



Transcript of the I-70 Forum

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Transcription by

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Chair: Loretta Koehler
Moderator: Luchia Brown

The panelists:
Dennis Royer, PE
Bill DeGroot, PE, F.ASCE
Albert Melcher, MS civil engineer
John VanSciver, PE
Patty Ortiz, PE, PMP
Andrea Gelfuso, Esq
Kyle Zeppelin, Developer

PLATTE TO PARK HILL STORM WATER DIVERSION AND THE 1-70 EXPANSION

LORETTA: September 9th INC Public Forum on Platte to Park Hill, water diversion the INC and height I-70 expansion.

Thank you all for coming here to Manual, and my name is Loretta Koehler and I am the Chair of today's meeting, I am going to do very brief introductions but I want everyone to know that, if you have not picked up the handouts that are outside, they have the bios of everyone which will really do a very, more thorough job of explaining who everyone is. I will not do justice to that because we do not have the time to go into that.

What we have today is a panel of experts and they will be presenting for 5, maybe 6, minutes and then we will have a very brief break. All of you, if you have not picked up a white card, a 3 x 5 card and you have a question, please pick one up, write a question, there will be people out in the audience picking up the cards. After we have the panel, give their presentations and then the moderator will have those questions and be able to ask these individuals those questions. Again, let me go through and just identify, when I say your name, I do not think everybody is sitting in order so I am just going to go through and introduce everyone very briefly. If you can just raise your hand or stand up, whatever you want to do is fine by me.

Let me start off with, I am going to start off with Patty Ortiz, she is a civil geotechnical engineer and has worked in water and in superfund sites. We have Dennis Royer and he is a traffic engineer, he is a former manager of Public Works in both Denver and in Boston. We have Albert Melcher and he is an expert on, he is a civil engineer and he has done a great deal of work on highways. John VanSciver, and he is also a civil and structural engineer with many years of water experience. Kyle Zeppelin, developer, and he has done many projects, TAXE to name one. Andrea Gelfuso, she is an environmental attorney and she works on the clean air act and then the lawsuit that is currently pending. Do I have everyone? William, Bill DeGroot, a civil engineer and expert on stormwater and floodplain management.

So that is your esteemed panel. Our moderator today, thank you, this is a great panel of experts so it is a good time to ask questions. Our moderator, today, is Luchia Brown and she will be here today helping to moderate all the process. I am going to hand over the microphone to her.

LUCHIA: Good morning, everybody, we are just going to get right into it in the interest of time. Dennis, would you like to get going?

DENNIS: Good morning, everybody. As kind of an introduction for you, if you think I am going to be able to tell you everything that went on in a 9,400 page plus, the final

environmental impact statement, in 5 minutes, I cannot do that. The record decision is 252 appendixes, so if you want to have some fun reading this stuff, please feel free to go to the CDOT website and read this stuff. I am going to give you some quick points, overview of what we have dealt with in the last 15 years, ok?

Viaduct itself, CDOT, from day one has told everybody this viaduct has got to come down, it is in horrible shape. When they started in 2003 this viaduct was only 39 years old, it is now 54 years old. If you talk to the CDOT staff bridge at their headquarters, they will tell you if you properly maintain a bridge it should last 75 to 100 years, so you can understand why the viaduct has to come down. CDOT has not maintained it, or they will tell you they have but what you also have to find out, if you check backwards, is that CDOT currently ranks 50th out of 50 states in terms of maintenance of infrastructure in the United States. They would be 51st if we could include the District of Columbia, so I just want you to know that from day one and that has been their position. That is why they keep arguing that they have got to do this core.

Their current plan, if you do not know it, is approximately 300 feet wide in the depressed section. It actually gets wider in some of the other sections when they rig the ramps. The current viaduct is only 88 feet wide, and then ramps, wherever they come in, add a little additional. They are putting frontage roads on both sides. Wong Strauch, the local architect, something like eight years ago said something like, "What do you need a north frontage road for? That is just another 45 feet taken out of the neighborhood," which is absolutely right. When they get to the cover that they are building over the depressed section, there is no north frontage road so you have to ask, why the intrusion into the neighborhood for this additional distance? Like we say, the north frontage road is not necessary.

The south frontage road is the replacement for 46th Avenue, 46th Avenue currently goes under the current viaduct. The neighbors wanted the roadway on the south side because that is where most of the industrial area would keep the trucks farthest from the residential portion of the one roadway. The plan that they have is 297 feet wide, can be restriped to 14 lanes. CDOT originally said they were doing 10 lanes, then they said...now, they are telling everybody, "Oh, we are only going to do eight." They are going to build the entire cross-section, you do not dig a hole in the ground and only build part of it. You build the entire width, you pave it in, you have to move traffic off of the viaduct, into the trench then they finish the viaduct, finish the trench to the south. But they have 16 foot inside medians which you do not need.

That is what allows them to restripe this in the future, if they want to, to 14 lanes which means they could have eight managed lanes and we will still only have 6 general traffic lanes for those of us who do not want to pay the toll. CDOT claims they have looked at all these various alternatives. If you followed any of what has

been going on with the local neighborhood groups up there, there is one alternative in particular they wanted which was what we have called the re-route alternative. Run it up 270 to 76 and around, it adds a mile and a half, two miles to the total distance but it would take the viaduct and the roadway completely out of the neighborhood and not cause the problems. Through Adams County, there is only 75 homes within half a mile of those roadways so from a residential impact standpoint, or whatever, there is far less impact.

CDOT's entire analysis of that alternative consists of a one and a half page cost estimate which they claim would cost \$4.2 billion to build that segment, so it is too expensive and they toss it out. Under the environmental rules in NEPA, it says all viable alternatives have to be rigorously and thoroughly reviewed. We kind of object to a one and a half page cost estimate as being rigorously and thoroughly reviewed, and that is why you have heard many people arguing about that point. Adams County has wanted 270 taken care of and, if you know anything about that area, 270 is the most congested corridor on the interstate system in the metro area. It is jammed everyday by 3 o'clock in the afternoon.

We went to a meeting in Adams County where they met with the people up there and they had been promising 270 for 20 years. They informed everybody at this meeting, "Oh, you are in the next 20 year plan." So, Adams County is sitting there going, "When do we get something, but of course, this is intentional by the part of CDOT because if they did something on 270 that would take away from I-70, I-70 is where they are putting everything. I want to point out a few violations of NEPA along the way, one of them is called segmentation. When you define a corridor you have to review the entire corridor. They defined the corridor as west of the mousetrap, or I-25, to Tower Road but if you read the FEIS record of decision, it is all, basically Brighton Boulevard to Tower Road. They left the mousetrap out.

One of the questions I posed to them early on was, why aren't you tying your managed lanes on I-25 to the managed lanes on I-70 so people coming out of downtown get in the managed lanes and they get right on to I-70? Their explanation was, well we would have to rebuild the entire mousetrap. I looked at it and said to them, gee, I could do it with a couple of ramps, why cannot you? They go, "Oh no, that would add hundreds of millions of dollars to the cost that we cannot afford it." Another thing we have to deal with is hazmat. There are going to be other people here [audio drop] is, they have not really told you much about it in their study.

When Executive Director Batt was out at the Swansea meeting, all his answers to this was, do not worry, we are going to use the best state of the art protection we can while we build this for you. But, other than that, they will give you no details as to how they are going to handle any of this and they are going through the most

polluted zip code, if you read the articles, in the entire United States, but do not worry, okay?

The other problem we have had, and I testified at the City Park Golf Course, is, they set up an agreement in 2015 with the city to do detention at the City Park Golf Course, to block the water from getting to I-70, the depressed section and the National Western which is the primary historic flow. They want to rip out an historic golf course to intercept it, well, the problem with this is, by signing that agreement in 2015, in the middle of their environmental process, they were obligated to put that in the report. They did not do it. So, technically, by not having this as what is called a connected action, they violated the NEPA law again by not even explaining it to everybody. But what the IGA signed with the city specifically says, this is for I-70 drainage protection.

LUCHIA: How many more points do you have there, Dennis?

DENNIS: Pardon?

LUCHIA: How many more points do you have, because we are at six minutes.

DENNIS: I just have a couple quick ones.

LUCHIA: Couple quick ones, alright.

DENNIS: One of the things you also have to understand, very quickly, is that CDOT does what I call wordsmithing. You can follow along in your packets on this, or whatever, about various things that they do. About how this is the best solution but if you go into the final appendix of traffic, you find out that the best solution is actually 10 general traffic lanes similar to what we did on TREX. They also claim they are improving connectivity in the neighborhood. Well, how do you depress the roadway? You put a deck over it that is only for pedestrians and bicyclists and cut off all these streets, and you have better connectivity into the neighborhood. I will let it go at that, we want you to ask questions, we will deal with other issues at that time.

LUCHIA: Next, we have Bill DeGroot. You do not have to get up but if you want to you can if you feel more comfortable.

BILL: No, I am staying right here, behind the table. I have got a PowerPoint. Is this counting against my time? Apparently, we cannot do anything with the lights, so...I think it will be okay.

