

3.3 LAND ACQUISITION, DISPLACEMENTS, AND RELOCATION OF EXISTING USES

3.3.1 Introduction to Analysis

3.3.1.1 Summary of Results

The Preferred Alternative would require the acquisition of 134.40 acres of property, resulting in the relocation of 76 businesses and 16 residences. The Downtown Louisville Station would impact 3.58 acres of the Louisville Sports Center for shared parking. The impact would be concentrated to the existing parking at the complex and would not convert any lands from recreational use. The land would not be acquired by the Regional Transportation District (RTD); however, the parking would be operated under a joint agreement between RTD and local jurisdictions.

The roadway and transit projects included in the No Action Alternative would likely require the acquisition of private property. Property impacts associated with the No Action Alternative would be addressed in the environmental documentation prepared for the individual projects as they are funded.

3.3.1.2 Purpose

Property acquisition is the result of the need to obtain property for public right-of-way (ROW) for the construction of the Preferred Alternative. Concerns regarding property acquisition have been expressed by the public and project stakeholders during public involvement activities and have remained an important issue throughout project development.

3.3.2 Affected Environment

The project study area follows the BNSF Railway Company line from Denver Union Station (DUS) to Longmont, passing through North Denver, Adams County, City of Westminster, City and County of Broomfield, City of Louisville, City of Boulder, Boulder County, City of Longmont. The portion of the project between Denver Union Station (DUS) and the South Westminster/71st Avenue Station would be located in exclusive transit ROW. The portion of the project extending beyond the South Westminster/71st Avenue Station would be in BNSF Railway Company ROW and would be shared with freight operations.

The existing rail corridor includes a mix of land uses and is generally 100 feet wide along the mainline. However, the ROW width varies in some locations to accommodate multiple tracks or grade separations.

3.3.3 Impact Evaluation

3.3.3.1 Methodology

This analysis identifies properties that may be acquired and businesses that may be relocated for construction of the Preferred Alternative. Aerial photographs displaying the ROW footprint and parcel data from county assessors' offices were obtained to analyze the impact of the project.

For this analysis, relocation is defined as being necessary when property acquisition boundaries come into contact with a built structure or when the remaining portion of property is not adequate to maintain its prior use. A partial property acquisition occurs when the project does not require the entire parcel and the integrity of the existing function of the property is maintained. To be conservative, it is assumed that any acquisition of greater than 20 percent is a full acquisition.

RTD would be constructing this project in phases. Phase 1 includes construction from DUS to the South Westminster/71st Avenue Station (approximately Bradburn Boulevard). Phase 1 would be constructed as a component of RTD's Eagle P3 project. For Phase 1, RTD would operate on tracks exclusively dedicated to commuter rail transit from DUS to the South Westminster/71st Avenue Station. Future phases constructed beyond the South Westminster/71st Avenue Station would share track and ROW with freight operations and would require an operating easement from the BNSF Railway Company. RTD is currently negotiating the necessary agreements with the BNSF Railway Company. Because the Eagle P3 project includes electric multiple unit technology for the Gold Line and East Corridor projects, the Phase 1 Alignment will be electrified from DUS to South Westminster/71st Avenue Station. Electrification of this portion of the Phase 1 Alignment would avoid the purchase of diesel multiple unit (DMU) vehicles by the Eagle P3 contractors. Future phases constructed beyond the South Westminster/71st Avenue Station would be DMU and DMU technology would ultimately operate from DUS to downtown Longmont.

Impacts are broken down into the following categories:

1. **Northwest Rail (NWR) Corridor Alignment** – Impacts that would result from acquisitions for the project north of the South Westminster/71st Avenue Station to Longmont.
2. **Proposed Stations** – Impacts that would result from the land required for proposed station platforms and associated park-n-Rides. Both funded and unfunded stations are included in the impact analysis. Impacts associated with the South Westminster/71st Avenue Station are included in Phase 1, because this station would be constructed as part of Phase 1.
3. **Phase 1** – Impacts that would result from acquisitions for the project between DUS and the South Westminster/71st Avenue Station. Phase 1 would be constructed first, as part of RTD's Eagle P3 project.

3.3.3.2 Results

No Action Alternative

The No Action Alternative assumes that existing and committed improvements, as defined in Chapter 2.0, Alternatives Considered, would be implemented by others as planned.

Direct, Indirect, Temporary Construction, and Cumulative Impacts

It is anticipated that private property would need to be acquired for some or all of the roadway and transit projects identified under the No Action Alternative. These projects would likely result in direct, indirect, temporary construction, and cumulative impacts. The extent of these impacts will be evaluated in the environmental documents being prepared for these projects.

Preferred Alternative

The Preferred Alternative is approximately 41 miles in length. Property acquisition and permitting would be a joint effort between the BNSF Railway Company and RTD. Unlike other FasTracks corridors, RTD would not own the entire ROW. Phase 1 of the project (from DUS to the South Westminster/71st Avenue Station) would be constructed as part of the Eagle P3 project. For Phase 1, RTD would operate on tracks exclusively dedicated to commuter rail transit from DUS to the South Westminster/71st Avenue Station. Future phases constructed beyond the South Westminster/71st Avenue Station would share track and ROW with freight operations and would require an operating easement from the BNSF Railway Company. RTD is currently negotiating the necessary agreements with the BNSF Railway Company. RTD would acquire, construct, and maintain the proposed station sites funded through the FasTracks program.

Under the Preferred Alternative, the existing BNSF Railway Company track would be rehabilitated/replaced, and one new track adjacent to the existing BNSF Railway Company track would be constructed between the South Westminster/71st Avenue Station and downtown Longmont. Both tracks would be utilized by freight and Federal Railroad Administration-compliant commuter rail vehicles. Tracks for the exclusive use of RTD would also be constructed between DUS and the South Westminster/71st Avenue Station.

