



**DENVER INC PUBLIC FORUM
PLATTE TO PARK HILL STORM WATER DIVERSION AND THE I-70
EXPANSION**

9:00 - 9:05 a.m. Albus Brooks, President, Denver City Council

9:05 – 12:00 Discussion and presentation by Panel Members.

Chair – Loretta Koehler, INC Delegate

Moderator – Luchia Brown, Baker Neighborhood

I-70 INC Sub-Committee: Co-Chairs – Drew Dutcher

Hank Bootz

Members: George Mayl, Maggie Price,
Margie Valdez, Jane Lorimer

Panel Members:

Dennis E. Royer

William G. DeGroot

Albert Melcher

John W. Van Sciver

Kyle Zeppelin

Andrea Gelfuso

Patty (Patricia) Ortiz



BIOGRAPHIES

Biography: Dennis E. Royer, P.E.

Professional Experience:

Currently, an independent private consultant, specializing in traffic engineering analyses, private development impact analyses, and government efficiency analyses.

Appointed Boston Chief of Public Works and Transportation/Commissioner of Public Works by Mayor Thomas Menino from 2006 – 2010.

Deputy Manager of Public Works for City and County of Denver from 2001 -2006 supervising Street Maintenance, Solid Waste, Fleet Maintenance, Waste Water Operations, Design and Construction Management, and Finance and Administration Divisions.

Director of Transportation Engineering and City Traffic Engineer for the City and County of Denver from 1985-2000.

Worked for two national consulting firms in Washington, D.C. from 1973-1979.

Education:

Bachelor of Science in Civil Engineering and Master of Science in Civil Engineering from the Ohio State University

Instructor:

Co-adjunct professor, University of Denver, Alternative Dispute Resolution –Public Sector Issues, 1194-1998

Co-adjunct professor, University of Denver, Public Policy –City Systems and City Services, 2004

How I might be able to help your organization

I can help your firm in the areas of:

- Proposal preparation
- Interview preparation
- As a member of a proposed study team for brainstorming and/or peer review
- Formal and informal staff training on the ins and outs of floodplain management, ranging from Federal minimum standards to a fully integrated master planning approach

If you are still curious

I was hired by the Urban Drainage and Flood Control District (District) in 1974 to create and manage a floodplain management program when the profession of floodplain management was in its infancy. I have helped the profession grow both by running a good program at the District and always participating in national groups and forums to advance our knowledge in the profession. Some examples are provided below.

My career has been intertwined with the National Flood Insurance Program (NFIP) from my first day on the job, and I have spent much of my time representing the local government perspective to the staff that administers the NFIP (first HUD and now FEMA) and other Federal flood risk management programs.

We assisted 40 local governments with floodplain regulations and the National Flood Insurance Program. Before the great recession we were reviewing from 400 to 600 referrals of proposed developments from local governments for potential flood hazards annually.

I established a Maintenance Eligibility Program in 1980. Projects constructed by others must go through the maintenance eligibility process in order to be eligible for District maintenance assistance. We generally processed over 200 construction plan submittals from local governments each year.

I was project manager for the District's Cooperating Technical Partners (CTP) grants from the Federal Emergency Management Agency (FEMA). We were the first CTP in the nation. We received 25 separate grants to provide various products to FEMA, including five Digital Flood Insurance Rate Maps (DFIRM) and four DFIRM maintenance projects. We also provided technical reviews of approximately 40 to 50 requests for Letters of Map Change per year since 2001. Work included coordination of District staff and private consultants.

I managed or oversaw over 80 Flood Hazard Area Delineation studies by private consultants that mapped over 1000 miles of 100-year floodplains.

I managed the establishment of a nationally recognized flood warning system consisting of ALERT rain and stream gages, color radar, written warning plans and a private meteorological service. The program grew to the point where it was spun off to become its own District Program with its own manager.

William G. DeGroot, PE, F.ASCE
Retired February 2014

Current Information

2660 East Tennessee Avenue
Denver, CO 80209

Personal E-Mail: bill.degrootx@gmail.com Phone: 720-560-3526

Registered Professional Engineer in Colorado



Education

BS in Civil Engineering, South Dakota School of Mines and Technology, 1969

MS in Civil Engineering, South Dakota School of Mines and Technology, 1974

Experience

1974-2014, Manager, Floodplain Management Program, Urban Drainage and Flood Control District

Graduate student and teaching assistant, South Dakota School of Mines and Technology

Project Engineer, Shell Oil Company

Officer, US Army

Honors/Awards

Meritorious Lifetime Achievement in Floodplain Management from the Association of State Floodplain Managers, 2011

L. Scott Tucker Award for Member Service to the Organization from the National Association of Flood and Stormwater Management Agencies, 2013.

Friend of the River, Platte River Greenway Foundation

Fellow, American Society of Civil Engineers

Professional activities include:

- Member of Association of State Floodplain Managers (ASFPM) since 1984. Board member 1992-1994.
- Chair or co-chair of the Floodplain Management Committee of the National Association of Flood and Stormwater Management Agencies (NAFSMA) from 1995-2009. NAFSMA Board member from 2004 to 2013. Executive Committee 2005-2009.
- Founding member (1990) and first secretary/treasurer (1990-92) of the Colorado Association of Stormwater and Floodplain Managers.
- Technical Advisor to FEMA's Technical Mapping Advisory Council from 1997 to 2000.
- NAFSMA representative to the FEMA Operating Partners Focus Group, a group that includes NAFSMA, ASFPM, FEMA and FEMA mapping contractors that meets quarterly to identify and address issues related to FEMA's map modernization and Risk MAP programs (2003-2013).
- NAFSMA representative to the Intergovernmental Flood Risk Management Committee, a group of high level leadership from FEMA, Corps of Engineers, NAFSMA and ASFPM (2005-2012).
- South Platte River Greenway Foundation Board member, 1981-88; and Vice- Chair/Treasurer, 1985-88.
- Foundation for Colorado State Parks Board of Trustees, 1986-88.

September 7, 2017

Bio

John W. Van Sciver

Registered Professional Engineer, Colorado: P.E. 14646

- B.S Civil Engineering- Lehigh University.
- M.S Structural Engineering- University of Colorado, Boulder.
- M.B.A. Finance, University of Colorado, Denver.
- 16 years experience; Dams, Reservoirs, and Flood Water Detention Structures: Colorado State Engineer's Office.
- 12 years experience; Raw Water Project Financing; Colorado Water Conservation Board.

Biographical Sketch

ALBERT G. MELCHER, M.S.,
13801 East Yale Avenue Apt. 326, Aurora CO 80014
a.melcher@comcast.net 720-748-2405

- Denver native; East High School.
- Dartmouth College A.B. , M.S. in Civil Engineering.
- Service in Navy Civil Engineer Corps in facilities operation/maintenance/planning, London and Boston.
- Architectural and structural engineering, Borman/Melcher and Associates, 1960s. Licensed Professional Engineer, Colorado and Wyoming, Member American Society of Civil Engineers.
- Commissioner Colorado Department of Highways Commission, Member Board of Directors RTD; a founder and member of first RTD Board; one of three persons to serve on both CDOT and RTD boards.
- Board Member, Staff and Executive Director, Rocky Mountain Center on Environment, a multistate non-profit firm involved in environmental, ecological and land use planning, policy and public participation; management of interdisciplinary ecological studies.
- Sierra Club Rocky Mountain Council, Transportation Chairman. Member of Citizen Committees for highway and rail Environmental Impact Studies: I-25 Colorado Springs, I-70 East, I-70 Mountain (member of Conflict Resolution Panel), Northwest Parkway, Denver Union Station; creator of 1969 Governor's Citizen Design Advisory Committee for design of I-70 Glenwood Canyon. Member DRCOG Transportation Advisory Committee, 2002-2008.
- Consultant to U.S. Army Corps of Engineers national office for developing the National Environmental Policy Act procedure manual.
- Board Member Colorado Citizens for Clean Air in 1960s.
- Member American Planning Association (APA), member APA Transportation Committee, member Colorado APA Legislation Committee.
- Executive Director of the Colorado Mobility Coalition, a non-profit statewide coalition for education and advocacy for transit.
- Lecturer on transportation and environmental topics at: University of Colorado at Denver and Boulder; University of Northern Colorado; Colorado State University; University of Denver; and the Aspen Seminar on Environmental Arts and Sciences (SEAS). Author of papers on transportation, energy planning, environmental impact analysis, technology assessment, sustainability, and other environmental and land use planning topics.