WOMAN: Read it for us, Bill.

BILL: It says, "Oh crap! Was that today?" I think they found one of those dinosaurs up in Thornton the other day. Let's see, okay, I have got four issues I would like to talk about. The first is the Platte to Park Hill project that Dennis eluded to, the P to PH is directly linked to the proposed I-70 duct, and you just cannot get away

from it which means they violated the EIF. Much of the project decision making has been done in secret. The third point is that there was an abrupt change in drainage design frequency in the Montclair basin and I will discuss that a little bit.

Then, funding the project is, in my view, an abuse of Denver's drainage fee. As Dennis said, the intergovernmental agreement between CDOT and Denver clearly links the ditch to the Platte to Park Hill project. I am going to just say project. For example, the CDOT gets to review and comment on the construction around it, said the 30% and 60% completion points, and then Denver has to tell CDOT how they have addressed all of those points. Now, if it is independent, what is that all about? Also, CDOT requires a \$5,000 a day penalty for every day the project is not done on time. Again, if they are separate, what is that all about? Finally, joint hydrology studies by Denver, CDOT, the Urban Drainage and Flood Control District and RTD also showed, clearly, that the projects are linked. So, when I see them say they are not, I just say, "How do you do that, how do you do that as a professional?"

Design and flood frequency and secrecy. The past drainage construction in the Montclair Basin was based on a 5-year design, 5-year rainfall design. Ferril Lake, if you are familiar with that one in City Park, there are agreements that were done to a 5-year that was done by Denver and Urban Drainage, RTD, the line was held to a 5-year standard when they put that line in. There was a pipe made that was being designed and readied for construction from the South Platte River up to 39th that was suddenly pulled. The whole area between the Platte and the golf course was pulled from the study that was going on...let me backup, I missed this. The joint Denver, Urban Drainage master plan was ongoing, and in the middle of it, they pulled that segment out, Denver did. Said it is done, we are not going to study it anymore. You are not going to see it and just assume that what we give you is done when you complete the master plan.

Little sidebar here, the 100-year design standard is a minimum, and when you are digging a 40-feet deep ditch, crossing the drainage, putting people in cars in it, it should be a higher standard than just the 100-year. Larger floods can, and do, occur as we have been seeing, these papers are from the 2013 floods in Colorado, and they have a little problem in Houston. Florida and you probably cannot read that but one person is saying in the boat, "When was our last 100 year flood?" And the answer is last Tuesday. So our 100-year flood standard is just not acceptable, I do not believe.

Let me finish with the abuse of the Denver storm drainage fee. First, it is a...remember, it is a fee and not a tax, if it was a tax you would get to vote on it. Since it is a fee, they can raise it whenever they want, as high as they want, as long as it is supposedly used for drainage. Now, they started abusing it a long time ago in the Webb administration when they decided to pay for half of all curb and gutter on new streets was the drainage fee. Now, curb and gutters are

considered to be part of the road in it, it would be a transportation cost but they found they could just take a few dollars here and there and expand their road building at the expense of the drainage fee. But then, it really got bad in 2016 when the city council raised the fee dramatically, as the Denver Post headline shows, and over half the fee is being used on this one project.

LUCHIA: Okay, we are at six minutes.

BILL: Okay, here we go. The drainage fee is now being used for a brand new golf course, a brand new golf course clubhouse, 30,000 green fees for lost business at the golf course and part of it for an interstate highway. Denver citizens are being hurt in two ways; first to pay a larger fee, and then the money is used for other purposes. Apparently anything that is rained upon is now eligible for the drainage fee. Thank you.

LUCHIA: Thank you, Bill, thank you. Next, we have Burt Melcher.

BURT: Thanks, I have been involved with the EIS on this project since 2003 when the first Citizens Advisory Committee was set up. Incidentally, I have been a CDOT commissioner which gives me some interesting insights into their mentality. Just to start, basically, the CDOT mission is mobility for vehicles. Other factors are human beings and environment, those are essentially secondary and of very less importance.

To illustrate this, I attended a statewide meeting of the CDOT where the planning division presented its new environmental program, presented by the head of their Environmental Division. It dealt entirely with the issue of producing the best possible documentation. Absolutely nothing about attention to the human environment, protection of health, etc. but I guess the message is, as long as you cover your butt with bureaucratic paperwork, that is all you need to do. But the laws require a hard word of luck as Dennis pointed out, at the environment, not just bureaucratic documentation. The essence of it is, this makes CDOT into a political and not a professional engineering organization.

WOMAN: Could you put the microphone further from your mouth, please?

BURT: A little further? Okay, I can whisper into it. The major problems associated with it are, there are two fatal flaws. First, the process has a predetermined outcome of the final project alternatives that truly avoid major harm and provide meaningful protection to people and their community, who are looked at but only in a cursory matter. Other presenters are dealing with this subject, as we already know and with the problems of alternatives which, I support the statements that those were very poorly analyzed. Some impact mitigation alternatives were adopted, such as windows, air conditioning and school modification, but these are basically kind of band-aids in the larger scheme of things.

Second, there is a considerable misrepresentation and it is indefensible, and accepted on the true dollar cost of the full EIS east project. The EIS central costs which is what we are dealing with, basically immediately has been about \$1.12 billion but the total EIS project cost is about \$1.42 billion. Add to this, the connection of draining of drainage product and the east end of I-70 from Chambers to Tower Road and also the mousetrap. These costs drainage about \$300 million, mousetrap probably \$100 million to \$300 million. Subsidies have spent about half a billion bucks on interchanges like this, if you add all those together, the true cost of the total EIS project is at least \$1.87 billion to \$2.07 billion depending on the cost of rehab of the mousetrap. EPA also estimates risks, and they figure that risks such as inflation costs overruns and so forth could add about \$450 million more.

This could get the whole project up to a total of almost 2 and a half billion dollars. These cost concerns also severely affect the proper comparison of alternatives, cost is used as a criteria in comparing them. Surrounded by the Public Private Partnership, there has been almost no transparency and disclosure on that. This is something that needs to be followed in great detail.

Turning to environmental justice and civil rights, something I feel very strongly about, that both the National Environment Policy Act and, of course, the Civil Rights Act of 1964 form the basis for addressing and dealing with these considerations. There are a lot of documents on the whole subject, especially on Civil rights, but my favorite is a concise and precise, 1997 document by Secretary of Transportation Federico Pena (ph). This was restated in 2012, the executive order is not a law but its policy and guidance, which means basically CDOT can thumb its nose at this if it wants to, there is no legal standing. The document covers how to document impacts on low income and minorities, gives it a definition of adverse impacts which should be avoided or mitigated such as health, sickness, death, community cohesion, etc. about 23 or 24 different items there. It also talks about criteria for assessing alternatives and their impacts to eliminate an alternative based on cost. The difference in cost does quote "Extraordinary Magnitude" could the four interrelated projects constitute a single project, as it has been mentioned.

LUCHIA: Thank you, Burt, we are over at six minutes.

BURT: Okay, I have got more information and just want to talk a little bit about community cohesion and character. This is a major problem and I will not go into it, but, how to maintain community cohesion, a community that hangs together, people know each other, our town analogies etc. Stability, that is a major problem but I will not take time to go into that.

LUCHIA: As INC members here, I think we all understand the importance of community cohesion, that is why we are all here, isn't that right?

BURT: Exactly, I hope so.

LUCHIA: Thank you, and next we have Patty Ortiz, thank you Patty.

PATTY: Hi, I think people here are somewhat familiar with me. I am a member of, I live in University, [audio drop] board, I am the INC delegate for our neighborhood. I am also an engineer, I have worked on infrastructure projects, I have worked on detention projects, design, construction. I have worked on superfund projects, I have what is called a PE, everyone sitting up here has a PE, they are a registered Professional Engineer. Part of that licensure requirement is that PE's show, at all times, recognize their primary obligation is to protect the safety, health, property, and welfare of the public. So, what does that really mean? That is pretty easy to define when you are doing your work projects, I always think of the example in 2004 when CDOT was working on the C470 overpass over I-70. Someone went by that project and they saw something and they called 911, and they said: "That is not my project, I am not sure what is going on there but something does not look right. There is something wrong with the sagging girder." So 911 calls up CDOT, tells them there is something wrong with the signs, they go out and check the signs and an hour later the girder falls and kills a family driving on I-70 coming down from Evergreen.

We are all human, we make mistakes, it is okay to have someone check our work and I think it is in that light that I am here to comment on some of the things on this project. I am not intimately involved with this project; we have heard there is 900,000 or a million or a vast number of pages so we cannot know all the details, but nonetheless all these engineers sitting up here on this panel are thinking there is something wrong here. There is something going on. My first exposure to the Platte to Park Hill was at an INC ZAP meeting and Drew came to me and said, "You know, can someone help me because they are doing this drainage project and there is riffraff," and I said, "No problem, that is what I do in work, I will help you understand, I am sure it is not a big deal."