Direct Impacts

The Preferred Alternative would require the acquisition of 134.40 acres of property, resulting in the relocation of 76 businesses and 16 residences. The majority of property acquisition (72.99 acres) is associated with proposed stations and consists primarily of private property and slivers of public ROW. Table 3.3-1 summarizes the property acquisitions and relocations for the Preferred Alternative.

TABLE 3.3-1. PROPERTY ACQUISITIONS AND RELOCATIONS FOR THE PREFERRED ALTERNATIVE

Impact Category	Acres Acquired ³	Business Relocations	Residential Relocations
NWR Corridor Alignment	12.77 ¹	0	0
Proposed Stations	72.99	69	16
Phase 1 ²	48.64	7	0
Total	134.40	76	16

Source: NWR Corridor Project Team, 2010.

Notes:

¹ Property acquisition for the mainline track would be the responsibility of the BNSF Railway Company.

² Alignment acquisitions from DUS to the South Westminster/71st Avenue Station and the footprint associated with the South Westminster/71st Avenue Station are included under Phase 1.

³ There would be additional impacts to parcels not identified in county assessor's records.

NWR Corridor Alignment

The NWR Corridor Alignment between the South Westminster/71st Avenue Station and the Downtown Longmont Station would result in the acquisition of 12.77 acres for ROW. This excludes property within existing BNSF Railway Company ROW and consists primarily of slivers of private property adjacent to the existing rail line. No businesses or residences would be relocated as a result of the proposed alignment. Table 3.3-2 summarizes property acquisitions for the alignment.

TABLE 3.3-2. PROPERTY ACQUISITIONS AND RELOCATIONS FOR THE PROPOSED ALIGNMENT¹

Project Section	Acres Acquired ⁴	Partial/Full Acquisitions ²	Business Relocations	Residential Relocations
Denver	Acquisitions associated with the Denver Section are included under Phase 1.			
Adams	0.05 ³	10 Partial/0 Full	0	0
Westminster	1.34	27 Partial/0 Full	0	0
Broomfield	0.48	12 Partial/1 Full	0	0
Louisville	4.72	39 Partial/2 Full	0	0
Boulder	2.77	50 Partial/0 Full	0	0
Longmont	3.41	24 Partial/11 Full	0	0
Total	12.77	162 Partial/14 Full	0	0

Source: NWR Corridor Project Team, 2009.

Notes:

¹ Includes parcels outside of BNSF Railway Company ROW that are impacted by the mainline track and grade crossings.² Acquisitions consist primarily of slivers of private property and do not contain structures that result in business or residential relocations.³ Alignment acquisitions from DUS to the South Westminster/71st Avenue Station are included under Phase 1.⁴ There would be additional impacts to parcels not identified in county assessor's records.

Proposed Stations

Proposed station sites would require the acquisition of approximately 72.99 acres of private property, resulting in the relocation of 16 residences and 69 businesses. Table 3.3-3 presents estimates of the partial and full property acquisition and relocated businesses and residences for the proposed stations. Figure 3.3-1 shows the acres to be acquired, maximum business displacements and residential relocations, and current property uses for each station.

TABLE 3.3-3. PROPERTY ACQUISITIONS AND RELOCATIONS FOR THE PROPOSED STATIONS

Location	Parcel ID	Property Type	Acres Acquired ²	Percent Impact	Business Relocations	Residential Relocations
Adams Section						
South Westminster/ 71 st Avenue Station	Acquisitions associated with the South Westminster/71 st Avenue Station are included under Phase 1.					
Westminster Section						
Westminster/ 88 th Avenue	29-244-02-025	Commercial	1.20	26 (Full)	0	0
	29-244-02-025	Commercial	1.29	33 (Full)	0	0
	29-244-02-026	Commercial	0.25	100 (Full)	0	0
	29-244-02-026	Commercial	0.15	98 (Full)	0	0
	29-244-02-027	Commercial	0.71	80 (Full)	1	0
	29-244-02-027	Commercial	0.89	84 (Full)	0	0
	29-244-02-028	Commercial	4.36	35 (Full)	0	0
	29-251-12-003	Commercial	0.22	7 (Partial)	0	0
	29-251-12-004	Commercial	2.78	100 (Full)	1	0
	29-252-00-002	Commercial	0.38	100 (Full)	1	0
	Station Total		NA	12.23	NA	3

TABLE 3.3-3. PROPERTY ACQUISITIONS AND RELOCATIONS FOR THE PROPOSED STATIONS

Location	Parcel ID	Property Type	Acres Acquired ²	Percent Impact	Business Relocations	Residential Relocations
Walnut Creek	29-114-03-029	Other	2.71	49 (Full)	0	0
	29-114-03-032	Other	0.10	100 (Full)	0	0
	29-114-03-065	Commercial	0.42	2 (Partial)	0	0
	29-114-03-067	Other	0.08	100 (Full)	0	0
	29-114-05-028	Other	0.89	23(Full)	0	0
	Station Total	NA	4.20	NA	0	0
Broomfield Section						
Broomfield/ 116 th Avenue	171702100013	Exempt	<0.01 ¹	<1 (Partial)	0	0
	171702100014	Commercial	2.57	99 (Full)	2	0
	171702100015	Commercial	1.87	100 (Full)	1	1
	171702118008	Commercial	<0.01 ¹	<1 (Partial)	0	0
	171702118013	Industrial	0.01	13 (Partial)	0	0
	171702118014	Other	1.23	99 (Full)	25	0
	171702118019	Other	1.49	98 (Full)	1	0
	171702118020	Industrial	0.06	5 (Partial)	0	0
	171702400003	Agricultural	0.15	1 (Partial)	0	0
Station Total	NA	7.38	NA	29	1	
Louisville Section						
Flatiron	RTD currently owns the property needed for the proposed Flatiron Station. Therefore, no property acquisition would be required.					
Downtown Louisville	157508100002	Other	0.02	<1 (Partial)	0	0
	157508138005	Commercial	1.34	35 (Full)	6	0
	157508140003	Commercial	0.06	4 (Partial)	0	0
	157508142002	Commercial	4.73	98 (Full)	1	0
	Station Total	NA	6.15	NA	7	0
Boulder Section						
East Boulder	146326000002	Other	0.06	1 (Partial)	0	0
	146326003010	Vacant Land	0.04	5 (Partial)	0	0
	146326005001	Vacant Land	3.36	99 (Full)	1	0
	146326005013	Residential	2.35	100 (Full)	1	0
	146326005017	Commercial	2.07	100 (Full)	6	0
	146326005019	Vacant Land	0.56	35 (Full)	1	0
	Station Total	NA	8.44	NA	9	0