Biography: Andrea Gelfuso, Esq.

Andrea Gelfuso is an environmental attorney working on the Clean Air Act litigation opposing the I-70 expansion. Andrea also served in the Air Quality Unit of the Colorado Attorney General's Office, and represented the Colorado Air Quality Control Commission. She also litigated oil and gas cases for the U.S. Department of the Interior. Andrea teaches Natural Resources Law in the Energy Law Program at the University of Tulsa School of Law and taught Environmental Law for 17 years at the University of Denver.

Kyle Zeppelin is President of Zeppelin Places, a recognized developer of innovative mixed use projects in the urban core of Denver. Over the last 40+ years, the company had a major role in transforming three key urban neighborhoods – LoDo, Golden Triangle and now RiNo- with catalytic projects and community involvement. Kyle and his company received recognition and multiple awards for TAXI—the re-purposed 20 acre former Yellow Cab terminal in the River North District (RiNo) of Denver.

Among Kyle's signature projects is The Source, a new generation urban market completed in 2013. Set in an 25,000 sf 1880s former iron foundry, it includes some of the most accomplished artisan culinary groups in the region and is among the highest producing retail in the city. Construction is already underway on The Source Hotel and expanded market hall, which will further expand the scale and reach of The Source. Other recent projects in RiNo include Freight Residences—a new model for urban family housing and Gauge—a modern office/retail TOD at the new rail station in RiNo. Broader efforts in the community are focused on improving bikeability, walkability, and transit. Kyle's free time is spent with his wife Andra, a food writer, and two young daughters, Louise and Greta.

Biography: Patty (Patricia) Ortiz, PE, PMP

BSE, Environmental Sciences Engineering , University of Michigan
MS, Civil Engineering (geotechnical), University of Colorado

Practicing civil/geotechnical engineer for over 32 years

Registered/Licensed Professional Engineer (Colorado) over 27 years

Worked for international consulting engineering company and local residential/commercial engineering company; started and own small engineering and construction management company.

Investigated, analyzed, designed, and managed construction for projects ranging from large infrastructure (dams, reservoirs, tunnels, mining, Superfund closure, highways) projects to local residential projects (including roadways, sanitary sewer, water, storm and detention facilities).

Worked on local area Superfund sites at Rocky Mountain Arsenal and Rocky Flats in addition to Superfund sites around the country (Newark, Cleveland, East St. Louis).

Served as construction manager on construction projects along South Platte and value engineering study teams for United States Bureau of Reclamation.

POSITION STATEMENTS

Concerning INC Open Forum Sept 9, 2017, Manual High School

A Statement of Position (CPGC), September 7, 2017

By

John van Sciver, P.E. 14646

This statement relates to the City Park Golf Course flood detention project, and its relationship to the P2PH/I70 east/NDCC projects.

My position is that I oppose use of City Park Golf Course (CPGC) as a sight for construction of a very large floodwater detention facility, which provides no benefit to the golf course itself. The detention facility is instead designed to help the I-70 and North Denver Cornerstone Collaborative (NDCC) projects achieve required 100 year flood protection.

As stated in the Denver Post the base question is simple..“Does the drainage project violate the Denver city charter’s rule that designated parks can’t be used for non-park purposes?”

I maintain that it does.

John Van Sciver

Interstate 70 Transportation Issues

Viaduct Condition:

- 39 years old when EIS process began – now 54 years old
- CDOT staff bridge states that bridges should last 75-100 years if properly maintained
- CDOT ranks 50th out of 50 states in infrastructure maintenance

Proposed Cross Section:

- Approx. 300 ft. – 3.4 times wider than existing viaduct (88 ft.)
- Two 45 ft. frontage roads
- North frontage road unnecessary – further encroachment into neighborhood
- South frontage roadway replacement for 46th Avenue
- Can be restriped to 14 lanes – more managed lanes than general traffic lanes
- Vasquez/Steele ramps (west on, east off) put back in plan by CCD for development

Alternatives:

- CDOT claims to have analyzed over 30 alternatives – all through CCD neighborhoods
- Re-route alternative analysis comprised of 1 & ½ page cost estimate
- NEPA requires “extensive and thorough analysis of all viable alternatives”
- Adams County which has waited 20 years for I-270 widening told next 20 years

Miscellaneous Issues:

- Violations of NEPA
 1. Segmentation – no discussion of Mousetrap or cost but in defined corridor
 2. Hazmat – CDOT claims all protections will be utilized but won't define
 3. City Park Golf Course drainage agreement entered in 2015 for I-70 never mentioned in FEIS as required – connecting action
- Report “wordsmithing”
 1. FEIS states preferred alternative provides best “operational solution” – Traffic study buried in appendix shows “10 General traffic lanes as minimum congestion alternative”
 2. Improved connectivity to neighborhood – with exception of deck for peds and bikes, roadway and sidewalk connections are reduced in neighborhood

DRAINAGE ISSUES

Submitted by William G. DeGroot, PE, F.ASCE

- ✓ Platte to Park Hill project (P2PH) is directly linked to the proposed I-70 Ditch
- ✓ Much of the project design has been done in secret.
- ✓ There was an abrupt change in drainage design frequency in the Montclair Basin
- ✓ Funding the project is an abuse of Denver's drainage fee

P2PH and the I-70 ditch are directly related:

The Intergovernmental Agreement (IGA) between CDOT and Denver clearly links I-70 to drainage projects (P2PH) being built by Denver that benefit the ditch.

Joint hydrology studies for Denver, CDOT, UDFCD and RTD also show the link between the drainage projects and the ditch.

Design flood frequency:

Past drainage work in the Montclair Basin was based on the 5-year design:

Ferril Lake drainage project (Denver & UDFCD)

RTD University of Colorado A Line to DA

Original pipe outlet to South Platte River (Denver & UDFCD)

Much of the project design has been done in secret:

A joint Denver/UDFCD drainage master planning study for Montclair Basin was in progress when the I-70 ditch was proposed by CDOT. Suddenly the P2PH portion of the study area was pulled from the study area and hidden from public view and UDFCD was told to assume the P2PH 100-year flood design was a given for the master plan.

Sidebar: The 100-year design standard is a minimum standard,. When you are digging a 40' deep ditch and putting a bunch of cars full of people in it, a higher standard should be selected. Larger floods can and do occur (see September 2013 floods – CDOT is still doing repairs from those floods),

Denver's storm drainage service charge is being abused:

First, remember that because it is a fee and not a tax the city can raise it at any time, by as much as they want without a vote of the people, if the money goes to drainage facilities.

The abuse started with curb and gutter under Mayor Webb and was continued by Mayor Hickenlooper. They started paying 50% of the cost of new curb and gutter with drainage fees (because water runs in them when it rains) where curb and gutter had always been (and should still be) a transportation cost.

The abuse continued with the huge increase (percentage wise) of the fee by a lame duck city council in June 2016 to pay for the I-70 drainage. The drainage fee is now being used to pay for a new golf course, new golf course club house and interstate highway.

Denverites are hurt in two ways: First, the huge increase; and then the fact that almost all the money is going to build an interstate highway that CDOT should be paying for. Second, drainage service charges should be for projects to fix drainage problems in Denver neighborhoods.

August 2, 2017

DREW I-70 Panel Sept. 19, 2017

Melcher ideas for his presentation for discussion Aug. 87 meeting

From Bert Melcher 720-748-2405 a.melcher@comcast.net

Note: several of us can tie this together in our comments (PPP is example.) The order below can be altered.

1. Dealing with a long-range future with an obsolete short-rang approach.

- CDOT is still in the 1960's mode and it has a pre-determined solution to I-70 that was locked in place about 20 years ago .
- East-west metro travel regardless of I-70 widening will not be adequate for our future – I-270 and I-76 will have to be designated and improved as major E-W and related N-S travel at some time. It makes no sense to improve it slightly now and come back in a couple of decades to further develop it – do it properly now and plan for the future as well as alleviating adverse impacts to GSE people.
- Near term future will have self-driving trucks and cars and other technological/automation changes affecting travel and origins and destination. Population growth and land uses also will affect travel in ways not properly addressed by traditional travel analysis. Our planning is not designed to consider these factors.