I go to Globeville to the open house and the only people there are park people, and I start looking at the project and say "This is a serious project, this is heavy infrastructure construction." Oh no, this is all about a park, this is about playgrounds and trails etc. I said, "Really, because this is a pretty difficult spot to be doing all this." As I started looking a little bit more into the background materials, I found that my reservations were somewhat confirmed in the draft report on the lining for the open channel. One of the engineering companies doing the analysis said that the planned lining is very difficult, if not impossible, to construct as conceived. I brought it up at the open house, a subsequent open house, and they said, "Well, I am sorry they said that, the final report does not say that and we found a way to mitigate for that." So, as a small business owner, I attended a number of outreach events on the central 70, wanted to understand what the whole project entailed and then I got a sense of the project. The way I

characterize it is, it is sort of like a T-Rex adding in hanging lake's tunnel, adding in mitigation at Rocky Mountain Arsenal, all at one.

The advantage of T-Rex, though, in going below ground, is all the utility... there is nothing going across it. When they open up this ditch, they are going to have to relocate every sewer line, every water line, every gas line, every electric line, and every fiber optic line, everything that they find there. With hanging lakes, they are going to supposedly keep the viaduct open while they do the lowering that is pretty complicated construction. The advantage of doing what they did, something so high at Hanging Lakes is, if you are up in the mountains you can stop traffic. That is going to be pretty difficult in this location, with Rocky Mountain Arsenal, the cleanup there... actually the Arsenal is designed pretty well, it is central of where stuff is and then there is a two mile buffer all around. If anything happens you have that space of two miles before it encounters the public.

That is not the case in this case. Normally, what you do with hazardous waste sites is, you isolate them. Either you isolate them in place or you pick them up and take them away, you do not do a partial removal which is what they are doing at Globeville Landing, and you do not cut an open trench across the whole contamination, cutting across predominant groundwater flow condition direction. So, actually, the PCL is one option that intercepts the most number of hazardous, potential hazard groups... waste, locations, leaking underground storage tanks and underground storage tanks that have not yet been identified as leaking. So, what would happen? I asked, at some of the open houses, have they considered how this is going to affect the groundwater regime in the area? They said, no, that is for the design/build team to solve. If you can imagine putting a wall or a damn underground, what happens? Water backs up. The most innocent thing would be your sump pumps may have to start running more, or you might need some pumps where you did not have them. The worst thing that would happen is, groundwater is introduced into contaminated materials that are not yet saturated. Now, it enters the whole groundwater regime and contamination has the potential to go offsite. That is a regime that feeds the south Platte, that feeds the farmers who water their crops all the way from Denver out to Weld County, Fort Morgan, Julesburg, the heavy metals go on.

LUCHIA: We are at six and a half minutes.

PATTY: Going underground always introduces problems, the easiest thing is to stay above ground.

LUCHIA: Thank you, and next we have John VanSciver.

JOHN: Can you see me? Can you hear me? My name is John VanSciver, I have been listening to these interesting comments by everybody who preceded me, I am an engineer also. I also have a business degree and, before I talk to people I try to,

sometimes I cannot really figure what angle to take. I have been involved in this project from the get-go and I would be repeating things that people before me have already said.

I was having some time with that, went out to dinner last night to Grand China, I was looking for a little bit of inspiration so I got the cookie that they give you at the end and I got this piece of paper with inspiration. It goes like this: people may doubt what you say but they will believe what you do. It also has some handy things on the back side: learn Chinese, the word for taste is kao-wei (ph), remember that. Also, for a real kicker on it, it is got my five lucky numbers I will go play. That is my report, but, just one thing I would like to say beyond that.

I just wanted to pick out one item that, to me, was a key item that could be a linchpin in this entire project. This is more about the drainage than it is about the highway, although they are definitely connected. In City Park Golf Course's position, a place was located on the west end of the park which has always provided detention. At this time I would like to invite Bridget Walsh up to the stage, I need someone to hold up a picture for me, this picture will be something that can be held up but not seen by you, I think, the lighting is wrong. Yay!

The big one, first of all, we will see if it can even be seen from the...turn it over, that one, yeah. Let's see, it has to be turned the other direction, this is just a test, folks, okay? No, not that way either, like this. Can anybody see that? Can you see if I come around here? This would have been better as a PowerPoint. Okay, this is the Montclair Basin, starts... we are still upside down here, sorry. Starts at Fairmont Cemetery down here, runs down through here and then, to point a couple of things out, this is Ferril Lake here, this is the golf course, there is more to the dark color there but the place they want to put this detention structure is in the west end of the golf course there. It is just in the general area, you know where the golf course is that is dark right there, you will notice these have dark circles in them, they already are detaining water. The engine they want to build is right here, okay, thank you Bridget, you can get even with me later. The plan is for a 215 acre-foot detention plant, detention structure/lake in the west end, you probably all heard about it. It would cover 35 acres and completely change the way the golf course is. It costs \$40 million also.

I am going to just step aside a little bit to the legal positions and that is, that detention pond and the reason I wanted you to lift that up, Bridget, was because that detention pond does nothing for the golf course. There is no valuable use of putting it in there, they say they are designing it to a point where it can be put...you can play golf there. That is fine, but in essence it provides no benefit directly to them. It is within a designated park in Denver, and it would be a large project that would be built there, a sort of an industrial project would be built there which would not be for park uses. It would be a non-park usage, going to be retaining water that would be coming down and reducing flooding at the highway.

My position is, and I am not going to go on beyond this, is that I oppose it, and we do have a pending lawsuit right now, pretty soon, but if you want to talk about this questions and on this subject you can direct them this way later. Thank you.

LUCHIA: Thank you John, and now we have Andrea Gelfuso.

ANDREA: Hi, can you hear me? If I stand up it does not make that much of a difference. I am one of the attorneys working on the Clean Air Act lawsuit and I would like to tell you about our claims. This is our petition, it is 98 pages long, we had 17 separate claims so I can only summarize it briefly. We allege that, in approving the I-70 expansion, the Federal Highways Administration and I will refer to them as FHWA, did not comply with three laws; National Environmental Policy Act(NEPA), the Clean Air Act(CAA), and the Federal Aid Highway Act(FAHA).

Under NEPA, federal agencies are required to disclose the impacts of a highway project to the public and consider reasonable alternatives. We allege that FHWA did not consider the impacts to public health that will result from increasing traffic in the I-70 corridor by 65%, from 177,000 vehicles' trips per day to 292,000 by 2035. How does increased traffic impact human health? [audio drop] You have seen warnings about unsafe air quality because of smoke from wildfires. Wildfires, like cars and trucks, emit particulate matter, it is called PM. The bigger particles, called PM 10, damage your heart and lungs, cause cardiovascular disease and asthma. Superfine particles, those are called PM 2.5, they are so small they enter your blood, they are in your blood stream and studies show these smaller particles called PM 2.5, are even more of a risk to human health than PM 10.

A 2014 report by Denver's Department of Environmental Health found that people living in the neighborhoods adjacent to the proposed I-70 project are already suffering from the effects of air pollution. Kids in those neighborhoods already have a 40% greater rate of hospitalizations from asthma. Not from kids in Colorado in general, from kids in other Denver neighborhoods. Adults in those neighborhoods already have a 50% greater rate of dying from cardiovascular disease than adults in other Denver neighborhoods, it is the highway.

WOMAN: Can you pull the microphone away a bit?

ANDREA: Sure, okay. Even worse...so tell me, is this better?

WOMAN: Yes.

ANDREA: I am Italian, so it is like, you know. Even worse, people in those neighborhoods have an average lifespan that is 3.5 years shorter, on average, than people in other Denver neighborhoods. So, air pollution is already making people living near the highway sick, cutting off years of their lives and, yet, this project will likely cause more air pollution from increased traffic. We allege that the environmental impact studies done for this project do not disclose the human health impacts of

the project. And then, FHWA failed to consider a reasonable alternative of rerouting some of the traffic to I-76 to 70. We allege the failure to consider the health impacts of the project violates NEPA and FHWA did not even require air quality modeling for the smallest particles that cause the most damage, the 2.5.

Another thing, CDOT proposes to submerge the highway, create a traffic tunnel and to benefit the neighborhoods by putting an 800 foot cover on top of the tunnel. The cover will include athletic fields and playgrounds. So, athletic fields, playgrounds, the final EIS states that, if traffic stops inside the tunnel for more than 27 minutes, to protect the drivers inside the tunnel, they would need a tunnel ventilations system. The tunnel ventilation system consists of 25 jet fans that will blow truck and car exhaust out each end at the upper of the tunnel, and there is no filtration system. The exhaust will be vented just under the lip of each end of that 800-foot tunnel. During rush hour, while kids and adults are likely to be on the athletic fields and playgrounds. FHWA did not analyze whether venting vehicle exhaust would pose a risk to kids and adults exposed to those emissions from the tunnel. We allege those health impacts to kids and adults should be considered under NEPA.