TABLE 3.3-3. PROPERTY ACQUISITIONS AND RELOCATIONS FOR THE PROPOSED STATIONS

Location	Parcel ID	Property Type	Acres Acquired ²	Percent Impact	Business Relocations	Residential Relocations
Boulder Transit Village	146329100032	Other	<0.01 ¹	<1 (Partial)	0	0
	146329100047	Commercial	2.54	61 (Full)	1	0
	146329101004	Commercial	0.03	2 (Partial)	0	0
	146329101005	Commercial	0.04	12 (Partial)	0	0
	146329101007	Commercial	0.29	49 (Full)	1	0
	146329101008	Commercial	1.16	100 (Full)	0	0
	146329101009	Commercial	0.47	41 (Full)	1	0
	146329102005	Commercial	<0.01 ¹	<1 (Partial)	0	0
	146329121001	Commercial	0.05	12 (Partial)	0	0
	Station Total	NA	4.58	NA	3	0
Gunbarrel	146310001001	Commercial	0.01	1 (Partial)	0	0
	146310002001	Commercial	0.03	1 (Partial)	0	0
	146310002004	Commercial	4.32	95 (Full)	11	0
	Station Total	NA	4.36	NA	11	0
Longmont Section						
Twin Peaks	131516200002	Other	0.30	5 (Partial)	0	0
	131516219005	Commercial	1.17	80 (Full)	1	0
	131516219006	Commercial	0.20	18 (Partial)	0	0
	131516219009	Vacant Land	0.67	24 (Full)	0	0
	Station Total	NA	2.34	NA	1	0
Downtown Longmont	131503325001	Commercial	0.64	77 (Full)	1	0
	131503325002	Vacant Land	0.42	76 (Full)	0	0
	131503325004	Residential	0.31	74 (Full)	0	1
	131503325005	Commercial	0.32	73 (Full)	1	0
	131503325006	Residential	0.62	72 (Full)	0	10
	131503325007	Residential	0.31	70 (Full)	0	1
	131503325008	Residential	0.19	69 (Full)	0	1
	131503325009	Commercial	0.33	69 (Full)	1	1
	131503325013	Commercial	0.35	70 (Full)	0	0
	131503325016	Mixed Use	0.23	74 (Full)	1	1
	131510200007	Residential	0.01	9 (Partial)	0	0
	131510200008	Residential	0.01	1 (Partial)	0	0
	131510200048	Commercial	0.01	1 (Partial)	0	0
	131510213002	Commercial	6.70	100 (Full)	1	0
	131510213003	Commercial	3.09	99 (Full)	1	0
Station Total	NA	13.54	NA	6	15	

TABLE 3.3-3. PROPERTY ACQUISITIONS AND RELOCATIONS FOR THE PROPOSED STATIONS

Location	Parcel ID	Property Type	Acres Acquired ²	Percent Impact	Business Relocations	Residential Relocations
Additional Parcels						
Additional acreage required for stations from parcels with unknown parcel identification numbers.	NA	These parcels are various types of ROW that do not have parcel identification numbers and are vacant.	9.77	NA	0	0
Total	NA	NA	72.99	NA	69	16

Source: NWR Corridor Project Team, 2009.

Notes:

ID = Parcel Identification Number

NA = not applicable

¹ Property acquisitions < 0.01 acre total less than 0.003 acre and are not included in the overall calculation of ROW impacts.

