



APPENDIX B

PUBLIC AND AGENCY COMMENTS AND RESPONSES

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B PUBLIC AND AGENCY COMMENTS AND RESPONSES

The Draft Environmental Evaluation 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 B-1 below.

TABLE B-1: PUBLIC AND AGENCY COMMENTS AND RESPONSES

Commenter Type	Commenter Name/Agency	Comment	Response
Public	Claire Jacobson	Where will the entrance to the park-n-Ride be located? Will there be traffic light at entrance? I am concerned with the potential traffic impact if it were directly opposite Greensborough Drive. (39.557932406767,-105.01406147153)	Access to the Lucent Station and park-n-Ride will be provided at two intersections along Plaza Drive. The easternmost access point will be opposite Greensborough Drive. This access point will be signalized and will be upgraded with an exclusive right turn lane on westbound Plaza Drive and an exclusive left turn lane on eastbound Plaza Drive. The second access point will be approximately 850-ft northwest on Plaza Drive; its final location will be determined in coordination with the property owner. This three-way intersection will be controlled by a stop sign and upgraded with an exclusive left turn lane on eastbound Plaza Drive. The traffic modeling results, reported in Table 4.3-3 of the Environmental Evaluation, show that even during peak periods both access points operate at a high level of service with minimal delay.
Public	Andrew Zmolek	Will the Highline Canal trail crossing be at grade or grade-separated? I can't tell from existing materials. (39.563286859771,-105.02292349011)	The light rail line crossing will be grade-separated at the High Line Canal.

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Commenter Type	Commenter Name/Agency	Comment	Response
Public	Andrew Zmolek	Will access to the site be exclusively thru Plaza Drive? Will the access road line up with Greensborough Drive or a point further north? We're excited at the prospect of being within walking distance from our home but also want to understand a bit more about how traffic flow will be changing. (39.559945258648,-105.01343919904)	Yes. Access to the Lucent Station and park-n-Ride will be provided at two intersections, both of which will be along Plaza Drive. The easternmost access point will be opposite Greensborough Drive. This access point will be signalized and will be upgraded with an exclusive right turn lane on westbound Plaza Drive and an exclusive left turn lane on eastbound Plaza Drive. The second access point will be approximately 850-ft northwest on Plaza Drive; its final location will be determined in coordination with the property owner. This three-way intersection will be controlled by a stop sign and upgraded with an exclusive left turn lane on eastbound Plaza Drive. The traffic modeling results, reported in Table 4.3-3 of the Environmental Evaluation, show that even during peak periods both access points operate at a high level of service with minimal delay.
Public	Stephanie Hopper	I am hoping that the light rail station will expand to Lucent Blvd. However to make this station useful, I hope you will build a parking garage. I like to use the light rail to get to downtown; however there is not enough parking at Mineral or at any of the stations until you get to I-25 and Broadway. It is disappointing to try and use public transportation only to find out you have nowhere to leave your car, therefore you have to drive. If we are going to build it, we need to be able to use it. (39.579297842493,-105.03144218594)	The Southwest Corridor Extension would extend light rail service to a new end-of-line station at Lucent Boulevard. The current plan is to include 1,000 new parking spaces in a multi-story parking structure.
Public	Anonymous	Are there federal stimulus funds for this project?	Not at this time, given that the project is still in planning/design process (is not considered "shovel ready" yet). RTD is moving forward with the procurement process so that the project will be shovel ready when funding is identified.

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Commenter Type	Commenter Name/Agency	Comment	Response
Public	Anonymous	When will the project start/finish?	The current schedule indicates that construction would start near the end of 2011 or early 2012. This assumes that the funding is identified in time. For now, RTD is moving forward.
Public	Anonymous	If this is built, are there plans to go farther east?	Not at this time. FasTracks is a finite plan that was approved by the voters in 2004. There is always the possibility of future expansions and/or changes.
Public	Anonymous	Will there be any highway impacts for light rail construction?	Only at night time to set the girders.
Public	Anonymous	How do you account for rising inflation, etc? Are you trying to lock in material costs?	This is factored into the costs of materials and is relatively simple to forecast. The forecast for the sales tax revenue is much harder to evaluate. For this reason, RTD is assembling team of economists, governmental forecasters (private, Colorado Assembly, Governor's office, etc.).
Elected Official	Mayor Clark	What coordination has occurred between RTD and CDOT and the railroads?	RTD has coordinated extensively with all three entities. The funding for the CDOT flyover has been identified and the plan is to break ground in April 2010. The designs have been coordinated closely and optimize function and costs for both highway and light rail operations. The alignment has also been coordinated with both the UP and BNSF railroads. To accommodate the light rail, the UP tracks will have to be shifted. No effects to the BNSF. South of the Mineral Station, the railroads are farther apart from LRT tracks than they are north of Mineral. Additional coordination with the railroads and CDOT will occur during final design.
Elected Official	Councilman Stahman	This is a very comprehensive plan.	Thank you.
Elected Official	Mayor Clark	How high are the two flyovers?	Both are approximately 70 feet off ground. The high points are in different places. Alignment for both worked better for light rail to go over the highway as opposed to original design which had CDOT's flyover going over the light rail line.