We also allege the project will violate the Clean Air Act. Under the CAA, federally funded highway projects and, we are the ones, taxpayers, who are funding this, have to demonstrate they will not cause a violation of air quality standards called the NAAQS. NAAQS are the National Ambient Air Quality Standards, NAAQS are health-based. If a project violates these standards, human health will be affected. We allege that FHWA did not demonstrate that the increased traffic from the project will not violate air quality standards designed to protect human health. Based on FHWA's analysis, this project will come really close to violating the NAAQs for PM 10. The magic number for violating the NAAQS for PM 10, can you see this? 154.99, microns. That is the standard, 154.99. FHWA analyzed how much air pollution this project would create 3 different times, each time being used very different numbers to calculate the air pollution caused by the project, but every time they did the analysis, the project narrowly avoided violating the NAAQS by a tiny fraction. That is how under the standard they are. Here is the standard, this is how close they are to violating it.

We also allege that FHWA left out of their analysis, important information like half the truck traffic in the project area, and the project is already within a hair of violating the NAAQS. So they have not demonstrated that this project will not violate the health-based standards of the Clean Air Act. Finally, under the Federal Aid Highway Act, FHWA is required to follow a specific procedure to ensure the final decisions on the project are made in the best overall public interest. We allege that FHWA did not do the analysis required to demonstrate that this project is in the best overall public interest. Thank you.

LUCHIA: Thank you. Before you start, Kyle, I have a request from Bill, is this from Bill? No, from Burt, sorry. He wanted to just follow up and, something very quickly, can you do that? Is that okay? Are you all okay with that? Can you just, quickly, say what you wanted to say? You need a microphone.

BURT: In 17 seconds. Just to follow up on this outstanding presentation from Andrea, when I was on the Citizens Advisory Committee, representing the Sierra Club in 2005 and 2007. We set up, I got two programs set up to take a hard look at the health impacts, not just compliance with the conformant and so forth, but what is it really doing to people? And, the first was a panel set up of scientific experts to people from CU Health and so forth. It got going and was going to take a look at the metrics involved and so forth. CDOT killed that after about a year, year and a half of meetings. The second one was a little later, working with Bob Yonke, we were going to set up a new air quality monitoring station somewhere near I-70 and I-25, it was funded by FHWA with Sierra club and [audio drop] and the conversation was that FHWA would fund that certain project. That one got started, we worked closely with the city air quality agency and then, after a couple of years, CDOT killed that too. So, they were not concerned with cancer, with a lot of things, of [indiscernible] and so forth. They were concerned with their damned bureaucratic paperwork that I have mentioned in the beginning.

LUCHIA: Thank you, and last on our panel, we have Kyle Zeppelin, he is going to speak and then...is it in that room, we are going to have a little break and collect questions, is that correct?

LORETTA: Yes.

LUCHIA: And Loretta will take care of that, thanks. Thanks, Kyle.

KYLE: Well, thanks for having me, I am Kyle Zeppelin and our company is Zeppelin Development, we have been doing projects around the urban core of Denver, starting with LODO in the mid-'70s with my dad, and got highly involved in the neighborhood process doing some more catalytic projects and, really, seeing things through very under-appreciated urban neighborhoods in the core. So, started with LODO, Golden Triangle and, over the last 20 or so years, we have been focused on this area called RiNo which includes multiple neighborhoods. We got drawn into this, just looking in and around the neighborhood, I live in Globeville with my two daughters, and kind of live it and breathe it every day. Just seeing what looked like a really stupid project that was plowing forward and, having been involved in the process, it was really the opposite of a linear process.

At one point, the tunnel got ruled out because it was a billion dollars, and here we are talking a project that is a base cost is [audio drop] highways through cities are going to be multiple times more than the budget. This one looks like a boondoggle, so really just calling it for what it is. We got an ultimatum, the councilman for this district actually, to not talk about these issues, that it was

creating some challenges for the Mayor and, as you can imagine, for those of you who know Mickey...some people know me but he has been around for a while. That really had the opposite effect on us where, you could imagine that. We got much more highly engaged to the point of really talking about these issues, having them be a major focus and, fast forward a year later, kind of got sick of hearing ourselves talk and we are part of this amazing group of plaintiffs that have looked at this thing. They skipped a bunch of steps for not following NEPA for the drainage piece of this, after saying that the city was taking that on so there is some really significant exposure there.

That is kind of where we stand today, but, looking at the project we have kind of dealt with all the questions from people that are not as informed on these issues but, saying what is the alternative to the highway? The alternative to the highway is to not build a highway, it exists all over the city, it exists all over the country, internationally. You do not go to Cherry Creek on a highway, that there is a lot of alternatives with all the growth that is occurring with the city. A lot of that growth is north and west, through some of these neighborhoods, what is lacking is significant investments and affordable housing, green infrastructure, transit, the possibilities for these neighborhoods are virtually endless. I get tapped on the shoulder all the time by other developers and people that work for the city that have a lot to lose that say, "We really appreciate you taking this on, we have too much exposure but we agree with you, this is an existential opportunity for the city that really could build European style, social housing, every street can open up into a green bioswale."

The opportunities to...I think there is some experts on the panel that described it a lot better, but to daylight storm water, to have native grass, native trees and all the walkability, bike-ability, livability that goes along with that. We are still in a situation where we have made this huge commitment to commuter rail but there is not transit for people that live in Denver. There, basically, is not urban transit, it is continuously scaling back. Under 30-year old people move to Denver and they pick up a car, under 30-year old people, which is what I did, move to Chicago and got rid of my car because it was impractical and there was great alternatives for transit. I think, when you look around and see what is possible, we are just not this backwards, this is the biggest infrastructure project in the history of the state and there is opportunities to do much better than this.

LUCHIA: Thank you very much, Kyle. Okay, I just want to go back over just a little bit, and this is your opportunity to write down those questions. I think we will have individuals in the audience picking up questions if you want to send them to the aisles, that would be great. Or there is a handout back here, so we have a few people who have questions, please ask questions. I am just going to say that, this panel, give them a hand, what a great panel. So, some of the things that I am just going to go over really briefly, what they have discussed.

Lack of exploration of alternatives, funding and cost issues, golf course issues, environmental and health issues, water quality and storage issues, environmental justice issues. You heard a developer who is engaged in, now, a NEPA project. This is really major, and for the 19th largest city in the country, this is something that we need to work and look at this as a process. So, please, if you have questions...again, there is food back there, if you want to take a break, take a little restroom break and grab some more coffee or juice, or anything else, this is a good time. We will compile those questions and come back in, say, 5 minutes? Do we need 5, 10 minutes? So, this is a good opportunity to take a break, okay? Thanks.

LORETTA: Alright, I am going to have everybody come back in, we have a list of questions, some of them we are going to try and streamline if they are similar and, hopefully, direct those to the appropriate person. I am sure anybody on the panel would be available to answer those questions. One other thing I wanted to tell everyone, there is a lost phone, if you can describe it, go back out to the table out here and you can pick it up. So, if you have lost a phone, I would remember if I lost my phone, but please go out to the table because we will not know how to unlock it. Please go out and grab your phone, identify your phone so we can give it to the appropriate person. The other thing I wanted to note for everyone is, if you cannot see the signs over here, we have blank chairs and spots for the City of Denver and for CDOT. Unfortunately, nobody is here from CDOT nor from the City of Denver. Albus Brooks, Councilperson for this neighborhood, for the appropriate neighborhoods for where we are talking about today, he could not make it today for some reason. There has been communication with the City of Denver, off and on for a while, there has been communications with CDOT and no one is here from there today. Just wanted to make sure that everybody knew that they were invited today and they are not here. I am going to hand this over to Luchia and we will get started on the questions from the audience.

LUCHIA: Thank you, Loretta. Thank you for also addressing that, because that was one of the questions we have had, how can you claim to have a public forum when only one side is presented? We only got word a couple days ago that the city would not be here and it was after we have already publicized the event. We still think that there is a lot of really good information out there, and it is just a loss for the city. I have the questions divided into different areas and there are a lot of questions that would go to CDOT or the City, such as, is this an issue of TABOR? Is that why we are ranked 50th out of 50? CDOT has the power, how is this possible and why? Why do we need toll roads on a tunnel? CDOT is giving \$54 million to drainage per IGA, but it says there is no federal funds, how does CDOT segregate federal money from non-federal money? If a partial cover, lower alternative is legally blocked, will or can CDOT rebuild the viaduct in place or will the way be cleared for a boulevard? Why did CDOT fail to look at I-70 as part of a more comprehensive solution of east-west mobility strategy with I-270,

local street connectivity, rail and other modes in the entire corridor from Aurora to Lakewood?