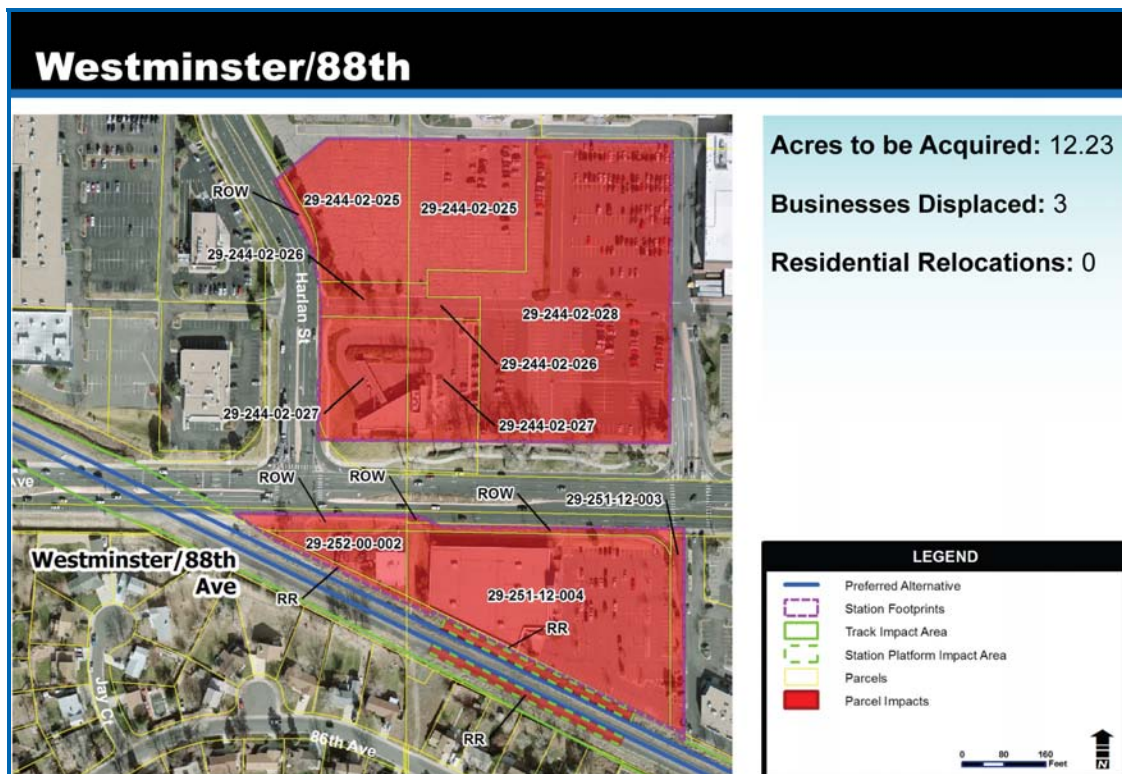
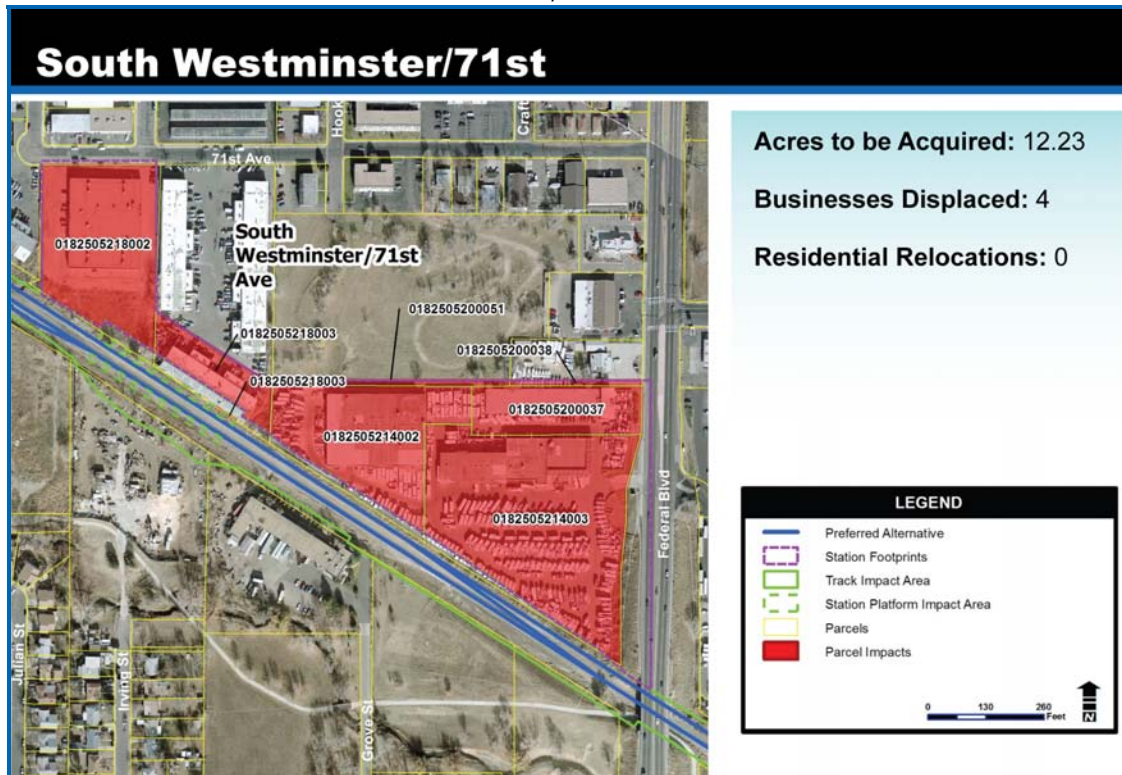
² There would be additional impacts to parcels not identified in county assessor's records.