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Commenter Type	Commenter Name/Agency	Comment	Response
Agency	OAHP	According to Section 3.5, the Southwest Corridor Light Rail Extension is not required to comply with Section 106 of the National Historic Preservation Act (Section 106). However the October 6, 2009 meeting minutes of the RTD Southeast & Southwest Corridor Extensions Agency Working Group/Local Government Team meeting report that a Section 404 permit from the US Corps of Engineers may be required. If a Section 404 permit is required, as was the case for the Northwest Rail FasTracks project, section 106 must be completed. Also, is any federal license or approval needed for the relocation of the railroad tracks and trestle?	Comment noted. A Section 404 permit is likely required from the USCOE. The impacts are likely to qualify under the Nationwide permit requirements. At this time, no other federal approvals are needed.
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. If section 106 is required, the survey must be sent to our office for review and comment as stipulated in 36 CFR 800.4.	Cultural Resources technical memoranda will be submitted to OAHP along with the Final Environmental Evaluation documents.
Agency	OAHP	Please note that isolated finds are not defined as not eligible by definition, as reported in table 3.5-2.	This text has been removed and replaced with the correct designation, “field not eligible”.

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Commenter Type	Commenter Name/Agency	Comment	Response
Agency	OAHP	We do not concur with the assessments of effect for the properties listed as eligible for the National Register of Historic Places. We recommend meeting with our staff, as well as other consulting parties if section 106 is required, to discuss the potential effects of the project.	While the Southwest Corridor Extension is not federally funded, compliance with Section 106 will be required to obtain a Section 404 permit from the USCOE for the crossing over Dad Clark Gulch. Coordination between RTD and OAHP regarding the determination of effect is on-going.
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. If you need a copy of that document, please let me know.	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. RTD has a copy of DOW'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 Environmental Evaluation 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 Environmental Evaluation 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 as needed. Currently, the Southwest Corridor design does not include any at-grade crossings; all roadway and trail crossings are currently grade-separated. Section 4.3.3.4 has been updated to address PUC's jurisdiction over highway-rail crossings.
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.

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Commenter Type	Commenter Name/Agency	Comment	Response
Agency	USEPA	<p>The Southwest corridor Environmental Evaluation identifies 2,000 square feet (0.05 acre) of permanent impacts at wetland SW-8. Wetland SW-8, also non-jurisdictional, consists of a shallow drainage ditch between the C-470 Trail and Plaza Drive, which discharges to a storm drain along Erickson Boulevard. Impacts to SW-8 would be mitigated by purchasing credits from a wetland mitigation bank within the South Platte River 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 and SW-8 to prevent pollutant loading to local streams and rivers.</p>	<p>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.</p>
Agency	Douglas County	<p>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.</p>	<p>Comment noted.</p>

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Commenter Type	Commenter Name/Agency	Comment	Response
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.	Comment noted.
Agency	Douglas County	Will constructions crews work periods limit noise at least to the extent that local ordinances dictate?	Construction activities will be subject to local ordinances and necessary construction permits (as with CDOT), which will determine work periods.
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.	Comment noted.
Agency	Douglas County	What size/caliper of tree will be used to replace mature/existing trees removed from the CDOT right-of-way?	Trees will be replaced per RTD and CDOT policy at a 1:1 ratio, but size/caliper is not determined.
Agency	Douglas County	To what extent has RTD planned for complimentary bus service to and from both stations?	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. The Intermediate Station is not a part of the FasTracks Plan and therefore is not factored into the Build Alternative's transit operations plan.

