the FEIS. These two changes are summarized below and are included in Appendix B.

- The provisions of Migratory Bird Treaty Act (MBTA) are applicable year-round; most migratory bird nesting activity in eastern Colorado occurs during the period between April 1 and August 31 (in the FEIS the nesting period was documented as between April 1 and August 15).
- The intersection at Ward Road and 50th Place will be signalized when a traffic signal is warranted (in the FEIS the signal was recommended if Ward Road was improved to six lanes).

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 B herein, and the written and oral comments offered by other agencies and the public 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



Date