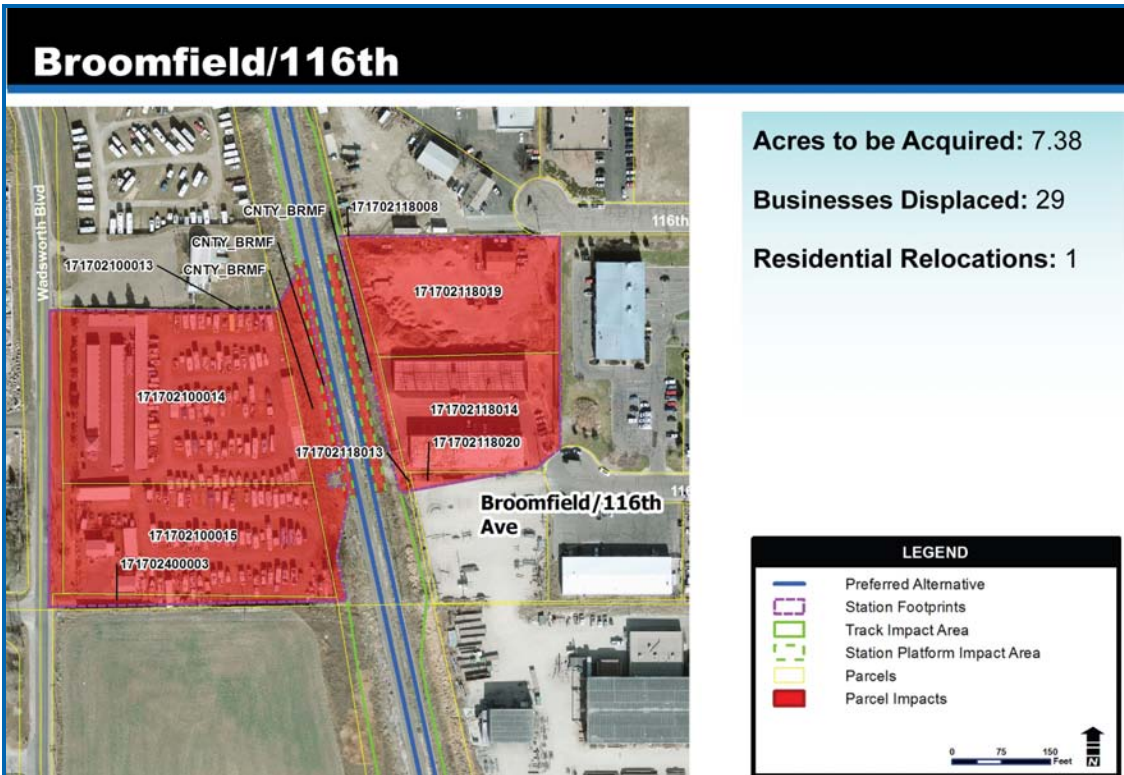
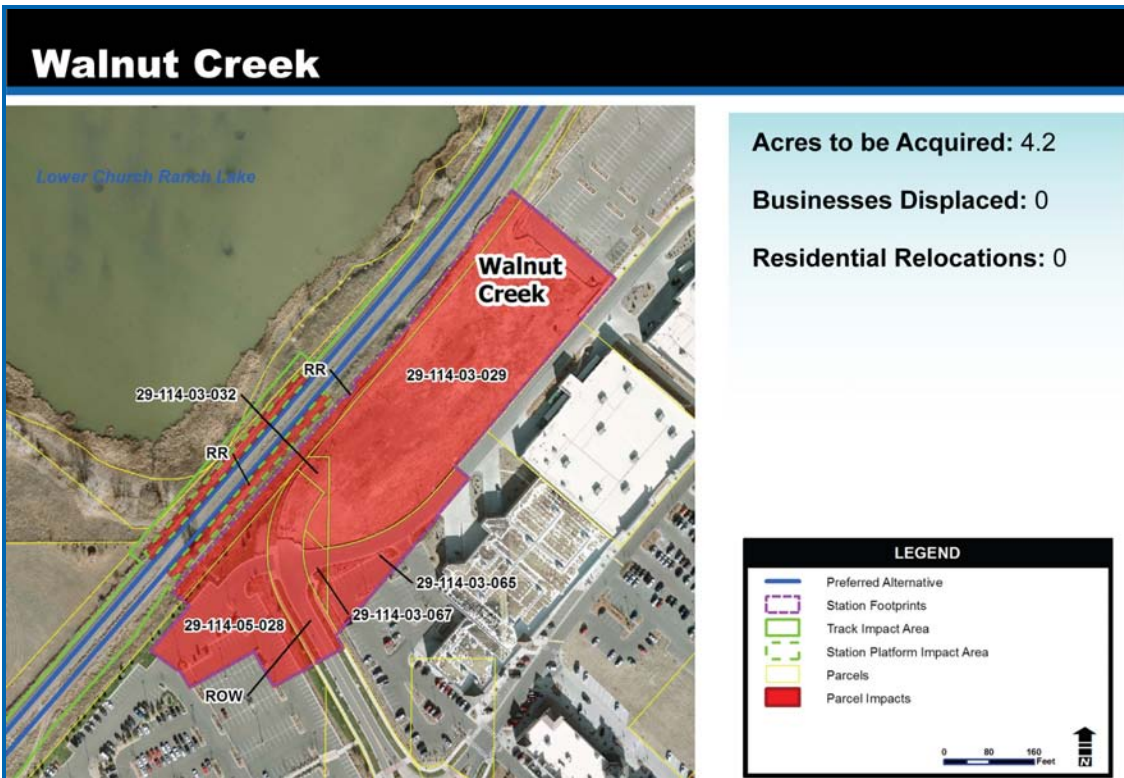
The businesses impacted by proposed stations range from offices and retail/commercial businesses to larger warehouse and manufacturing operations. Market studies in the Denver metropolitan and Northern Colorado areas show unchanged or increasing vacancy rates for office, industrial, and retail properties in July 2009 (Metro Denver Economic Development Corporation 2009). This information indicates adequate availability exists for sale or lease of replacement sites for relocated businesses.

The Downtown Louisville Station would impact 3.58 acres of the Louisville Sports Center for shared parking. The impact would be concentrated to the existing parking at the complex and would not convert any lands from recreational use. This impact is not included in Table 3.3-3 because the land would not be acquired by RTD; however, the parking would be operated under a joint agreement between RTD and local jurisdictions.

As shown in Table 3.3-3, the Broomfield/116th Avenue Station would result in one residential relocation and the Downtown Longmont Station would result in the relocation of 15 residences. Ten of these are located in the Park Patio mobile home park in downtown Longmont. Comparable housing stock is available within the project study area to accommodate these relocations. Data available from the Colorado Department of Local Affairs for the first quarter of 2009 indicate the average vacancy rental rate for the Denver metropolitan area at 8.4 percent. The availability of rental properties, combined with the recent downturn in the real estate market reflects sufficient availability of residential properties.