Is it true that the EIS says only eight lanes are needed on I-70 in 2035 and 240? Why does the project allow for 22 lanes of service roads? Why is there no comprehensive plan to remediate superfund sites first, before megaprojects are allowed? So, these are kinds of questions that would be addressed to someone from either the city or CDOT, and I wanted to make sure that your voices are heard. We can make sure that these questions get passed along to these organizations or these parks. So, with that out of the way, I want to go ahead and address...just one more for the city, Mayor Hancock announced at his state-city address that his goal is to cut trips of single occupancy vehicles by 50% by a certain year. How will the I-70 east-west expansion affect that goal? Why isn't that project included in Denver's 2020 sustainability goals? How would the expansion impact that plan? And, again, that would be a great question if someone was here from the city, and we will make sure that they do get that. So, onward. We had a few questions that someone asks and, we will see here, at a neighborhood meeting, CDOT themselves stated that traffic will be back to current levels in five to 10 years. Can you, and we will figure out who in a second, address the concept of induced demand and what other cities are doing instead of building more lanes? Who wants to take that on, Burt? And, panelists, I would hope that you could try to limit your answers to no more than 2 minutes if possible.

BURT: Induced demand is, sort of this, if you build it they will come. I worked with Bob Yonke on that earlier this year, to see if the modeling of programs addressed that properly and if we could find any flaws that indicate that there will be, actually, more air pollution than the models indicated. Unfortunately, we...I could not find anything in this case because the key to induced demand is basically land use, and how it is going to grow, and where, and so forth. It is almost impossible to look 30 or 40 years down the road and, information will stand up in court, which is what Bob wanted. But it is a critical problem that had, basically, these travel demand models, origin and destination, so forth, are built on the premise that if you build this they will come. Traffic will shift from the older, slower, more difficult routes to the new improvement. So it is, to a certain extent, taken care of. Then again, to take care of it properly, you really need a lot more attention to control, planning, land use and urban design.

LUCHIA: Dennis would like to add a point.

DENNIS: Okay, can you hear me? Okay, one of the things that happened in the process is, people rebuke what CDOT's remodeling was for the supplemental draft. It was determined that CDOT had inflated the numbers, they were supposed to use the 2035 regional plan adopted by DRCOG. That is what you do in all of these. CDOT actually kicked the numbers higher to further justify it. They got caught in

that process so, when they redid the final, they waited until DRCOG put out the preliminary 2040 model, which adds five more years of growth, and used those numbers in the final as part of their plan now.

LUCHIA: Thank you. The next thing I want to ask about, and I want to go into contamination and health, one person has got three questions here, basically, about contamination. What is the origin of the contamination? How is it stored, and who is responsible for monitoring? Will it be mitigated? Who can answer that question, anybody? Patty, thank you.

PATTY: I am not sure I can answer it, but, I think anywhere you look at major cities, you look at Denver settling on the confluence of Cherry Creek and the south Platte. [audio drop] city, they start processes, they produce garbage, they put it out the back. So, a lot of our hazardous waste, I think, are actually left over from our history as people. What is out at the arsenal is a result of World War II in terms of nerve agents, etc. and the manufacture of those. So we are burying, sort of, the sins of our fathers there in terms of cleaning it up and, at the time those were produced, they were not considered contaminating. You are going to get close to the center of the city, with the confluence of Cherry Creek to the south Platte, confluence of Sand Creek to the south Platte is a major portion of the city, it is where everybody is held and it is where they did their industrial operations. What was not considered bad before is bad now, so those are left over. The other thing that, you have a little bit of the effect, is the flooding that has occurred, historically, over time, on the south Platte. You are sort of mixing in cars that came down from Chatfield all the way to downtown, they are buried in there, it is just a real mix of things and it is difficult to tell what is all there and to quantify and label it but you should expect everything and anything.

LUCHIA: Thank you, Patty, and since you mentioned flooding, we do have some questions with regard to flooding. So I will just read them off, with another plan for storm water detention plan for Park Hill Golf, how will this impact the I-70 plan at the end? Then, speak to the Army Corps plan to release more water from Cherry Creek Reservoir and impact at Globeville Landing, concern as shown in Houston, hurricane? Community of Beamont was flooded as a result of releasing water from Reservoir, not the hurricane. And, what are the alternatives if the city does not build the storm water detention lane in City Park Golf Course? Is that a question for you, John, or who knows that question?

JOHN: I will speak to the last one, the problem putting...the issue is, there has to be some detention in the system to allow the flow to be diminished down to about 4,000 sea at best. This is at a place lower down as you are approaching Globeville. So, a place to put water is, for example, for a while as much of the storm and the flood goes by and then empty that volume into the system also. If I say, I did say that I am 100% against building a detention facility in City Park Golf, because it is not for park purposes, it certainly provides no benefit whatsoever to the park

itself. It provides a good benefit outside, it provides a good benefit to the highway and to the element down there. So, if I could snap my fingers right now, there is a lawsuit on it that is in review now, but the judge...we do not know what the outcome is going to be or whether there will be an appeal beyond that. But let's just say for a moment, somebody snaps their fingers and says, "We are not going to put a detention area in the City Park Golf because it is not legal to do so." So you say, "Well, you could take the detention up to Mount which is 215 acre-feet, and move it down to the Cole neighborhood," which was one of the situations. Then the city says, "We are going to tear down 50 houses to do it." However, that would be an all-in-one type of solution.

Right now, City Park has a lot of detention it provides as it is, City Park and City Park Golf. It is about a 100 acre feed of storage which happens whether anybody does anything or not. When it rains, it will retain an amount of water if the storm is big enough, that will actually happen. It will cause nothing to do that except, here is a hitch, if you try to say you are going to detain water without an agreement, or something like that, to keep it as such. If that piece of property, say the ball fields, is located getting down to a little bit too small here, maybe, but right between the Zoo and the Museum, there is the ball fields. It is in the northeast corner, if you say, "We are going to count on that for a 40 acre-feet of storage which is what it is probably good for," however, if somebody comes along with a building design that says, "You know, that is a perfect piece of land right there next to a museum where I could build another building or something like that." What you have to, actually, do is you have to designate the ball fields or other detention areas that they will be used for detention. They have...that is their primary purpose and that cannot be lessened. At that point, you are good to count on that, but what it actually does is shut down development in the park in building a building in that spot, it is a very good thing to do. Because we probably do not want another building there, we would just rather have the detention.

So I would say we work towards signifying these inadvertent detention areas that I mentioned and that would amount to maybe half of what they need. They would end up taking the other part of that half, another couple hundred acre-feet, and then trying to find a place down in the Cole neighborhood which was one of the parts of the original design, and split the burden, basically. In other words, the upper neighborhoods would deal with what is happening in City Park, there is some flooding that would be expected there, and you would also have another detention area down by Cole. Okay, I will stop.

LUCHIA: Is there anyone else who wants to address the actual flooding? Kyle, then Bill.

KYLE: I am far from an engineer. Not to geek out on these things, but the kind of offensive part of taking an existing permeable area which is the golf course, turning that into drainage, it is just somewhat inefficient. The solution for

drainage, in a more comprehensive way, is to take existing impermeable areas, scrape paving, turn it green, there is ...that can be accomplished for much lesser costs than these over-engineered solutions where you are digging pipes in the ground and centralizing it in the way that is happening. Really, trying to look at this thing more holistically, is consistent with what other major cities are doing. In Portland, in LA, in Seattle, which is including a bioswale in basically every street profile. We have, in a lot of cases, the right of way to be able to account for that, there is not a need for 70-foot, two lane streets that are solid paving that facilitate higher speeds. The other part of this is, that the area, the open channel through Cole is mostly in an area of former industrial, or marginal industrial, that is clear of residential development.

So the pretense that this drainage is serving residential development is just, at that point you are basically at the low point, you have already cleared the residential so that would already be subject to flooding. That is the reason why it was not in the 2014 master plan for drainage, they signed an intergovernmental agreement and two years later, it is the biggest fee increase in the history of the city to pay for a project that never was a priority up to that point. I think the part about spending \$300 million to serve Globeville-Elyria Swansea, if you would been part of the process for the last few years, is pretty comical. Just because it is hard to get a crossing so kids can get across railroad tracks safely to be able to get to school. That is a couple hundred thousand dollar solution but this is not for the benefit of those neighborhoods.

LUCHIA: Thank you, Kyle. Did you want to add anything, Bill? You are going to pass that mic on.

BILL: On the question of, are there other solutions possible? Yeah, there is a whole range of solutions that are out there, but the problem is that the city, as I said, took the portion from the 39th to the golf course and said this is a done deal, you can go look at the [indiscernible] that is shut down, let's look at alternatives. I can tell you, there are many different ways to do this. As for the detention, we call it inadvertent detention at urban range and we always, if we were going to recognize it in the hydrology, we would sign an IGA with the affected local governments to require that they protect those areas. Once or twice, we had to use those agreements to keep that area open, not in Denver but around the metro area, so you need some kind of a legal mechanism to protect them.

LUCHIA: Thank you. Okay, so the next bit of questions are about health, and then they are going to go a little bit into the lawsuit. They are a little bit overlapped, so one of the questions was, there is two of the same questions. Robert Wood Johnson Foundation's study on life expectancy shows an 11-year difference in 2016 between Washington Park people vs. Globeville, 84 years for Wash Park, 73 for Globeville. Just a comment, in light of the statistics of the three and a half year

discrepancy in life, so, I guess that would be you, Patty. Do you know anything about that? Not Patty, I am sorry, Andrea

ANDREA: I am not going to go into that because I am not familiar with that study, that is not something... I am going to stick with what we covered in the petition.

