

**APPENDIX A**

**PUBLIC COMMENTS AND RESPONSES**

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# A PUBLIC AND AGENCY COMMENTS AND RESPONSES

The Draft EE was circulated to the general public and agencies on November, 3, 2009 and a public meeting was held on November 18, 2009. The formal public comment period ended on December 18, 2009. The comments received, and RTD’s responses to those comments are included in Table A-1 below.

<b>TABLE A-1: PUBLIC AND AGENCY COMMENTS AND RESPONSES</b>			
<b>Committer Type</b>	<b>Committer Name/Agency</b>	<b>Comment</b>	<b>Response</b>
Public	Mark Ruccolo	Hi, Did FasTracks look into going under Lincoln to limit visual obstruction from the surrounding communities. If not would it be cost effective run Light rail under Lincoln instead of over it? (39.536037014695,-104.870832103)	Yes. The potential for an undercrossing at Lincoln was investigated. To make the track grades acceptable for a Lincoln undercrossing, the undercrossing length would have to extend at least 1/4 -mile. The new profile would not fit into the RidgeGate Planned Development (Tract J) and would compromise the at-grade crossing south of the Sky Ridge Station area. Further, the utility conflicts in this location for an underpass are extensive. In terms of the cost of an underpass relative to a bridge, unless the adjacent grades at a crossing are very favorable, going under is typically less cost effective than going over.
Public	Anonymous	Where are the at-grade crossings?	There is one at Sky Ridge and potentially two on the east side of I-25 in the Lone Tree City Center. These are unknown at this time, but could be implemented to accommodate the future roadway network/development.
Public	Anonymous	Will there be pay for parking at the end-of-the-line station, RidgeGate?	Director O’Boyle stated that has not been planned at this time. The RTD criteria require that lots be 90% full before they are considered as a candidate for paid parking. Explained how the District assesses in versus out-of-district vehicles.

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<b>Commenter Type</b>	<b>Commenter Name/Agency</b>	<b>Comment</b>	<b>Response</b>
Public	Anonymous	Do we have enough money to pay for this?	Director O’Boyle discussed the funding situation currently faced by FasTracks. The Board may decide to go back to the voters for a sales tax increase in the next year or two. Also, they Board has convened a panel of experts to provide more detailed forecasts of RTD’s revenue stream over the next few years. Explained that the current estimate for the SE corridor is \$184 million.
Public	Anonymous	Is RTD considering Public/Private Partnerships?	Yes. RTD recently issued an RFP for the Eagle P3 program which will result in the construction of the FasTracks commuter rail lines and facilities to the east (DIA) and west (Gold Line), improvements to Denver Union Station, and a small part of the Northwest Rail line. RTD expects to conclude the procurement process this summer and get the work started shortly thereafter.
Public	Anonymous	How can RTD persuade voters that they need this extension, particularly those who live in the other parts of the region?	Any upcoming campaign will address the overall benefit of the FasTracks plan as a regional plan to improved travel times, mobility, accessibility.
Agency	OAHP	The Area of Potential Effects (APE), described as the “study area” in section 3.5, is presented in Figure 3.5 1. The text in section 3.5 does not explain how the APE boundary incorporates the direct, indirect, and cumulative potential effects. Why was the boundary drawn 162 feet in both directions from the centerline?	The APE defined in the Environmental Evaluation was based on the construction footprint for the proposed FasTracks line and associated facilities (e.g., proposed stations, parking areas) with respect to direct impacts, and was extended beyond this boundary to include any eligible or potentially eligible properties that might be exposed to impacts to their visual setting. The APE has been expanded in the vicinity of the identified historic resources to ensure the entire parcel for each historic resource has been included.
Agency	OAHP	The pedestrian survey mentioned in section 3.5.1 was not sent to our office for review and comment. We recommend submitting the survey to our office for review.	Cultural Resources technical memoranda will be submitted to OAHP along with the Final Environmental Evaluation (EE) documents.
Agency	OAHP	Please note that isolated finds are not defined as not eligible by definition, as reported in tables 3.5 2 and 3.5-3.	This text has been removed and replaced with the correct designation, "field not eligible".

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<b>Committer Type</b>	<b>Committer Name/Agency</b>	<b>Comment</b>	<b>Response</b>
Agency	USFWS	We are pleased that you noted in your mitigation section of the wildlife chapter (3.10) of the document how you will comply with the requirements of the Migratory Bird Treaty Act. In addition, we request that you coordinate with the Colorado Division of Wildlife and implement their Raptor Guidelines for any anticipated impacts to nesting raptors in the project area.	A commitment to coordinate with the DOW regarding implementation of their raptor guidelines for impacts to nesting raptors in the study area will be added to the mitigation summary table located in Section 3.10 and the executive summary.
Agency	USFWS	The EE mentioned the presence of an active red-tailed hawk nest along Cottonwood Creek and states that your project could cause abandonment of that nest. We request that you work with us and the Colorado Division of Wildlife (CDOW) on ways to minimize the effects of that expected abandonment. If you need a copy of the Raptor Guidelines, please let me know.	A commitment to coordinate with the CDOW regarding implementation of their raptor guidelines for impacts to nesting raptors in the study area will be added to the mitigation summary table located in Section 3.10 and the executive summary. RTD has a copy of CDOW's Raptor Guidelines.
Agency	DORA, Public Utilities Commission	The PUC has jurisdiction in Colorado to determine all public highway-rail crossing matters for a highway-rail crossing. Although the Draft EE may make certain recommendations regarding the proposed number and configuration of highway-rail crossings for the Southwest Corridor Extension, the PUC is not bound by these recommendations and may order a different number and/or configuration of the crossings than those proposed in the Draft EE once the applications for these crossings have been filed.	RTD will continue coordination with the Public Utilities Commission during the Final Design phase of the project. Section 4.3.3.4 has been updated to address the PUC's jurisdiction over highway-rail crossings.
Agency	DORA, Public Utilities Commission	Section 4.3.3.4 of the Draft EE regarding at-grade crossings uses incorrect and confusing terminology regarding preemption. Preemption is the process of transferring the normal operation of highway traffic signals to a special control mode, such as that of an approaching train or light-rail vehicle. The Manual of Uniform Traffic Control Devices (MUTCD) has not definition for the terms "full preemption" and "conditional preemption" as used in the Draft EE. Additionally, a crossing may have active warning consisting of flashing lights, gates, and bells installed at the crossing, as described in the Draft EE as "full preemption", without the need for any	Section 4.3.3.4 will be updated to correct terminology and explanations of at-grade crossing operations.