2. Engineering education and personality factors:

- In general, engineers get into the field because from the childhood, they feel comfortable dealing with mathematics, geometry and the "hard" sciences and do not feel attracted to or comfortable with more abstract and "soft" studies of human behavior, from social structures to governance and societal needs that deal with human frailties – such as civil rights.
- Higher-level engineering fits into this characteristic.
- Dealing with numbers of vehicles, roadway geometry and design engineering costs is easy and fits into this mentality.
- The upshot is that people, their communities, environment, quality of live, as well as the living organisms of the natural world, receive short shrift if not disdain.

3. Environmental Justice

- The 1960s highway mentality and indeed, sadly, political and cultural orientation of many influential highway officials, militates against the vital need for true "Environmental Justice" - a legal code word for civil rights and the equality mentioned in our Declaration of Independence and our Constitution.
- We have seen plenty of instances in the I-70 EIS where courteous lip service is accorded to environmental justice –minimal legal compliance is the objective, not the objective of protecting human quality of life, community cohesion and indeed health itself.

August 13, 2017 by Bert Melcher
Excerpts on Segmentation, Alternatives,
and Environmental Justice

SEGMENTATION

There is another suit by others (Zeppelin et al) which stated that CDOT violated NEPA by separating the highway from the storm drainage project needed for the highway, thus misrepresenting the true cost and cumulative range of impacts, as well as distorting the evaluation of alternatives. The direct tie-in between the P2PH project and the I-70 Central and I-70 East project is proven by correspondence and by the financial commitments, as well as by descriptions of the functional relationship of the drainage project to the highway functionality. Bert's statement)

Highway I-70 segmentation: Google "Highway environmental planning segmenting a project or just "Highway segmentation – this is confusing because it deals primarily with planning algorithms. "

Web site:

http://www.sprlaw.com/pdf/spr_nepa_eli_05.pdf

"Another important aspect of the scope of the federal action to be assessed is the issue of "segmentation" -- the division of a project, program or decision into component parts or temporal "phases." Segmentation was frequently employed in the context of federal highway funding, where the FHWA would release funds for a small segment of a federal highway and consider only that segment, rather than the entire highway, in determining the need for an EIS. Such divisions of an action have, for the most part, been disallowed by the federal courts, both in highway and other contexts as well.

Under certain circumstances, a federal agency may focus on a single federal action to the exclusion of other federal activities that, if considered, would transform that proposal into a major federal action. According to the CEQ regulations, agencies are only required, for environmental review purposes, to consider "connected actions", which are defined as proposed actions that: "(i) [a]utomatically trigger other actions which may require environmental impact statements; (ii) [c]annot or will not proceed unless other actions are taken previously or simultaneously; (iii) [a]re interdependent parts of a larger action and depend on the larger action for their justification."

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A project's "independent utility" is thus essentially determinative of whether it is "connected" to another action in such a way that a collective environmental impact assessment is required under NEPA. While segmentation per se is not unlawful, courts are skeptical of attempts to divide projects into segments in order to circumvent the mandate of NEPA. The Sierra Club decision, while not employing the term, reflects rejection of an effort to "segment" a project to avoid acknowledgment of significant environmental impacts.

I-70 Public meeting September 9, 2017
Bert Melcher DRAFT Outline of Talking Points

Problem Definition:

- CDOT Philosophy+ political, not professional, organization
- Concern: environmental documentation, not environmental quality for people, health, communities, environmental protection, civil rights
 - Laws require a "hard look" at actual environment, not just at documents

Two Major Problems:

- Transportation (Dennis Royer) design, alternatives; Drainage (Bill DeGroot) separation combined and interrelated segments of total project and impacts (*NOTE: I will not go into any details, which Dennis and Bill will do*)
 - Laws, FHWA criteria give requirements, FHWA gives methods, graphics
- Results:
 - deception in stating total project cost (I-70 \$1.8 billion, Drainage 2.0 billion (?), Mousetrap 1.0 to 3.0 billion, Total 2.1 to 2.3 billion
 - avoids analysis, disclosure of true cumulative environmental impacts

Environmental Justice/Civil Rights

- NEPA plus Civil Rights Laws plus 1997 Secretary Pena Order restated 2012 (Order 5610.2a)
 - Secretary Executive orders: Not laws but policy and guidance only
 - Addresses (1) disproportional impacts on low income, minorities; (2) definitions of adverse impacts: health, sickness, death, community cohesion, etc etc
 - Criteria for assessing alternatives, their impacts, Cost comparisons
"Extraordinary Magnitude" is required to eliminate an alternative
 - CDOT gives lip service only

Health and Air Quality

- Pollution below allowable upper limit can cause health problems (PM2.5)
- CDOT killed two efforts to get "hard look" at AQ/health and obtaining metrics
 - Illustrates overall CDOT approach: deception by avoiding "hard look"

Community Cohesion

- What is it in general and for GES
- EIS impacts description. no metrics
- EIS approach to disproportional impacts, cohesion ("benefits")
 - Again, misrepresentation of true impacts; deception
- "Cities are for People"; CDOT metrics and purpose: cars/trucks, not people

- U.S. Secretary of Transportation directives on EJ from Secretary Federico Pena in the 1990s to a recent reiteration of it:

- It is one of many requirements directed towards remedying past abuses and prevent new ones.
- Past defects took place in many cities where highway engineers chose route through minority neighborhoods as the lowest cost routes.
- It is worded to protect minority and low-income populations
- It requires selections of less harmful alternatives instead of the most desirable highway traffic proposal.
- It covers a range of impacts including health, community cohesion and "bodily impairment"

4 Segmentation: (depends on more research)

- (purpose of mentioning– to get public opinion aware the CDOTR is hiding the true total cost)
- Mousetrap : (depends on more research)
- Park Hill to Platte – lawsuit clearly states how it and the I-70 project are tied together and how separating them into two separate project violates the law.

5. Air quality and health

- CDOT historically thinks that the only health impacts are those of the six pollutants for which standards are set: meeting those standards is all that is needed to protect health.
- It mentions that there are cancer-causing chemicals but does not attempt to tie that to real life people's health problems; the same with small particulate matter.
- Example: I sat through a major CDOT meeting where staff described its new system for having the best environmental documents in the country – but the use of environmental protection of people and nature was not an objective. Bureaucracy at its very worst.

6. PPP

- Lack of transparency and adequate public participation.
- Private party has no legal responsibility for environmental protection or environmental except to the degree that CDOT retains control of decision-making.

Web site:

<http://www.permatopia.com/wetlands/termini.html>

"II. A Definition of Logical Termini

Logical termini for project development are defined as (1) rational end points for a transportation improvement, and (2) rational end points for a review of the environmental impacts. The environmental impact review frequently covers a broader geographic area than the strict limits of the transportation improvements. In the past, the most common termini have been points of major traffic generation, especially intersecting roadways. This is due to the fact that in most cases traffic generators determine the size and type of facility being proposed." (*At Mousetrap, I-70 and I-25 generate traffic for each other.*)

Web site:

<https://www.environment.fhwa.dot.gov/projdev/tdmtermini.asp>

Logical termini: a case. "**D. Case #4.** 'This proposed facility is on new alignment, connecting Route 91 with I-17. Alternative 1 is shorter, connecting to I-17 at point A, and alternative 2 would tie in further east, at point B. The primary travel on this new facility is to and from points east on I-17. I-17 is four lanes west of point B and six lanes east of point B. Alternative 2 has been designated as the preferred by the project sponsor. Alternative 1 was proposed by a citizen's group to reduce the number of relocations and community disruption. Cost estimates are \$50 million for alternative 1 (to tie in at point A) and \$63 million for alternative 2 (to tie in at point B).

Discussion: It is likely that an incomplete picture of the costs and impacts of alternative 1 is being provided by only carrying the analysis as far as point A. For both alternatives, consideration of impacts should continue to point B, or east of B if there are likely to be any weaving or merging problems which will force changes in the facility beyond B. In this example, the four lane section between A and B, if overloaded by alternative 1, would force further improvements on I-17 which would likely have additional impacts. Failure to take this into account would underestimate the cost and overall impacts of alternative 1 and skew decisionmaking. As a result of these factors, if Alternative 1 is considered a reasonable alternative, the discussion of impacts should extend to impacts occurring at point B. If I-17 will be able to handle the increased traffic from alternative 1 without widening, then the discussion could simply be a demonstration of that fact."