FIGURE 3.3-1. IMPACT SUMMARY – PROPOSED STATION AREA ACQUISITIONS, DISPLACEMENTS, AND CURRENT USE





Flatiron

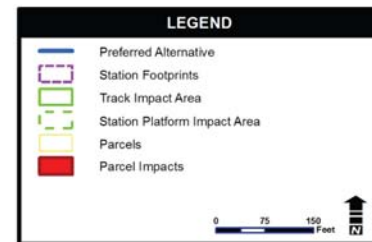


Acres to be Acquired: 0

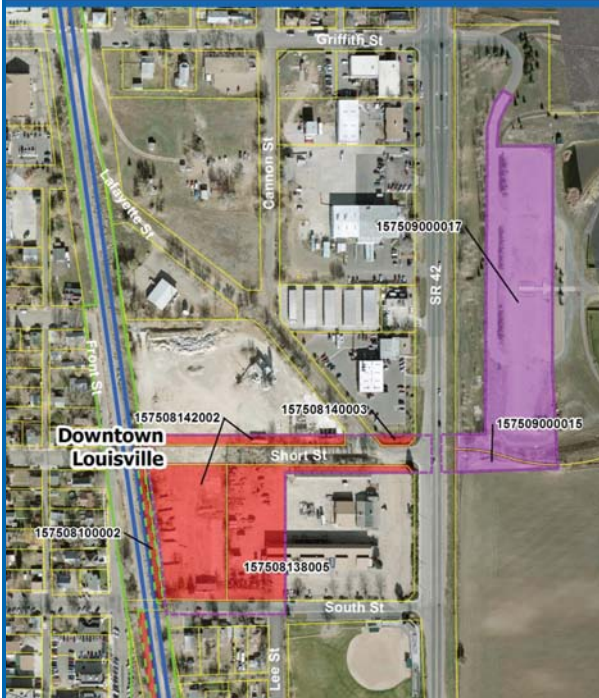
Businesses Displaced: 0

Residential Relocations: 0

Note: No land acquisition required as RTD currently owns the property needed for this site.



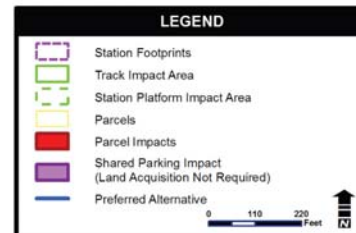
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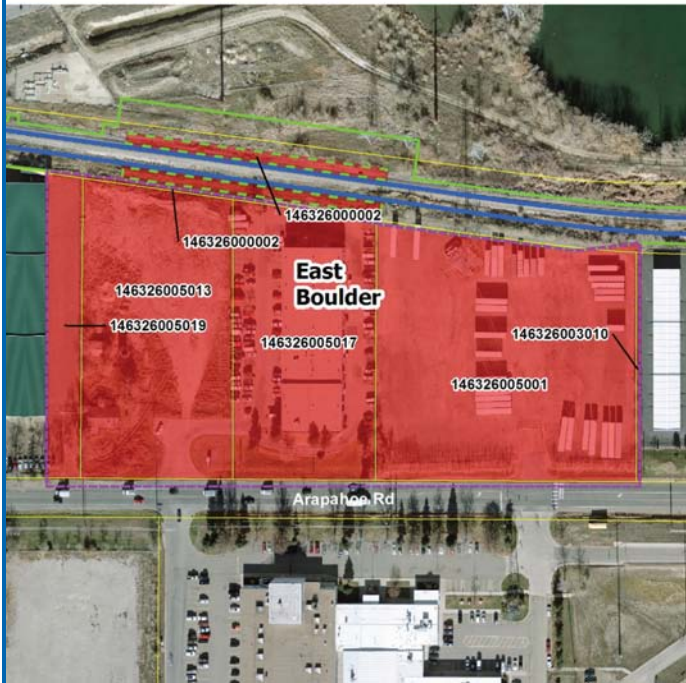
Acres to be Acquired: 6.15