LUCHIA: Ok, so, you might want to hold on to that microphone. So, this is for Andrea, and I am going to ask, actually, a few questions and see if you can, yes. What is the timeline for the lawsuit, for one. Let's just answer that one.

ANDREA: We are expecting it will maybe take two years, just based on how the court...court is slow, but, you know,

LUCHIA: Two years from, starting now?

ANDREA: It could be two years, yeah, but I cannot tell you that. Lawyers always say, it depends.

LUCHIA: Okay, but that is your best guess, okay. This one is also for Andrea. [audio drop]

KYLE: Studied, so they skipped that step for NEPA which is a massive part of that project that got handed off to Denver. Then, what is related to that is the cost to expose what the project costs, there is a lot of history in this area, the project is likely to be a lot more expensive. We know, some of the contractors involved that are throwing out swag numbers, everything is rounded down to get in the door with the project and there is no Fed funding for these overruns. So, it is going to hit major areas of the state budget, health, education, other transportation projects and then you have already seen the drainage costs go up 6x from what was initially represented.

It basically, in a time when, I heard a stat...this is kind of random, but the city's budget for affordable housing is the same as Aspen which means there is no budget for affordable housing. So, you are looking at, basically, all these other necessary projects and unprecedented economic growth that is happening and there is not scraps left over to do the things that we should be doing. If you add to that, a boondoggle, on top of what is already an exorbitantly expensive project, it is going to hit every area hard.

LUCHIA: Thank you. So, I do not know if there is anyone here on this panel that can answer this particular question, why do we not know the interest rate on these loans? I do not think there are any loans yet, but, how much is the interest on these mortgages? Does anyone have any information on the finances? I do not even know that they have been...yes, okay, Dennis?

DENNIS: First of all, the information that has been submitted by the private partners, or whatever, CDOT will not release. And the private partners will be selling bonds, or whatever, to finance a project. CDOT's also selling bonds, they are putting their bridge program for the next 35 years up against the funding for this to back

the bonds that go out. They, when we have asked information for about this have said, "Oh no, this is all privileged." In fact, when I wrote to the HPTE a couple years ago about their value of money report, their response to me was, "We cannot give you that information, that puts us at a competitive disadvantage." My response to them was, "Who are you competing with," but those are the kind of answers you get. If you remember, what they did up on US-36 when they finally put out the contract, they redacted all the information claiming they could not put that out because that was private information. There is huge arguments over how you do a public-private partnership and the way these things go. You need to know, the other point you have to understand is, if you saw the legislature this year and you just say the article last week where Kelly Bruff (ph) from the Chamber of Commerce, they are putting together another transportation bill, which is a tax increase, to "finance all the necessary roadway improvements throughout the state of Colorado."

LUCHIA: Thank you. Somebody had brought up a card from the audience [audio drop] what are the contaminants, and it says FEIS said there were 132 contamination sites within the area of the ditch. These resulted from about 54 different industries and businesses including smelters. This is, as a note, one of the reasons any below-grade option was dismissed before Don Hunt resurrected this option, and so, I am not sure who submitted that, maybe you would like to step forward? There you are, if you have questions about contamination. Okay, fabulous, so it is from public information, thank you.

WOMAN: Right, and I sent a comment to CDOT about how they are going to clean it up, and they said, "Well, we will figure it out and we will get started."

LUCHIA: Okay, alright. So, now, I want to talk about...we have a lot of questions on the alternative, because a lot of people say, "Okay, great, this is a bad idea but what should we do?" Let's talk about the alternatives, the...I think this is mostly referencing the alternative of rerouting up through 270, I-76 and somebody writes: there are lots of businesses, industries and warehouses located in the I-70 corridor, how will their transport needs be met without the highway? Diverting I-70 traffic onto 270/I-76 will make traffic even worse on those highways. How will the increased traffic be addressed? And, CDOT says there are 200+ industries along the I-70 corridor and removing I-70 would cause semi trucks on residential roads, any thoughts about industry along the corridor? And, CDOT, this is a couple for Dennis. CDOT says the Ditch the Ditch folks want a Colorado Boulevard on steroids, can you describe the type of street the group actually wants, how it works and why it is capable of handling traffic, decreasing congestion, increasing mode choice. Could Kyle describe what this means in terms of future development potential? So, let's...you know, I do, so those are all, kind of together about the alternative. What do we do with the industries?

KYLE: If you look down that corridor, it looks like a lot of 30- and 40-year old industrial, which is, RiNo, at the previous generation of that. It is marginally used industrial, the weed warehouses will continue to function or not. The Safeway plant which is the most active, biggest requirement is highly outdated, it is marginally used, that industry is changing a lot. The modern requirements for industrial look a lot different than what is down that corridor. If you look at Adams County, the potential for that area, to account for the big Amazon warehouses, you are talking about what Tesla has which is up to 12 million square feet, there is no ability to do that. So, it is clumsy, outdated industrial that has outlived its useful life in a lot of cases, there is an ability for those uses to continue to function with the street grid, there is east-west connectivity virtually every three blocks.

People, if you look at it as, some of this is so detached from reality, if you are coming from Stapleton, one section of the street grid jams up at MLK, you move to the next section over, these are major connectors. There is a lot of capacity, these studies have shown there is a lot of capacity in the street grid. Not everybody is going to the same destination so it routes people in a much more targeted way, there is an existing interstate highway at 270-76 that needs to be improved, regardless. That is an efficient way to get long-haul traffic to where it wants to go, to the mountains or through the state, and local traffic is better served by the street grid than...I mean, you could build 50 lanes through Elyria Swansea, Globeville, and it still bottlenecks down to four lanes at the mousetrap. Based on the same reasoning, you are expanding through Sunnyside...the cycle never stops if you are trying to keep up with it by expanding highway capacity, it is just a single path urban highway. It is just not an effective way, even of moving cars and, obviously, some serious collateral damage for people.

LUCHIA: Dennis? Thank you.

DENNIS: I was part of the presentation at the City Club in 2015 when we presented the reroute. Can you hear me? I will try again. I was part of the presentation at the City Club in 2015 when we made the alternative presentation of the reroute and Dean Foreman presented an entire presentation that they called Colorado Boulevard on Steroids. It was not, we were pushing for a parkway, a boulevard which was only going to be about four lanes wide. The idea was to take all the regional traffic and divert it around the neighborhoods, which is what the city tried to do in 1960 when they were looking at building this but they were stopped politically. That is how it got routed where it was today, as opposed to, on the county line between Adams County and Denver.

So, we are not looking to put a Colorado Boulevard in there, and the numbers work. Now, for the people who are saying, "Oh, gee, you cannot put it on 270." Obviously, 270 and 76 have to be widened, Adams County wants it widened. The argument over it is, how many lanes would you need to replace I-70 to run up traffic on 270? But, as Kyle just pointed out, a lot of this traffic is heading down

to I-25. The question is, where, exactly, are they going and what connections are they making? You cannot get that information from CDOT. There is no “origin destination studies” which is what used to have to be done for transportation planning when we started this entire process back in the 1960s. None of that data, today, will they give you, if they even have it. So, you see a lot of traffic getting to I-25 but they cannot tell you exactly where it is going, but you know the semis are not going downtown, they are trying to get to other connections. The goal here was to divert the regional traffic. Local traffic can still function, local traffic will get to the local businesses, we have the ability on the current network, and with this parkway, to carry it to local businesses. We would never attempt to put local businesses out of business, that is never been part of the goal here and the neighborhood endorses that. What we are trying to get rid of is the unnecessary traffic that is going through the neighborhood that is causing all these problems, that is why people are looking for other alternatives, it is also the reason why they built E-470 a number of years ago, which is grossly underutilized.

LUCHIA: So, this next group of questions, I am not sure how we answer that but it says, why do you think CDOT is so malicious? CDOT is state, where is the pressure coming from? Then, somebody else wrote something similar, what are the real motives for this mistake? Who stands to gain from this? And this is to any panelist who wants to try to answer that one, that is a toughie. Okay, Dennis.

DENNIS: I guess the honest way to put this is, I probably have more experience with CDOT than anybody, over 30 years. I have sat in meetings at every level at CDOT, I also had a short stint with them in 2012 where I analyzed the mountain corridor, for the Executive Director, on what needed to be done up there. CDOT’s position always has been, and they always play this with you, is, we are the state, we are going to tell you what to do, we know what is best. That is inbred in that entire organization and has been, at least, for the last 40 or 50 years. I have had huge fights with them on numerous projects, trying to get them to change their way.