Web site

https://books.google.com/books?id=Yf5queLluH8C&pg=PA113&lpg=PA113&dq=highway+segmentation&source=bl&ots=LeXaoAH5Wm&sig=Rj6gdOemtwgEEZetQXC3schm7h8&hl=en&sa=X&ved=0ahUKEwjU_M2o29XVAhXGzVQKHagxB5o4ChDoAQguMAQ#v=onepage&q=highway%20segmentation&f=false

"A project may be properly segmented, however, if the segments (1) have logical termini; (2) have substantial independent utility; (3) do not foreclose the opportunity to

consider alternatives; and (4) do not irretrievably commit federal funds for closely related projects.

ALTERNATIVES

Web Site:

<https://elr.info/sites/default/files/articles/21.10701.htm>

"NEPA requires that federal agencies prepare an EIS on "major Federal actions significantly affecting the quality of the human environment."5 The regulations of the Council on Environmental Quality (CEQ), which form the foundation for all other federal regulations under [21 ELR 10702] NEPA,6 require that an EIS contain, among other elements, a statement of the purpose of and need for the action,7 and a discussion of alternatives to the proposed action.8 It is these two requirements that were at issue in Citizens Against Burlington.

The requirement to analyze alternatives to a proposed project is the heart of NEPA. It is absolutely essential that an EIS contain "detailed and careful" analysis of the relative merits and demerits of the proposed action and proposed alternatives, a requirement which courts have characterized as the "linchpin" of an EIS."

Web site;

<https://www.npi.org/NEPA/process>

"The courts have consistently found that while NEPA does not elevate environmental protection over all other aspects of public policy, it does require a "hard look" at environmental impacts and at alternatives. NEPA does not require a particular result; it does not require that the best alternative from an environmental perspective be selected. It does mandate a process for taking that "hard look" at what an action may do to the environment, and what can be done about it."

Web site:

<http://environment.transportation.org/pdf/programs/PG07.pdf>

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"Focus of Screening: Determining Reasonableness.

The term "alternatives screening" is commonly used to refer to the process for reviewing a range of preliminary alternatives or concepts and deciding which ones to carry forward for detailed study. The primary function of an alternatives screening process is to determine reasonableness; that is, screening provides a means of separating the Unreasonable alternatives (which can be eliminated without detailed study) from the Reasonable alternatives (which must be carried forward for detailed study)."

ENVIRONMENTAL JUSTICE

Web Site

https://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/index.cfm

Department of Transportation Order 5610.2(a) Final DOT Environmental Justice Order

Summary: The Department of Transportation (the Department or U.S. DOT) is issuing an update to Departmental Order 5610.2(a) (Actions to Address Environmental Justice in Minority Populations and Low-Income Populations). This Order updates the Department's original Environmental Justice Order, which was published April 15, 1997. The Order continues to be a key component of the Department's strategy to promote the principles of environmental justice in all Departmental programs, policies, and activities.

Executive Order 12898 requires each Federal agency, to the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of its programs, policies, and activities on minority populations and low-income populations in the United States. Compliance with this DOT Order is a key element in the environmental justice strategy adopted by DOT to implement the Executive Order, and can be achieved within the framework of existing laws, regulations, and guidance.

Statutes governing DOT operations will be administered so as to identify and avoid discrimination and avoid disproportionately high and adverse effects on minority populations and low-income populations by:

1. (1) identifying and evaluating environmental, public health, and interrelated social and economic effects of DOT programs, policies, and activities,
2. (2) proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by DOT programs, policies, and activities, where permitted by law and consistent with the Executive Order,
3. (3) considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, consistent with the Executive Order, and

4. (4) eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives.

Consistent with paragraph 6-609 of Executive Order 12898, this Order is limited to improving the internal management of DOT and is not intended to, nor does it, create any rights, benefits, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the Department, its Operating Administrations, its officers, or any person. Nor should this Order be construed to create any right to judicial review involving the compliance or noncompliance with this Order by the Department, its Operating Administrations, its officers or any other person.

Definitions

Disproportionately high and adverse effect on minority and low-income populations means an adverse effect that:

- (1) is predominately borne by a minority population and/or a low-income population, or
- (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Adverse effects means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

Statement submitted by Kyle Zeppelin

- The alternative to expanding a highway 3x is to restore the urban fabric.
 - People are the highest and best use in the city.
 - Ex – Area around the waterfront in SF Ferry Building in Hayes Valley. Dire predictions of cars backing up to the Nevada state border were not realized. Instead, these signature areas are economic generators and a draw for the entire city.
 - Focus should be on positive investments in the community – in affordable housing, green infrastructure, transit.
 - Alternative path is along an existing interstate highway that needs to be improved regardless in the way that it is contemplated – 1-2 added lanes in each direction to accommodate long haul traffic.
 - Get cars where they want to get in a targeted way. Not everyone is going to the same place.
 - Which means that Stapleton makes use of the street grid where there is massive capacity.
 - By eliminating the line of demarcation, opportunity the city to grow in an inclusive way.
 - Arguments are being made that this will cause gentrification; the proven anecdote to gentrification is massive investments in affordable housing and that should be the focus for resources – positive investments in the community.
 - Green infrastructure (I know we are geeks) where buildings open up to landscapes rather than business streets. Has added benefit of cleaning water rather than piping it into the nearest waterway which in this case is already contaminated with multiple pollutants.
 - Restore the street car grid, trains to Boulder and the mountains should be the focus of infrastructure investments.

PUBLISHED ARTICLES

Redlining Returns To Denver, but With a Neoliberal Twist

The last great surge in highway-based urban renewal projects displaced residents and divided communities. Now an attempt to correct those mistakes might only compound them.

By Caroline Tracey

JULY 31, 2017



An artist's depiction of a portion of the Central 70 Project. (Colorado Department of Transportation)

In late August 2014, the Colorado Department of Transportation quietly unveiled a plan to radically overhaul a stretch of Interstate 70 as it passes through

Denver. The project would add four toll lanes and sink two miles of the highway through the neighborhoods of Globeville, Elyria, and Swansea, whose grids of modest homes and mom-and-pop shops constitute some of the last majority-resident of color areas in a city that is fast becoming whiter and more affluent. The CDOT's plan would condemn 56 homes and 17 businesses—a more extensive use of eminent domain than was required for the construction of the highway in the first place. It would also sever the neighborhoods during the decade of construction and open them to land-grabbing by developers.

Despite broad public opposition, the “Central 70 Project”—as it is now known, after several rebrandings—received approval from outgoing Transportation Secretary Anthony Foxx on January 19, 2017, the last day of the Obama administration. Three weeks later, over 100 opponents of the project crowded the Swansea Recreation Center, preempting what was supposed to be an orderly presentation by the CDOT with yard signs, black anti-pollution masks, and a counter-presentation advocating for rerouting the freeway around the city. Nevertheless, CDOT director Shailen Bhatt insisted that his agency would push ahead unless the plan was stopped by a court order.

Bhatt's response was dismissive—equivalent to that familiar schoolyard taunt, “So sue me.” And that's exactly what the residents did. On a sunny morning in early July, some 60 protesters gathered outside the federal courthouse in downtown Denver wearing blue T-shirts that read, “Ditch the Ditch,” for a press conference announcing a lawsuit against the Federal Highway Administration.

Central 70 is only one of several urban freeway renovations taking place nationwide. Houston has fast-tracked a \$4 billion downtown freeway expansion and burial; in Dallas, an overhaul of I-345 is under discussion. The projects are at a scale that hasn't been seen since widespread protests pushed urban freeway construction out of fashion 50 years ago. Why have such projects returned, and why now?

The resurgence of urban highway expansion comes at a moment of demographic transition. After decades of exodus, affluent white residents are returning to city centers. The demographic is appealing to cities: Its members spend money and tend to be young and childless, so they don't require costly social services like schools. But across the country their arrival triggers the displacement of low-income communities, especially people of color. The fight in Denver, the fastest-growing city in the country, is therefore not just about a single freeway or neighborhood; its outcome could set a precedent for other battles over the right to the city in this new era.

After World War II, the Federal Housing Authority (FHA) enabled unprecedented rates of homeownership. Yet the agency systematically “redlined” neighborhoods with a majority of residents of color, excluding them from insured home loans, and favored insuring mortgages in white-exclusive suburban developments. Historian Kenneth Jackson writes that the ensuing suburbanization was as significant a demographic trend “as the movement of eastern and southern Europeans to Ellis Island.”

Freeways quickly became the vectors of white flight. But what's more, their very construction was explicitly tethered to the demolition of poor neighborhoods.