Businesses Displaced: 7

Residential Relocations: 0



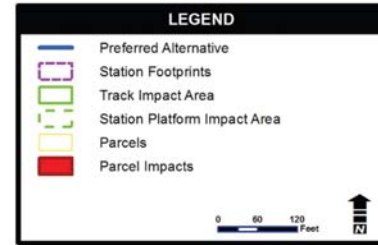
East Boulder



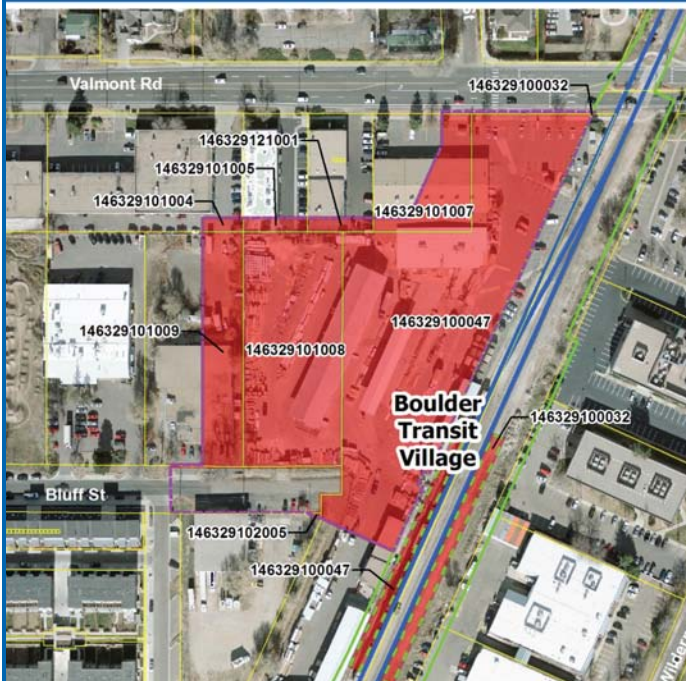
Acres to be Acquired: 8.44

Businesses Displaced: 9

Residential Relocations: 0



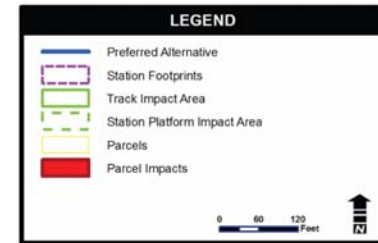
Boulder Transit Village

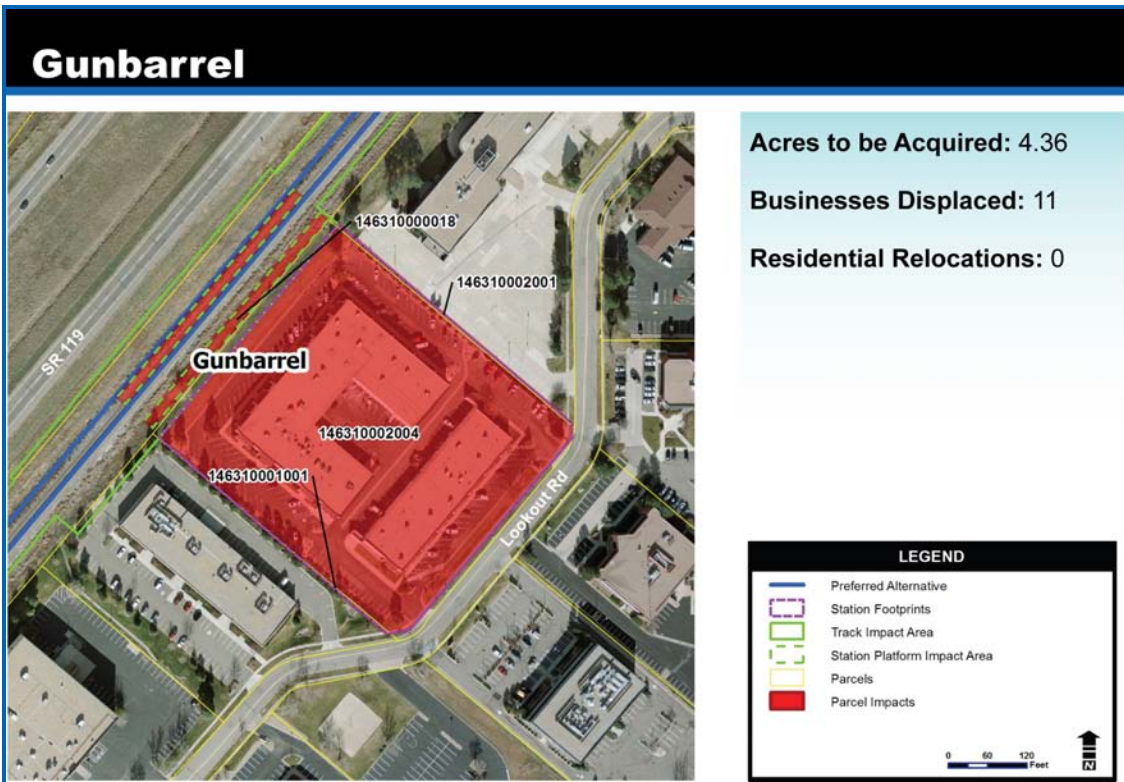


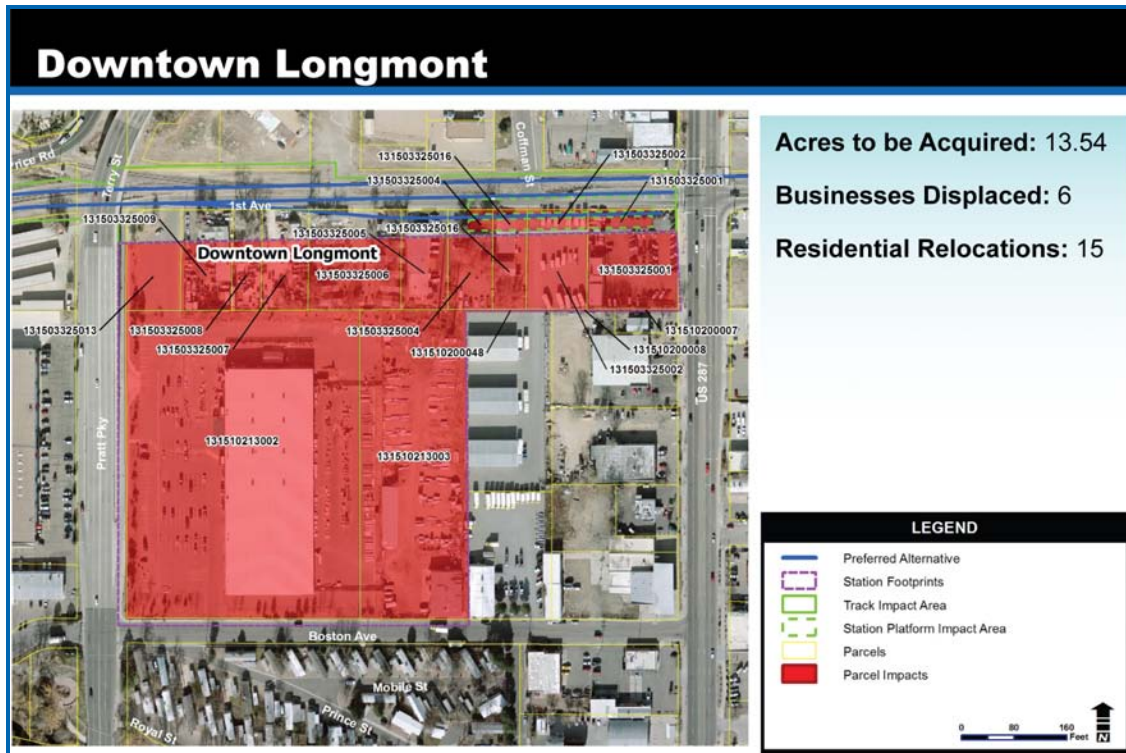
Acres to be Acquired: 4.58

Businesses Displaced: 3

Residential Relocations: 0







Sources: NWR Corridor Project Team, 2008-09; Denver Regional Council of Governments, 2007-08; Colorado Department of Transportation, 2006; ESRI SDC, 2004.

Phase 1

Implementation of Phase 1 between DUS and the South Westminster/71st Avenue Station would result in acquisition of 48.64 acres (36.41 acres for the alignment and 12.23 acres for the station). Phase 1 would also result in the relocation of seven businesses. Tables 3.3-4 and 3.3-5 below provide details of the impacts (see Figure 3.3-1 above for a graphic of the South Westminster/71st Avenue Station).