I have won a lot of battles, I have lost a lot of battles. They are a very inflexible organization. I am not trying to be overly critical, I am trying to give you my actual experience of dealing with that organization. For whatever reason, it was mostly political, they decided it was staying in this corridor, they are going to widen it, they are going to put the number of lanes in, they are going to do managed lanes. If you do not understand the managed lane concept, the Santa Bernadino Expressway lawsuit back in the 1970s determined that you could not take general traffic lanes away from the public for special purposes such as transit and carpooling, you had to keep them for the general public. That meant all future widenings, if you wanted to charge a toll or set up a specific situation, it had to be the new lanes that were developed that is why you see CDOT doing this widening to put the new lanes in and making them “managed lanes” that they can toll. The problem you have in the current society today, you have heard the term,

use, these are Lexus lanes. The average person cannot afford to commute every day in those lanes. They are going to be stuck in the same six lanes that are out there on I-70 if they build this, that is all they ever plan on building for you and I to use. I can guarantee you, I cannot afford to use these Lexus lanes, we are all like that, so that is the basic problem with that philosophy, and whatever happens politically, they go with the political flow. Somewhere, politically, it is been determined. I have to say, the Mayor of the city is partially behind the national [audio drop] alright, done.

LUCHIA: Thank you, and now we have the last group of questions, which is appropriate at the end. What can we encourage neighbors to do to make a difference in stopping this project? Give simple, real tactical ideas, please. What can INC do to help the city get this right for all of us? What is the next step after we stop the ditch? So, basically, what are these people here, now that you are all appropriately outraged, what can you do to make things right for our community? Please feel free to pass around the mic.

KYLE: Well, lots of different opportunities but one is just to get out of the shadows. I get told all the time by pretty prominent people in the community that they would love to get more involved, that they are concerned about the likelihood of vindictive actions by the leadership and not getting the benefit of this. The way to break patronage, crony system is to stand up to it, and we just need more voices that get out of the shadows, it is a very mainstream position to have an issue with the multi-billion dollar urban highway through a city getting this much growth. I think that is, show up for meetings, be active on social media, those are two really basic things. Then, Ditch the Ditch has done an amazing job of organizing this effort. This includes a really broad coalition of people, and there is a need for resources, so even if it is whatever people can afford to contribute there, I think we are taking the lead on some funding but there is a need for yard signs, there is a need for web materials. This is becoming much more national, and I think that is where the Mayor is sensitive, that is where the Governor's sensitive, they do not want to have to answer to the national media and they have aspirations beyond their current positions. This really just needs to be exposed for what it is, so there is all the articles that have come out, I think the most critical articles are the ones that have looked at it through a national lens in saying they are not subject to the company line that is pretty pervasive here. I think, probably, speaking out and building up the network and finding ways to contribute resources to the Ditch the Ditch effort.

MAN 1: Please contact the Gubernatorial Candidates as well, because the next Governor will be in a position to make moves on this if some [indiscernible] is basically kicked up into the next administration. So, it really needs to be an issue in the gubernatorial race, pressure of candidates on both sides about the issue until it comes to the floor.

LUCHIA: Thank you. Chair or man and moderate?

ADRIAN: Man or moderate, either one. I would like to move a motion.

[CROSSTALK 01:35:48]

LORETTA: I think we have a motion, and I just looked back at INC rules, and it looks like it falls back to Robert's rules if we do have a motion. I am not a Robert's rules expert, so if someone else would like to speak on that, I do not know.

MARGIE: Well, our bylaws is what we have to follow. Our bylaws are what we are governed by, our bylaws for INC provide that motions may be made from the floor. However, our bylaws require 10 days' notice if there is an amendment to the bylaws, that requires 10 days. So, a motion from the floor is appropriate as long as the motion does not include any language that provides that it will amend the bylaws.

JJ: Usually when we have motions, we figure out how...the exact wording and verbiage, so if you want to bring a motion to the floor, do not know if you have some language but maybe it would be better to craft up language and have it voted on at our next meeting. Because I have not heard about it so I do not know what language you are about to present, I do not think many of us have seen that.

MAN 2: Let's hear it.

ADRIAN: I move that INC neighborhoods oppose the proposed expansion of I-70 because it increases the health impacts on our neighborhoods, and I call upon, and we call upon, Governor Hickenlooper and Mayor Hancock to halt the project until all health impacts have been eliminated.

JJ: There definitely needs to be a second.

WOMAN: I will second that.

JJ: What is your name?

STEPHANIE: Stephanie Hegland.

JJ: Which neighborhood?

STEPHANIE: Highland United Neighbors.

JJ: Stephanie from the Highland United Neighbors. So, when we did sign-in, everyone should have gotten a little blue card, so only delegates will be able to vote on a motion. So, this is back to the floor, spend a lot of time and discuss it, but we would usually have discussion associated with any motion that we bring. Is there any discussion from a delegate? Any delegates that would like to speak in favor or against a motion from the INC to, say the words again? A motion that the INC neighborhood oppose the proposed expansion of I-70 because of increases to health impacts on our neighborhoods and we call upon Governor

Hickenlooper and the Mayor Hancock to halt the project until all health impacts have been eliminated.

[CROSSTALK 01:39:20]

MAN 3: Yeah, you need to specify the type of impact.

JJ: Yeah, alright, so the discussion is, you need to specify the type of impact.

[CROSSTALK 01:39:30]

JJ: So, she would like to see an amendment offered to the motion? And what is your name and delegate? Only delegates are able to add amendments to the motion. I would be tempted to have an amendment that, just basically passed the very first sentence, "We move that INC neighborhood oppose the proposed expansion of I-70 because it increases the impacts on our neighborhoods."

[CROSSTALK 01:40:07]

WOMAN: Very simple.

JJ: Well yeah, it is very simple, just that one sentence.

WOMAN: No, we want the whole thing.

JJ: So I propose that amendment.

[CROSSTALK 01:40:20]

MAN 3: It is an unfriendly amendment.

JJ: Yeah, so she is the chair today, I was trying to keep this very straightforward since this is a motion brought to the floor that has not had any prior discussion.

[CROSSTALK 01:40:37]

MAN 4: You are watering it down.

JJ: Keeping it simple.

[CROSSTALK 01:40:39]

WOMAN 2: They are saying you are trying to water it down.

JJ: Well, it becomes a basis for something to build from, but I think we need that.

[CROSSTALK 01:40:47]

ADRIAN: This needs to be strong.

JJ: Alright, well, if it needs to be strong, I recommend we write it and bring it up next month.

[CROSSTALK 01:40:57]

JJ: If it needs to be strong. Alright, so any other discussion?

[CROSSTALK 01:41:06]

JJ: Joe, so we have got Joe over here.

WOMAN 3: I pose this to the group, but for Adrian to consider, I just heard a really great suggestion so, as a delegate, should we include anything about a consideration of the alternative? The reroute, and say we would like that to be considered? Do you think that is ...just a question?

ADRIAN: What they need to hear is, specific...if I could have it back, the reroute, among other things, is one possible mitigation because it moves, particularly, the trucks that are causing most of the health effects to the north, away from better than 9,000 of the affected households. But I think that it is important for INC, not necessarily, to define with that mitigation or what that elimination of health effects. To me, that is the job of CDOT and our engineers, to figure out how to protect itself, as Patty said, to start. That is what engineers are pledged to do, and I think we ought to let them do that but we ought to give the politicians who will not let them do it, as you heard, get a little bit of a kick in the backside to get them to let the engineers loose, helping us and not hurting us. That is the idea.

MAN 5: Here, here.

[CROSSTALK 01:43:00]

LORETTA: If any delegate has lost their blue slip, then you can get one from back of the table or right here, as long as we know. I do not know if there is any other discussion, because I would like to hear... I am going to hand it down to JJ to handle people.

JJ: Alright, do we have a Lauren?

LAUREN: My, this is wordsmithing but the term eliminated, to me is...you cannot eliminate it. It is just a little wordsmithing, but the word eliminated is probably impossible. So, all I am saying is, perhaps, mitigated addresses more fully, something, but that is just a thought. Because it, otherwise, sounds a little unrealistic. Isn't there another microphone?

[CROSSTALK 01:44:00]

ADRIAN: You are right.

JJ: We are just having a discussion.

ADRIAN: Well, yeah, and may I respond? Because I am the movant. The word eliminated has been carefully selected because, if you say mitigated, you can do a mitigation by saying, "Okay, we are going to stop one truck and we have mitigated it some, a wee bit." We have been there, all these things, now, putting the cover on was a mitigation. So, to me, no, eliminate and that puts the burden on the engineers, our

buddies, too, as it happens, to show that they can eliminate it down to the required level. Which, in this line of work, is about a one in a million impact, which means it is not eliminated but it is pulled down to what we as a society have decided over many years is an appropriate level of risk for this activity. So, that is why eliminated is the right word.

WOMAN 4: May I remind everybody who is a delegate, on behalf of their neighborhood, that when you vote you are voting for your entire neighborhood, supposedly, and unless you are pretty sure that everybody in your neighborhood agrees with a vote, then I think it is that really only right to abstain no matter how much you are in favor of this, personally. I do not feel that my neighborhood has studied this and knows it all, and I have not discussed it completely with them. I do not want to speak on their behalf, just on a one-day announcement of a vote.

Bill: Agreed.