"The association of 'blight' with communities of color was strong and unabashed. Displacement was rampant," says Margot Lystra, a doctoral candidate at Cornell University who studies urban freeway design. As the late University of Alabama at Birmingham professor Raymond Mohl once noted, "When I-94 displaced one-seventh of the African-American population of St. Paul, Minnesota, a critic wrote that 'very few blacks live in Minnesota, but the road builders found them.'"

The Denver neighborhoods impacted by the new highway project—Globeville, Elyria, and Swansea—embody the typical profile of neighborhoods selected for urban renewal. Originally company towns for smelters, their first residents were immigrants from eastern Europe, some of whose descendants still live there. With continued immigration in later waves of industrialization, the area—together referred to as GES—became the predominately Latino communities they remain today.

The neighborhoods were not only redlined and cut in pieces by two interstates (I-70 and I-25) but also neglected wholesale by the city. They went decades without a neighborhood plan. In 2016, northeast Denver's zip code, 80216, was deemed the most polluted in the nation.

"They were always under siege. They knew they never counted to the city," says Dennis Gallagher, a former city auditor who has been vocally opposed to the Central 70

Project since he refused to sign its intergovernmental cost-sharing agreement, calling it a “sop for Denver.” His successor, however, approved it.

Denver’s city government and the CDOT rationalize the highway project by saying that the current viaduct is crumbling, that the plan to submerge it will increase connectivity in GES and reduce congestion.

Locals refute those arguments. A nationwide survey of structurally deficient bridges in *The Washington Post* this year did not include the “crumbling” viaduct. Where the current viaduct is passable by cars and pedestrians at every intersection—crucially, for children who attend school across the freeway from where they live—drivers will be able to cross the cap of the submerged freeway only at a limited number of intersections, and the neighborhoods will be completely divided during the decade of construction. Finally, residents point out, the new toll lanes won’t fix the bottleneck at I-70’s interchange with I-25.

Instead, residents see the project as aiming at the same type of “renewal”-by-displacement as 20th-century urban freeway projects. In the last four years, Denver mayor Michael Hancock—himself a graduate of northeast Denver’s Manual High School—has overseen the transformation of the formerly industrial RiNo and Brighton Boulevard areas, which span the distance between downtown and Globeville, into art galleries and local-food hubs. It seems that the city hopes to expand that attractive “clean slate” for developers into northeastern Denver.

It already appears to be working. In addition to direct displacement by eminent domain, home values in GES have increased by 68 percent in the last two years (compared to 30 percent in the rest of Denver). This has displaced the neighborhoods' renters, who are uniquely precarious—over 50 percent have no lease at all—as well as longtime homeowners who cannot afford the increased property taxes. The stormwater component of the plan also places Globeville back into the 100-year floodplain, making homeowners ineligible for FHA loans. The redlining returns.

“They had a reroute alternative, and instead they picked the option with the most displacement,” says Candi CdeBaca, who lives three blocks from I-70, in a Swansea house that once belonged to her great-grandparents. CdeBaca leads the Cross-Community Coalition, one of the groups fighting Central 70. She and Brad Evans, a local bike activist who founded Ditch the Ditch, are two of the key activists in the opposition efforts.

Evans is a plaintiff on the NEPA lawsuit, part of what he calls a “multi-pronged approach” to fighting the plan. Ditch the Ditch has also partnered with the Sierra Club on a Clean Air Act violation lawsuit against the EPA, on which CdeBaca is a plaintiff. In 2016, the Cross-Community Coalition partnered with the Colorado Latino Forum and the Elyria and Swansea Neighborhood Association to file a Civil Rights Act Title 6 Complaint with the US Departments of Transportation and Justice and the Federal Highway Administration, arguing that the project had a disproportionate impact on communities of color. The agencies' response was that while there would indeed be a disproportionate impact, it was not disproportionate *enough*.

“I’m not sure how much more disproportionate it could be than specifically affecting three greater-than-80 percent Latino neighborhoods,” says CdeBaca.

The substance of the July 10 lawsuit alleges that the City deliberately obscured the connection between Central 70 and the concurrent Platte to Park Hill drainage plan, allowing the approval of an incomplete environmental impact statement (EIS). While news articles about the projects as late as 2015 refer to an explicit connection between the I-70 and the drainage projects, the CDOT and the city have since gone to great lengths to rhetorically disconnect the two. This enabled the Central 70 Project to be approved without analysis of the planned drainage component, which includes building an open channel through a Superfund site. The plaintiffs’ evidence includes an internal memo from 2014 stating that the CDOT could not include the open-channel project as part of the I-70 project because the agency was “unwilling to jeopardize... progress on the EIS.”

I-70 was built through northeast Denver in 1964, during the heyday of urban freeway construction. In the decade that followed, nationwide protests turned the tide against such projects. According to Lystra, the protests began after the construction of Boston’s Inner Loop and San Francisco’s Embarcadero highways, both of which severed historic neighborhoods, in the early 1960s. “They were shocking to residents—an affront, an aesthetic offense,” she says. As the decade progressed, the protests continued, and spread to other cities. Eventually, she says, “politicians started to

understand and say that urban dwellers have a right to a healthy environment, and to not be threatened by displacement.”

CdeBaca’s family participated in fighting the initial construction of I-70 through GES. “But at the time,” she says, “there weren’t civil rights or environmental protections to work with.” Indeed, all the regulations on which the activists’ lawsuits depend were passed since the construction of I-70: the Civil Rights Act (1964), the National Environmental Policy Act (1969), and the Clean Air Act (1970).

What is different now, compared to urban renewal-era projects of the past, is privatization. Where funding for 20th-century highways came from the federal government, the Central 70 Project will be financed by a public-private partnership (P3). The city will pay the CDOT \$83 million in cash and waived fees to hire a private contractor—to be selected this summer—who will be responsible for design, construction, operations, and maintenance of the project. The contractor will keep all the tolls collected, so any taxpayer who chooses to pay the toll will essentially be paying for the project twice.

This scheme means that, although the project had to be approved at the federal level, its administration and control takes place at the local level. Not only is Denver paying the CDOT, the city is also responsible for condemning the homes and businesses surrounding the viaduct, the land beneath it, and the land for drainage.

Denver’s light rail and airport were also built with public-private partnerships, and local officials have become well known as their champions. Mayor Hancock and Governor

John Hickenlooper (himself a former Denver mayor) were featured speakers at the 2016 P3 conference in Dallas. But this has also raised flags about corruption: Hancock, especially, is widely accused of being in the pocket of developers.

“The city gets nothing out of this project. They pay, but they get no revenue. That’s what makes it look so shady with kickbacks,” says CdeBaca.

“No one knew who Hancock was when he announced his campaign,” adds Gallagher. “He had been a Denver Broncos mascot. Then one day I get a call from Pat Hamill [CEO of Oakwood Homes, Colorado’s largest privately held homebuilder], saying, ‘I hope you’ll support Hancock.’ They knew they could shape him.”

Indeed, while Colorado mayoral races have a \$3,000 contribution cap, that limit applies per person, PAC, or business; Hamill managed to contribute six times the limit to Hancock by giving through five different businesses. He also served as Hancock’s campaign finance chair in 2015, when the campaign received \$159,000 from developers. When Hancock was sworn in for his second term, protestors gathered outside Denver’s Ellie Caulkins Opera House chanting, “*Sí se puede desviar el I-70.*” Yes, we can divert I-70.

Perhaps the most disturbing consequence of the privatization of public infrastructure is the way it undercuts legal recourses available to residents. As they attempt to demonstrate that the city prepared and the EPA knowingly approved an incomplete environmental impact

statement, the privatization of the project has prevented GES residents from gathering evidence needed to enforce environmental and civil rights regulations.

“Our attorney CORAed [Colorado Open Records Act, similar to a FOIA request] CDOT to get financial records and cost projections for the project, and was denied because it was ‘not in the public’s interest,’” says CdeBaca. “The attorney for the city park drainage lawsuit was denied access to 7,400 documents.” The privatization of infrastructure renders proprietary information that belongs in the public sphere.

The scale of the activists’ claims, the archaic aura of the city’s plans, and the civil rights and environmental-justice stakes of the Central 70 fight make it hard not to see it as a test for Denver, and perhaps even for American cities writ large. At a moment when fundamental political norms and processes are being theatrically eroded at the national level, Denver has the opportunity to treat regulation, participatory democracy, and the legal system with integrity—or to choose not to. If the city government can summon the courage to listen to residents, it would make a strong statement about who cities understand their constituents to be, and how they serve them.