For Phase 1, RTD would operate on tracks exclusively dedicated to commuter rail transit from DUS to the South Westminster/71st Avenue Station. Future phases constructed beyond the South Westminster/71st Avenue Station would share track and ROW with freight operations and would require an operating easement from the BNSF Railway Company. RTD is currently negotiating the necessary agreements with the BNSF Railway Company.

TABLE 3.3-4. PROPERTY ACQUISITIONS AND RELOCATIONS FOR THE PHASE 1 ALIGNMENT¹

Project Section	Acres Acquired ⁴	Partial/Full Acquisitions ²	Business Relocations	Residential Relocations
Denver	31.20	8 Partial/8 Full	3	0
Adams	5.21 ³	33 Partial/1 Full	0	0
Total	36.41	41 Partial/9 Full	3	0

Source: NWR Corridor Project Team, 2010.

Notes:

¹ Includes parcels outside of BNSF Railway Company ROW that are impacted by the mainline track and grade crossings.

² Acquisitions consist primarily of slivers of private property and do not contain structures that result in business or residential relocations.

³ Adams Section impacts from Bradburn Boulevard continuing north, are included in the NWR Corridor Alignment acquisitions in Table 3.3-2.

⁴ There would be additional impacts to parcels not identified in county assessor's records.

TABLE 3.3-5. PROPERTY ACQUISITIONS AND RELOCATIONS FOR PHASE 1 SOUTH WESTMINSTER/71ST AVENUE STATION

Location	Parcel ID	Property Type	Acres Acquired ¹	Percent Impact	Business Relocations	Residential Relocations
Adams Section						
South Westminster/ 71 st Avenue	182505200037	Commercial	1.20	100 (Full)	1 ²	0
	182505200038	Commercial	0.11	12 (Partial)	0 ²	0
	182505200051	Residential	0.18	3 (Partial)	0	0
	182505214002	Commercial	2.47	93 (Full)	1	0
	182505214003	Commercial	4.89	97 (Full)	*	0
	182505218002	Commercial	2.63	93 (Full)	1	0
	182505218003	Industrial	0.75	18 (Partial)	1	0
	Station Total		NA	12.23	NA	4

Source: NWR Corridor Project Team, 2009.

Notes:

¹ There would be additional impacts to parcels not identified in county assessor's records.

² These two parcels are utilized by a single business and have a single owner. Therefore only a single business relocation is assumed.

The businesses impacted by proposed stations range from offices and retail/commercial businesses to larger warehouse and manufacturing operations. Market studies in the Denver metropolitan and Northern Colorado areas show unchanged or increasing vacancy rates for office, industrial, and retail properties in July 2009 (Metro Denver Economic Development Corporation 2009). This information indicates adequate availability exists for sale or lease of replacement sites for relocated businesses.

Indirect Impacts

The property acquisitions would indirectly result in job losses, as discussed in Section 3.2.3, Economic Considerations.

Temporary Construction Impacts

Approximately 22.7 acres of property would be needed from 170 parcels for temporary easements during the construction of the Preferred Alternative. The need for temporary easements would be greatest in the Louisville, Boulder, and Longmont sections. Easements

would only be needed for construction and would not require the permanent acquisition of property.

Cumulative Impacts

Property acquisition required for the Preferred Alternative would be additive to the property required for the roadway and transit projects included in the No Action Alternative, plus the additional land needed for new public infrastructure to serve the 2035 population in the project study area, estimated at approximately 1,800 acres. As described under the No Action Alternative, up to 31,000 acres would be required for public infrastructure to accommodate the 2035 population estimated for the Denver metropolitan area and up to 5,800 acres would be required for public infrastructure to accommodate the 2035 population of the North Front Range metropolitan area.

Avoidance and Minimization Measures

The Preferred Alternative would use the existing rail line, minimizing the amount of property required for acquisition. Track alignment was designed to avoid the need for any full residential or business parcels. Proposed station footprints were designed in coordination with local municipalities with efforts to minimize the need for acquisitions of businesses and residences. The project team examined relocation of the Downtown Longmont Station to the north to avoid impacts to the Park Patio mobile home park, but doing so would have resulted in greater property impacts and acquisition of a historic property.

3.3.4 Mitigation Measures

Mitigation for land acquisition, displacements, and relocation of existing use are described in Table 3.3-6.

TABLE 3.3-6. MITIGATION MEASURES FOR LAND ACQUISITIONS, DISPLACEMENTS, AND RELOCATION OF EXISTING USES UNDER THE PREFERRED ALTERNATIVE

Impact	Impact Type	Mitigation Measures for the Preferred Alternative
Acquisition of residential, commercial, or industrial properties	Direct Impacts	<ul style="list-style-type: none"> • Acquisition. The acquisition of real property interests will comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) and the Fifth Amendment of the United States Constitution. The Uniform Act applies to all acquisitions of real property or displacements of people resulting from federal or federally assisted programs or projects. • All impacted owners will be provided notification of the acquiring agency's intent to acquire an interest in property, including a written offer letter of just compensation specifically describing those property interests. • Relocation Analysis. RTD will prepare a relocation analysis to enable relocation activities to be planned in such a manner that the problems associated with the displacement of property are recognized and solutions are developed to minimize the adverse impacts of displacement. The Relocation Study will estimate the number, type, and size of businesses to be displaced and the approximate number of employees that may be affected; and consider any special advisory services that may be necessary from RTD and other cooperating agencies. • Relocation Assistance Advisory Services. Relocation assistance will include determining the relocation needs and preferences of each property to be displaced and explaining the relocation payments and other assistance for which each owner or tenant is eligible; providing current and continuing information on the availability, purchase prices, and rental costs of comparable replacement properties, and other programs administered by the Small Business Administration and other federal, state, and local programs offering assistance to displaced businesses. • Payments. The relocation payments provided to displaced businesses are determined by federal eligibility guidelines.

Source: NWR Corridor Project Team, 2009.