SUSAN: I am Susan Payne from Wash Park East, and I just want to say, I respectfully disagree with that, that the delegates were elected, the boards were elected in the neighborhood associations, to represent the views of the neighborhood, and to do that to the best of their ability but not required to take a poll on everything.

JJ: Alright, more discussion up here in the front, Margie?

MARGIE: I wonder if it would be appropriate to do a friendly amendment and, instead of eliminate, substitute words to comply with the federal and state law?

[CROSSTALK 01:47:02]

JJ: Alright, so, a second for the friendly amendment?

WOMAN 5: I would like to call a question and take the vote.

JJ: Alright, read it out one more time and then we will...

[CROSSTALK 01:47:21]

LORETTA: I will let Adrian read it.

ADRIAN: I move that INC neighborhoods oppose the proposed expansion of I-70 because it increases the health impacts on our neighborhoods, and I call upon Governor Hickenlooper and Mayor Hancock to halt the project until all health impacts have been eliminated. Second and third.

[CROSSTALK 01:47:53]

JJ: We had a second earlier, so this is the vote, all those in favor of INC approving that motion, please raise your hand and keep them up. But it is only the delegates, if you are a delegate for your neighborhood organization.

LORETTA: Put the blue tag in your hand.

JJ: Yeah, raise your hand if it is in favor. This is a great way to end the meeting, here, this is very...and keep your hands up, we are going to have two people count to make sure we get the right number.

MAN 6: I got 21 is what I got.

JJ: Alright, what do you guys have?

MAN 6: I have got 21.

JJ: 21. Okay, we have got two 21's and a 22. Alright, so we just have to make sure we have got the number right, so do you all feel comfortable with 22? Is that a proceed? Alright, so, 22 in favor, all those opposed to INC approving this motion, please raise your hand. Alright, just two? Alright, then abstain, and we are abstaining from the vote?

[CROSSTALK 01:49:28]

JJ: Alright, so, 22 in favor, 2 opposed and 4 abstain, does that match up with what our sign-in sheets?

[CROSSTALK 01:49:45]

JJ: Alright, well thank you very much, there you go, the democratic process.

LORETTA: The motion carries. Adrian, I think we will need that.

[CROSSTALK 01:50:04]

JJ: Alright, also, since we had that motion, our secretary is asking that we make sure...we do our due diligence for the INC meeting too, so we have minutes from our last meeting. I would say, all those in favor of approving our minutes from the last meeting.

[CROSSTALK 01:50:29]

LORETTA: I would like to go ahead and thank everyone on the panel for coming, and I think we are going to let them leave out of the hot lights, we will move on to approving the minutes. Did we vote on approving the minutes? All those in favor of approving the minutes, say aye.

[CROSSTALK 01:50:57]

LORETTA: All those opposed? Any abstaining? Okay, the motion carries.

WOMAN 6: I make a motion that Loretta Koehler and Joe Barrios be appointed to the board.

JJ: Alright, so we went back into our records and realized we need to have a formal vote from the INC delegation for two of our board members, one is Joe Barrios (ph) from Uptown on the Hill, and the other is Loretta Koehler from the Baker

neighborhood. So, can we have all those in favor of approving them as board members of INC, say aye.

[CROSSTALK 01:51:38]

JJ: Anyone opposed of them as board members? Anyone abstain? No? Alright, thank you.

LORETTA: And the last thing is, we want to really thank the subcommittee that worked to put this panel together and this discussion today, so thank you.

QUESTIONS RE I-70 EXPANSION EXPRESSED AT SEPTEMBER 2017 INC FORUM I-70/PLATTE TO PARK HILL STORM DRAINAGE

Mobility/Traffic

Is it true that the EIS says only eight lanes are needed on I-70 in 2035 and 2040? Why does the project allow for 22 lanes of service roads?

The argument over it is, how many lanes would you need to replace I-70 to run up traffic on 270? The question is, where, exactly, are they going and what connections are they making?

CDOT is state. CDOT says we are the state, we are going to tell you what to do, we know what is best. Where is the pressure coming from? What are the real motives for this “mistake? Who stands to gain from this?

CDOT themselves stated that traffic will be back to current levels in five to 10 years. Can you address the concept of *induced demand* and what other cities are doing instead of building more lanes?

Re no north frontage road: What do you need a north frontage road for? That is another 45 feet taken out of the neighborhood. When they get to the cover that they are building over the depressed section, there is no north frontage road, so you have to ask, why the intrusion into the neighborhood for this additional distance?

Why aren't you tying your managed lanes on I-25 to the managed lanes on I-70 so people coming out of downtown get in the managed lanes and they get right on to I-70?

Why did CDOT fail to look at I-70 as part of a more comprehensive solution of east-west mobility strategy with I-270, local street connectivity, rail and other modes in the entire corridor from Aurora to Lakewood?

Mayor Hancock announced at his City address that his goal is to cut trips of single occupancy vehicles by 50% by a certain year. How will the I-70 east-west expansion affect that goal? Why isn't that project included in Denver's 2020 sustainability goals? How would the expansion impact that plan?

There are lots of businesses, industries and warehouses located in the I-70 corridor; so how will transport needs be met without the highway?

CDOT says there are 200+ industries along the I-70 corridor and removing I-70 would cause semi trucks on residential roads, any thoughts about industry along the corridor?

Diverting I-70 traffic onto 270/I-76 will make traffic even worse on those highways. How will the increased traffic be addressed?

Okay, great, this is a bad idea but what should we do?” What is the alternative to the highway?

Safety/Health/Welfare

Part of licensure requirement is that PE's show and recognize that their primary obligation is to protect the safety, health, property, and welfare of the public. So, what does that really mean?

[Note:] Robert Woods Johnson Foundation's study on life expectancy shows an 11-year difference in 2016 between Washington Park residents vs. Globeville residents-- 84 years for Wash Park, 73 for Globeville.

What is the origin of the contamination? How is it stored, and who is responsible for monitoring? Will it be mitigated?

What are the contaminants? FEIS said there were 132 contamination sites within the area of the ditch. These resulted from about 54 different industries and businesses including smelters. This is, as a note, one of the reasons any below-grade option was dismissed before Don Hunt (CDOT Director) resurrected this option.

The partial covered lowered (PCL) is one option that intercepts the most number of hazardous, potential hazard groups...waste, locations, leaking underground storage tanks and underground storage tanks that have not yet been identified as leaking. So, what would happen? That is a regime that feeds the South Platte, the farmers who water their crops all the way from Denver out to Weld County, Fort Morgan, Julesburg; the heavy metals go on. Have they considered how this is going to affect the groundwater regime in the area?

Why is there no comprehensive plan to remediate superfund sites first, before megaprojects are allowed?

Under NEPA, federal agencies are required to disclose the impacts of a highway project to the public and consider reasonable alternatives. We allege that FHWA did not consider the impacts to public health that will result from increasing traffic in the I-70 corridor by 65%, from 177,000 vehicles' trips per day to 292,000 by 2035. How does increased traffic impact human health?

Storm Water Detention

With another plan for storm water detention plan for Park Hill Golf, how will this impact the I-70 plan in the end? Then, let's speak to the Army Corps plan to release more water from Cherry Creek Reservoir and impact at Globeville Landing. This concern relates to the Houston hurricane. The community of Beaumont (near Houston) was flooded as a result of releasing water from the reservoir, not because of the hurricane.

And, what are the alternatives if the city does not build the storm water detention lane in City Park Golf Course?

"When was our last 100 year flood?"

Funding/Legal

What is the timeline for the lawsuit?

If a PCL alternative is legally blocked, will or can CDOT rebuild the viaduct in place, or will the way be cleared for a boulevard?

Is this [funding] an issue of TABOR? Is that why we are ranked 50th out of 50 relative to State DOT performance?

CDOT has the power, how is this possible and why?

Why do we need toll roads on a tunnel?

CDOT is giving \$54 million to drainage per Inter Governmental Agreement, but it says “there are no federal funds”; how does CDOT segregate federal money from non-federal money?

They skipped the step for NEPA which is a massive part of that project that got handed off to Denver. Then, what’s related to that is the cost to expose what the project costs are. What are they?

We know some of the contractors involved that are throwing out swag numbers; everything is rounded down to get in the door with the project and there is no Federal funding for these overruns. So, it is going to hit major areas of the state budget, health, education, and other transportation projects?

We have already seen the drainage costs go up six times from what was initially represented. Why do we not know the interest rate on these loans? I do not think there are any loans yet, but, how much is the interest on these mortgages? Does anyone have any information on the finances?

What can we encourage neighbors to do to make a difference in stopping this project? What can INC do to help the city get this right for all of us?

What is the next step after we stop the ditch? So, basically, what are these people here, now that you are all appropriately outraged, what can you do to make things right for our community?

RESULTING MOTION FROM THAT MEETING

That INC neighborhoods oppose the proposed expansion of I-70 because it increases the health impacts on our neighborhoods, and to call upon Governor Hickenlooper and Mayor Hancock to halt the project until all health impacts have been eliminated.

Passed by majority of INC voting delegates: 22 favored, 2 opposed and 4 abstained.

Submitted by

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