Margot Lystra, the doctoral candidate at Cornell University, sums it up best when she says, “I think of these freeways as something that happened and we should have learned from, in terms of the rights of different races and classes of urban dwellers to have some sense of safety and security in where they live. It’s striking that this conversation is even happening.”

Olympic Ambitions, Developers' Wishes Trump Human Health in Most Toxic U.S. Zip Code

08/28/2017 07:37 pm ET | Updated Aug 30, 2017



PHOTO COMPOSITE BY MICHELE SWENSON

Government responds to the needs of investors before people. **Noam Chomsky**

CDOT to the People: "Sue us."

A public meeting at Swansea Recreation Center on February 16, 2017 was intended by the Colorado Department of Transportation as a platform to present plans made by Denver and the state to widen and lower the elevated I-70 viaduct 40 feet partially below the water table in a flood plain and Superfund Site between Colorado and Brighton Blvds. The proposed I-70 trench, called the "PCL" - partially covered lowered - is an alternative previously rejected and then revived as part of the 10-mile Central 70 Project. Though long denied by many city and state officials, the creation of a 2-1/2 mile drainage system (in this case co-opting parts or all of three parks, and traversing several neighborhoods) was

<http://www.huffingtonpost.com/entry/59a4577ce4b0cb7715bfd7aa>

1/11

conceived to provide 100-year flood protection for the I-70 trench and development along I-70. Plans made largely below the radar too often excluded neighbors' input and short-circuited environmental protections. Responding to protests at the February 16 meeting, CDOT Executive Director Shailen Bhatt reiterated the sole recourse offered to the people: "Sue us." He asserted that CDOT and the City had technically adhered to legal process. Insisting on a higher standard, a local resident replied, "Do the right thing, the moral thing."

Unbeknownst to most Coloradans and cited by a participant at the February 16 meeting has been a quiet years-long effort to bring the Winter Olympics to Colorado, also significantly impacting I-70 expansion plans. A City document titled Master Plan for the National Western Center lays out extensive plans for the current National Western Stock Show complex to accommodate two large arenas and sports facilities, as well as Olympic venues and temporary housing. Facilities include: "Ice capability for hockey...a possible Winter Olympics bid.." and "Accommodate potential for Olympic long track speed skating oval."

Laying the groundwork for an Olympics bid began soon after the 2011 mayoral election when Denver Mayor Michael Hancock and Colorado Governor John Hickenlooper enlisted close associates, including Steve Farber (influential lobbyist and power-broker of the national law firm, Brownstein Hyatt Farber Schreck, LLP, a member of the American Legislative Exchange Council, a conservative corporate ally), to serve on the Denver Olympics Exploratory Committee with intent for a 2022 Winter Olympics bid. When the U.S. Olympic Committee decided to sit out that year, ambitions were projected toward a 2026 Winter Olympics bid.

Among investors laying claim to properties along the I-70 corridor is Elevation Development Group, a real estate investment and development firm formed by sons of Farber. The group has purchased properties for development adjacent to I-70, the future National Western Center and River North District.

Widening, Lowering of I-70 Cited as Necessity for Olympics Venue

By 2012, Governor Hickenlooper reportedly instructed his newly-appointed CDOT executive director, Donald Hunt, to revive the previously rejected plan to widen and lower the 1.8 mile long I-70 viaduct that bisects Elyria- Swansea neighborhoods, into a below-grade trench, known as the "PCL" - the partially covered lowered alternative.

Hunt acknowledged that previous proposals to lower I-70 below grade had been shelved due to concerns about groundwater contamination and cost, but he asserted that the I-70 lowering would be kept "shallow" to avoid groundwater problems. Hunt admitted the PCL would add \$150 million to the anticipated \$1 billion cost of the Central 70 project, making it "one of the most expensive projects in the history of the Colorado Department of Transportation." Simultaneously, officials reported that new federal transportation funding was unlikely in the near future, requiring additional state monies for transportation projects.

President/CEO of the National Western Stock Show, Paul Andrews, in 2014 named the "PCL" (I-70 widened from six lanes to 10 lanes plus 2 auxiliary lanes in each direction, lowered into a trench, with a cover) "of vital importance to the future of our site." Some regarded the cover over the lowered freeway essential to a potential Olympics venue, to connect the National Western Center, the Coliseum and River North District. Expansion of I-70 was cited as opportunity to create a transportation connector for the proposed Olympics venue by way of Union Station downtown to mountain venues. Investor/developer interests hailed a widened, submerged I-70 as a gateway to Denver, a necessary investment for the mayor's envisioned "Corridor of Opportunity."

Mayor's "Corridor of Opportunity" for Public Subsidies, Private Profits

One of the City's strategy consultants, Coltivar Group is a self-described "boutique management consulting firm" acting as catalyst for construction industry growth, an "immense scope of investment" and increasing profitability, often by

means of "public/private partnerships." "P3s" often equate to public subsidies for projects yielding private profits. Such private for-profit toll lanes are part of CDOT's plan for I-70 expansion. By 2015 Coltivar promoted Mayor Hancock's "comprehensive multi-project development strategy" as "ripe with possibility for citizens, businessmen, and the construction industry."

An early Denver Chamber of Commerce presentation likewise lauded the NDCC's leveraging of multiple projects along the Mayor's "Corridor of Opportunity" toward achievement of "funding options" and "a broad range of investment," as well as "shared opportunities for creation of Public/Private Partnerships."

The city's website expansively describes the "mayor's bold vision" for Denver's "northern gateway entrance into the Mile High City"- "six projects covering...more than 3,000 acres along Denver's nearly 23-mile 'Corridor of Opportunity'.....one of the largest urban redevelopment projects in the nation currently."

While vaguely alluding to drainage issues surrounding I-70 development, the City website has called for "Reclaiming the river with a new park....greenway, transportation improvements, improved drainage, and identifying sustainable development opportunities along the riverfront." Not mentioned is the need for 100-year flood protection arising from I-70 development projects.

Only by uniting the needs and ambitions of CDOT, the City and County of Denver, investors and developers around the I-70 corridor and its drainage requirements, could a plan be devised that ultimately shifts environmental and financial burdens to the people of Denver and Colorado.

Developers' Needs Prevail: I-70 Alternative Given Short Shrift

The fact that developers are relieved of responsibility for providing flood protection for their own projects may help explain why there was no serious consideration of the alternative I-270/I-76 route north of I-70 which would bypass populated areas, providing some relief from the polluting freeway dividing north Denver neighborhoods.



A 2008 Groundwork Denver report acknowledged that Elyria and Swansea bisected by I-70 in 1964, spanned the most polluted zip code in Colorado, encompassing two high-priority Superfund sites and numerous contaminating industries. Classified as "Environmental Justice" communities, they are defined by the EPA as "overburdened communities... suffering an undue burden of environmental pollution, often predominantly poor and minority," that deserve to have a "fair opportunity to participate in EPA's permitting process" related to "significant public health or environmental

impacts." Groundwork Denver's self-described mission is to "partner with lower-income communities" to "promote health and well-being" and positive environmental change.

The 2008 report also assumed realignment of I-70 to permit re-connection of previously divided neighborhoods: "The potential realignment of I-70 viaduct would remove a major barrier in the heart of Swansea and create significant opportunities for new development and street connections in the neighborhood..."

Rerouting I-70 to the north by widening the existing I-270/I-76 highways, would avoid hazards associated with the I-70 trench and drainage projects. Already slated for expansion, the I-270/I-76 alternative beltway lies principally in an industrial area, bypassing heavily populated neighborhoods. The diverted route would add only about 1.8 miles to the east-west trip along I-70, and is reportedly already used by some truckers to avoid the I-70/I-25 bottleneck.

One of multiple alternatives proposed by CDOT in 2003, the I-270/I-76 reroute was subsequently dismissed with a written cost estimate using "terribly flawed" assumptions, reported League of Women Voters' transportation issue specialist Cynthia Thorstad in 2014.

The I-70 East Final Environmental Impact Statement (FEIS) in 2016 did not mention or evaluate the I-270/I-76 alternative route. Though CDOT has claimed to study this beltway alternative, the only 'reroute' studied was an earlier, much more minor detour terminating at the National Western Complex.

Instead of the alternative, CDOT chose the option to remove 56 homes and 17 businesses. With developers prevailing, gentrification begins to displace residents, as property values and taxes climb and the need for 100-year flood insurance generated by the stormwater proposal is out of reach for many.