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Commenter Type	Commenter Name/Agency	Comment	Response
Agency	Douglas County	The recently completed Douglas County 2030 Transportation plan (http://www.douglas.co.us/traffic/2030 Transportation Plan.html) should be used in addition to the DRCOG model to define a more accurate/detailed data set for the northern portion of Douglas County.	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.
Agency	Douglas County	In sections ES.2.1 and ES.2.2 on pages ES4 and ES5, the Southeast corridor is referenced as opposed to the Southwest corridor.	Corrections made.
Agency	Douglas County	Figure ES-3 - Lucent Station Layout: The current access configuration will necessitate access easements from the property owner to the South in order to gain access to Plaza Drive. This should be included in the Land Acquisition and Relocations section of Table ES-1.	Agreed. Permanent access easements from the property owner to the South will be necessary in order to gain access to Plaza Drive. RTD purchased the property for the Lucent Station from the Englewood McClellan Reservoir Foundation (EMRF), who retains ownership of the property to the South. It has always been recognized by both RTD and EMRF that the property surrounding the Lucent Station will ultimately be developed as a TOD. For this to be effective, cross-access easements between RTD and EMRF will be necessary. It is anticipated that development of the Lucent Station and the surrounding property will be considered jointly. As plans for development evolve and progress, the necessary easements will be negotiated and acquired. Table ES-1 and Section 3.5 in the Final Environmental Evaluation will be modified to indicate the need for the easements.
Agency	Douglas County	Figure ES-4 - Intermediate Station Layout: Blakeland Drive is not called Plaza Drive.	In meetings with Douglas County staff and in preliminary design/planning documents; the road south of the Intermediate Station and west of Erickson Boulevard has been referred to as "Blakeland Drive." For consistency, references will remain as-is in Figure and Environmental Evaluation document.

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Commenter Type	Commenter Name/Agency	Comment	Response
Agency	Douglas County	Figure ES-4 - Intermediate Station Layout: Plaza Drive is currently a cul-de-sac at the western most access. Participation for Plaza Drive improvements (along frontage and west to SH85) may be needed as part of this project unless a larger regional Capital Improvement Project completes these improvements.	Comment noted.
Agency	Douglas County	Table ES-1 - Land Acquisition and Relocations: As mentioned in comment #2 above, permanent access easements, from the southern property owner, will be needed to gain full time access to Plaza Drive for the end of line station.	Table ES-1 and Section 3.5 in the Final Environmental Evaluation will be modified to indicate the need for such easements.
Agency	Douglas County	Section ES.4.3: To say that degradations in traffic flow are only a result from overall growth in travel demand and not a result of the light rail stations is a misstatement. While light rail is effective in taking regional trips off regional roads (connecting Douglas County to Denver and places in between), there is still a negative overall impact on the local road system in and around the light rail stations. Douglas County may require participation from RTD for road improvements required due to LOS degradation as a result of the proposed light rail stations. This issue should be addressed in Table ES-1 as well as the text in the Executive Summary and the Transportation Impacts and Mitigation chapter.	RTD will coordinate with Douglas County throughout the design and construction of the project. However, the traffic modeling conducted on the project reveals that the addition of Lucent Station induces a negligible amount of additional delay over the No Build Alternative at area intersections. The modeling was based on the most recent DRCOG model which includes drive access demand to/from the park-n-Ride. According to the RTD FasTracks policy on traffic mitigation thresholds (Section 4.3.3.1, paragraph 4), the traffic conditions under the Build Alternative do not trigger mitigation measures to be taken by RTD. In no instance is intersection delay increased by more than 10%, as reported in Table 4.3-3.

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Commenter Type	Commenter Name/Agency	Comment	Response
Agency	Douglas County	Peak hour level of service analysis needs to be provided (added to Table 4.3-3) for station area intersections for the 2015 "opening year" "No Action" and "Build" scenarios. (The introduction of this chapter indicates that traffic circulation is examined in the "opening" year of the project using DRCOG's model for the 2015, however, this chapter provides no examination results or analysis).	2015 results are more specifically addressed in Section 4.3.3.2. Traffic modeling was carried out on the 2015 Build scenario to determine whether the Lucent Station park-n-Ride caused any undue delay at critical area intersections. The intersection at Lucent Boulevard and Plaza Drive, for instance, operates at LOS C in 2015 under the Build Alternative.
Agency	Douglas County	Assumptions related to the area roadway network including traffic control and laneage etc. need to be provided in the chapter for any analyzed scenario. For instance, Table 4.3-3 level of service at station area intersections shows LOS for County Line Rd and Erickson Blvd for the year 2035 peak hours but the assumed traffic control at the intersection is not listed. This intersection is not currently signalized. Is the LOS B shown for all scenarios in this table based on stop control or traffic signal control?	<p>The intersection at County Line Road & Erickson Blvd was modeled as signalized, based on traffic volumes in the DRCOG model and ongoing development projects in Douglas County south of the intersection. The project team's traffic analysis of that intersection, using Synchro software, showed that overall traffic volumes in the peak hour were lower in the Build Alternative than in the No Build Alternative.</p> <p>For ease of understanding, intersection control type will be added for all intersections in Table 4.3-3. Intersection geometry goes beyond the detail required in the Environmental Evaluation, but those data are available in the Traffic, Circulation and Parking Technical Memorandum affiliated with this project.</p>