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		preemption timing to be included in the operation of the active warning signal. This section of the Draft EE should be rewritten to correct the terminology and explanations of at-grade crossing operations.	
Agency	USEPA	We appreciate RTD's commitment to perform the same level of environmental planning on all FasTracks corridors and projects, regardless of whether the project is covered by the National Environmental Policy Act.	Thank you.
Agency	USEPA	The EE for Southeast corridor identifies direct impacts to a 450 square foot non-jurisdictional wetland, labeled SE-8. This wetland is identified as occurring within an existing man-made stormwater basin that collects water from surrounding impervious surfaces during storm events. Impacts to SE-8 would be mitigated by purchasing credits from a wetland mitigation bank within the Cherry Creek Watershed. While EPA is pleased with RTD's plans to mitigate for all wetland impacts from the proposed project, including impacts to non-jurisdictional wetlands, we are concerned that replacing the wetland function within the local watershed will not adequately replace the lost stormwater detention functions of these facilities. Stormwater detention serves a critical purpose in protecting the water quality of the watershed from pollutants transported by stormwater runoff from impervious surfaces. We recommend that RTD consider ways to replace the lost capacity of SE-8 to prevent pollutant loading to local streams and rivers.	In 2008, the U.S. Army Corps of Engineers and EPA issued regulations (Federal Register Vol. 73, No. 70, page 19594) governing the compensatory mitigation for activities authorized by Section 404 permits issued by the Corps. The new rule encourages the use of mitigation banks and in-lieu fee programs over use of permittee-responsible mitigation because mitigation banks and in-lieu fee programs usually provide consolidated compensatory mitigation projects that have less risk and uncertainty. The rule also states that the Corps is the final decision-maker regarding whether a proposed compensatory mitigation option provides appropriate compensation for the Section 404 permit. There are three Corps-approved wetland mitigation banks that service the project area. RTD has proposed using an approved mitigation bank for all mitigation required under Section 404 jurisdiction, as well as impacts to isolated wetlands not subject to Corps jurisdiction. RTD is coordinating with the Corps to obtain jurisdictional determinations of impacted wetlands and waters of the U.S. and concurrence on the use of a wetland mitigation bank to satisfy the Section 404 process.

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<b>Committer Type</b>	<b>Committer Name/Agency</b>	<b>Comment</b>	<b>Response</b>
Agency	Douglas County	The extension of these two FasTracks lines further into Douglas County and Highlands Ranch will support regional goals of reducing vehicle miles traveled and fossil-fuel consumption, while encouraging use of transit, bicycling, and walking.	Comment noted.
Agency	Douglas County	Douglas County encourages communication and collaboration in minimizing construction impacts, especially through the provision of alternative circulation routes.	Comment noted. RTD is committed to the mitigation measure in Table 3.2-6, which relates to provision of traffic management and circulation, and coordination with local jurisdictions.
Agency	Douglas County	Douglas County supports the efforts to document and protect, to the maximum extent possible, all known and discovered historic resources.	Comment noted.
Agency	Douglas County	Douglas County encourages the use of Context Sensitive Solutions in addressing potential impacts to surrounding visual and aesthetic resources.	Comment noted.
Agency	Douglas County	Upgraded paving and signage for the High Line Canal Trail and C-470 Trail will be a welcome safety improvement for the users of those trail systems.	Construction activities will be subject to local ordinances and necessary construction permits (as with CDOT), which will determine work periods.
Agency	Douglas County	Will constructions crews work periods limit noise at least to the extent that local ordinances dictate?	Comment noted.
Agency	Douglas County	Douglas County strongly encourages requiring xeric plant material only be used in the proposed vegetation mitigation measures, reducing the need for irrigation.	Trees will be replaced per RTD and CDOT policy at a 1:1 ratio, but size/caliper is not determined.
Agency	Douglas County	What size/caliper of tree will be used to replace mature/existing trees removed from the CDOT right-of-way?	RTD has done preliminary operations planning for supporting transit services in the Build Alternative, which are depicted in Figure 2.3-4. RTD is committed to providing feeder bus service to light rail stations.
Agency	Douglas County	To what extent has RTD planned for complimentary bus service to and from both stations?	The project utilizes the most recent 2035 travel demand model from DRCOG as the basis for the transportation data set presented, for reasons of consistency and verifiability. The project team is aware of and has referenced the Douglas County 2030 Transportation Plan.

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Agency	Douglas County	The recently completed Douglas County 2030 Transportation plan ( <a href="http://www.douglas.co.us/traffic/2030TransportationPlan.html">http://www.douglas.co.us/traffic/2030TransportationPlan.html</a> ) should be used in addition to the DRCOG model to define a more accurate/detailed data set for the northern portion of Douglas County.	RTD will continue to work with CDOT, Douglas County and the City of Lone Tree to determine appropriate mitigation measures for the project overlap between the Southeast Light Rail Extension and an expanded southbound I-25 off-ramp. Resolution of this issue will occur during Final Design.