The Congress for New Urbanism's 2017 "Freeways without Futures" report includes Central 70 among top ten highways with opportunity for rehabilitation, to reconnect neighborhoods and to "remove a blight from the physical, economic, and environmental health of urban communities," by replacing the highway with a walkable, bikeable boulevard.

Project Advanced in Unremediated Superfund Site, Floodplain, Most Polluted U.S. Zip Code

Many in Denver did not learn of the full scope of the City and CDOT's plans for I-70 until late 2015 or early 2016, well after Hunt's November 2014 resignation, even as serious concerns remained about ground and surface water contamination, related to plans to lower the I-70 viaduct in a flood plain and unremediated Superfund site.

The 80216 zip code encompassing Northeast Denver neighborhoods of Globeville, Elyria-Swansea and River North, site of the Central 70 Project, has suffered a quadruple whammy. A 2017 ATTOM Data Solution study reported 80216 the most polluted among over 8,600 zip codes nationwide, including the Love Canal site of one of the nation's worst environmental disasters. Zip Code 80216 tipped the scale on all four environmental risk factors considered: Air quality;

the number of pollution-generating facilities; two mostly unremediated Superfund sites; and six brownfield sites, contaminated former industrial properties.

The bisection of the Elyria-Swansea and Globeville neighborhoods by I-70 in 1964, resulted in high quantities of small particulate vehicle pollution and high rates of associated disease. Four City Council districts adjacent to the I-70 corridor reportedly experience pollutants twice as high as the rest of Denver, resulting in 50 percent higher death rate due to cardiovascular disease and cancer, higher rates of diabetes, obesity, and childhood asthma. Average lifespans are shortened by 3-1/2 years. Environmental attorney Robert Yuhnke noted that health issues were overlooked in the 2008 I-70 Draft Environmental Impact Statement, with no accountability for the health effects, nor for the fact that the 80216 zip code falls within the unremediated Vasquez/I-70 Superfund Site - placed on the National Priority List of Superfund Sites in 1999. The site of former smelters contains elevated levels of cadmium, arsenic, zinc and lead, as well as asbestos from a former landfill site.

CDOT's response? Promise residents near the highway air conditioner units and interior storm windows, so they don't have to breathe foul outdoor air.

Costs & Risks Assigned to the People - City and CDOT Deny Link between Projects

As stated in the 2016 Final Environmental Impact Statement (FEIS) for the Central 70 Project, the primary groups planning development along the I-70 corridor - CDOT, RTD and North Denver Cornerstone Collaborative - were united under the umbrella of the Multi-Agency Technical Team (MATT), who in October 2013 signed a MOU regarding the 100-year flood protection needs of their respective projects along I-70. From their collaboration emerged the "Platte to Park Hill" stormwater drainage system proposal, 2-1/2 miles of pipes, detention ponds and open canals across north Denver south of I-70, roughly lining up with 39th Ave. The Environmental Impact Statement ultimately approved by the Federal Highway Administration did not include evaluation of the Platte to Park Hill flood protection project.

City spokespersons consistently denied the link between proposed 100-year flood drainage protection and the I-70 trench. The Platte-to-Park Hill drainage project was not part of the City's September 2014 stormwater master plan, but nevertheless was assigned priority over flood-prevention projects citywide. The City initially characterized the diversion project as a "neighborhood flood project" to protect neighborhoods to the south of 39th Avenue from flooding - none of which would be significantly protected. Indeed, the I-70 FEIS describes the long-time goal to protect areas north of 39th Avenue against flooding.

The 2015 City-CDOT Inter-Governmental Agreement (IGA) states the connection between P2P drainage and the I-70 trench projects. At a Cabinet in the Community Meeting on November 19, 2016, Mayor Hancock belatedly acknowledged to community members the direct link between the projects.

Even as Globeville Landing Outfall, at the west end of the project, is expanded to accommodate four times the previous drainage into the South Platte River, unaddressed is the low-lying 4-square-mile Globeville-Utah Junction Basin, lacking natural drainage and vulnerable to heavy flooding. It is among nine out of 67 basins in Denver regarded as high-priority flood-reduction projects. City officials gave assurances that studies of the river, including one by the U.S. Army Corps of Engineers (still two years out) could redress Globeville's high flooding potential "in three to five years", with "possible" federal funding. Two independent engineers predict the expansion of the Globeville Landing Outfall will place low-lying Globeville at increased risk of flooding.

A 15-minute video of a Civil Engineer's overview of the drainage and I-70 trench projects videotaped two months before Globeville Landing Park was leveled by the City in January 2017: The Perfect Storm: Platte-to-Park Hill...

Funding, Environmental Burdens Shifted to People

By 2016 CDOT cited a \$9 billion shortfall in unfunded priorities for statewide projects over ten years. At a 2016 Transportation Commission meeting, the Colorado Bridge Enterprise Fund was named in jeopardy because half of its funds for the ensuing 30 years have been allocated to the 1.8 miles of the Central 70 project.

Rather than developers and CDOT covering flood protection for their own projects, the City and State collaborated to ultimately pass costs to residents. The mayor, urged by CDOT, requested and received City Council support for an Inter-Governmental Agreement (IGA) between CDOT and the City, to provide 100-year flood protection for I-70 - signed prior to environmental approval.

Denver also agreed to contribute \$90 million requested by CDOT toward the estimated \$1.2 billion Central 70 highway project. In return, CDOT offered to contribute \$43 million of the \$69 million estimated cost of the Globeville Landing Outfall "Early Action Drainage" segment, required prior to excavation of the I-70 trench. CDOT insisted that Denver manage the drainage project while CDOT maintains review power. The complex IGA was pushed through within a week by the lame-duck City Council on July 6, 2015.

In 2016, City Council voted to increase wastewater fees to Denver residents by \$383 million over 30 years, 54 percent projected for the Platte-to-Park Hill Stormwater Systems project. The largely unfunded balance of storm water needs citywide is estimated at over \$1 billion.

Incomplete Studies, Lack of Community Involvement

A Community Involvement Plan is mandated by Congress whenever citizens are to be exposed to Superfund pollution. Responding to unanswered questions, North Denver neighbors presented a petition with over 2,000 signatures to the mayor in November 2016 urging a pause prior to start of work at Globeville Landing Park, pending outcomes of studies and completion of a Community Involvement Plan. City Council members Rafael Espinoza and Debbie Ortega also requested that Public Works pause and re-evaluate options to protect Globeville against flood risk.

Even as excavation was begun at Globeville Landing Outfall in early 2017, results of the U.S. Army Corps of Engineer study remained two years out. Also incomplete, an Urban Drainage Flood Hazard Area Delineation study with flood modeling of 50 miles of the South Platte River. An Urban Drainage Flood Control District study of the Montclair and Park Hill Basins requested by Denver in 2013, is incomplete. A resident tracking the project notes the City directed Urban Drainage to "black out" the Platte-to-Park Hill drainage portion of the plan as "done," effectively foreclosing evaluation of that part of the project.

View neighbors' concerns re: I-70 and Platte-to-Park Hill projects: Corridor of Opportunity/Superfund Dig...Neighbors the Last to Know

More Shortcuts

The City and CDOT short-circuited process, bypassing review of both parts of the joint project in the Environmental Impact Statement as required by the National Environmental Policy Act (NEPA). An agreement assigned much of the hands-on construction of the project to the City, while CDOT contributes payment and reviews plans, a sleight-of-hand effectively bypassing public scrutiny.

Simultaneously, the City and EPA quietly agreed to shortcut an ongoing environmental remedial process by naming the Globeville Early Action Drainage Project (in an unremediated Superfund Site) a "Time Critical Removal Action." A TCRA sets less stringent pollution standards, permitting applicants to forego the Engineering Evaluation/Cost Analysis, and bypassing a Community Involvement Plan. Rather, TCRA was invoked to rush completion of the Globeville portion of the

P2P Drainage project to meet CDOT's accelerated schedule, not public protection in an emergency, for which the TCRA is intended.

Requesting "permission to pollute" from the Colorado Department of Public Health & Environment, the City was reportedly granted a 13-month exception to discharge higher levels of pollutants into the South Platte River during excavation at Globeville Outfall. Civil Engineer Adrian Brown notes that the city has been granted the right to "pollute to the limit," dumping contaminants into the river at a point a mere two miles upstream from Adams County water supply.

A Sierra Club lawsuit charges the EPA with changing measurement methodology, effectively permitting higher levels of pollution, violating the Clean Air Act's Ambient Air Quality Standards. A second lawsuit by neighbors contests the City's re-purposing of a large part of City Park Golf Course, listed on the National Register of Historic Places, into a detention-drainage facility, in violation of the Denver City Charter.

After the Federal Department of Transportation green-lighted the project in early 2017, it was anticipated that NEPA process deficits in CDOT's I-70 planning, including exclusion of Globeville, City Park and Cole neighborhoods, would require a Supplemental Environmental Impact Statement.

Two more lawsuits were filed as of July 10, the first charging the Federal Highway Administration with violation of the National Environmental Policy Act (NEPA) by failure to conduct sufficient oversight regarding the Environmental Impact Statement, failing to account for the flood protection portion of the project, even as the City and CDOT "intentionally hid the connection between the Platte to Park Hill Drainage Project and the Central I-70 project." A fourth lawsuit charges violations of the Clean Air Act.

View neighbors testifying before Denver City Council in early 2017: Superfund Dig: Denver the next Flint, Mi?

POLITICS

Massive storm and sewer fees hike approved by Denver council

By CARLOS ILLESCAS | cillescas@denverpost.com |

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Residents in Denver will see big increases in storm drainage and sewer fees over the next five years after the City Council early Tuesday approved the hikes as part of a new flood-control plan.

Storm and sewer fees will pay for the Platte to Park Hill flood control plan and other projects in the city. On average, a homeowner will see increases in fees totaling \$116 over the next five years. The Platte to Park Hill project could cost up to \$298 million.

"It's no longer acceptable that we have areas that flooding puts life at risk," said councilman Jolon Clark, who voted for the rate hike.

The measure passed on an 8-3 vote, with councilmen Kevin Flynn, Rafael Espinoza and Paul Kashmann voting against the measure. Councilwomen Robin Kniech and Debbie Ortega did not attend the meeting. A motion to postpone the vote until Aug. 29 failed.

"I think this should be done more incrementally like we have done on most drainage projects," Flynn said.

"I don't really like voting no on this project but it is the largest project we have ever done on wastewater. I feel we're putting the cart before the horse."

Platte to Park Hill would reduce flooding in some parts of the Lower Montclair Basin by improving storm drainage in north and northeast Denver. A detention area would be created at City Park Golf Course. That has been the project's most contentious issue. The golf course would have to be closed for about 16 months.

The Interstate 70 expansion project is linked to the city's plan because the interstate would be built below grade would benefit from drainage improvements.

At a public hearing early Tuesday, residents said the project would do little to improve drainage south of I-70, while fees will be collected from residents who live throughout Denver.

Some accused the council of having already made up its mind on the project before the public hearing and final vote.

"We all know you're going to pass this. It's a kabuki dance," Denver resident Thad Tecza said during the hearing.



Helen H. Ric

Meredith Wenskoski, a landscape architect at Design Workshop, shows the designs for Denver's proposed flood-control projects at an April 6 meeting.

Joel Noble of Curtis Park Neighbors said he hasn't heard of any controversial issues coming from residents in that neighborhood and that he favors the project.

"I wish this would have been communicated better, but I'm more concerned about the possibility we might not pass this," Noble said.

Meanwhile, a lawsuit was announced Monday against Denver's plan, claiming that a detention pond at the golf course goes against the city's charter and zoning codes. It was filed by former Colorado Attorney General J.D. MacFarlane.

"The city's planned misuse of designated parkland — which has met significant public resistance — at a tremendous cost to Denver stormwater ratepayers to benefit the I-70 project and other construction adds further insult to injury," said attorney Aaron Goldhamer, who is representing MacFarlane.

David Broadwell of the Denver City Attorney's Office said he believes the city is in good standing on using the golf course for water detention.

"We're prepared to defend it and we believe we will defend it successfully," he told the council.

Updated June 14 at 8:00 a.m. *The following corrected information has been added to this article: Because of a reporting error, this story has been updated to reflect the correct spelling of Joel Noble.*

TAGS: DENVER CITY COUNCIL, DENVER PUBLIC WORKS

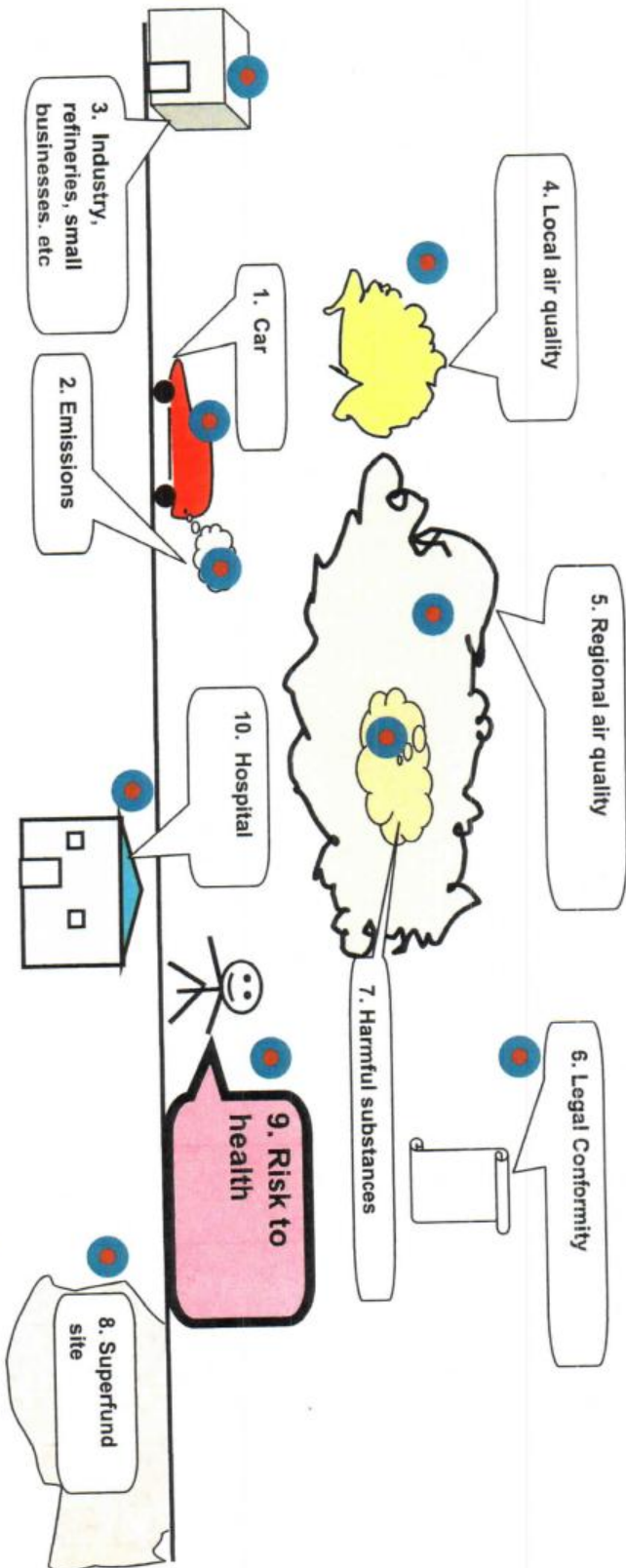


Carlos Illescas

Carlos Illescas had been with The Denver Post since 1997 before leaving in June 2016. He had worked as a reporter covering the suburbs and was a weekend editor. He previously worked for the Fort Worth Star-Telegram and the Aspen Daily News and graduated from Colorado State University in 1991.

CHART – VEHICLE EMISSIONS AND RISK TO HEALTH: CONNECTING THE DOTS

VEHICLE EMISSIONS AND RISK TO HEALTH: CONNECTING THE DOTS



For each transportation alternate, to compare the relative risks to health, CONNECT THE DOTS.

1. Connect Dot 1 to Dot 2.
 2. Connect Dot 1 to Dot 4.
 3. Connect Dot 2 to Dot 4.
 4. Connect Dot 3 to Dot 4.
 5. Connect Dot 4 to Dot 5.
 6. Connect Dot 5 to Dot 6.
 7. If you do not wish to consider human health for transportation alternatives, stop here
 8. If you do wish to consider human health for transportation alternatives, Connect Dot 7 to Dot 9 And Connect Dot 8 to Dot 9
- That will give some very good information on minimizing the Dot 9 to Dot 10 connection (Avoidance and mitigation measures can be identified for each transportation alternative.)