

Chapter 1: Introduction

This chapter describes the history of the I-70 East project, including the progress made since the Draft EIS was published in 2008. It also summarizes the changes to the project since 2008 and the path forward to selecting a preferred alternative for the corridor.

1.1 What is the history of the I-70 East Corridor?

Planning for I-70 started nearly 60 years ago. As part of the recommendation for the “Valley Highway” (I-25), it was determined that Denver’s major east-west thoroughfare should be located along 46th Avenue to the east of the Valley Highway and 48th Avenue to the west.

In 1947, the City and County of Denver (Denver) formally requested that the 46th/48th Avenue corridor be designated as a state highway between Sheridan Boulevard and Colorado Boulevard. Detailed studies and design efforts continued in the 1950s and 1960s, and I-70 construction was completed in 1964. The elevated section of I-70 East, from Brighton Boulevard to Colorado Boulevard, now carries approximately 145,000 vehicles per day, providing east-west access for commuters, freight, transit, and general-purpose traffic.

The aging viaduct is vulnerable to failure within the next 10 to 15 years, even with recent maintenance activities. In addition, by 2035, the corridor is projected to carry nearly twice as many vehicles as it was originally designed for, resulting in extended congestion and impaired mobility. The uninterrupted movement of people and goods across I-70 through the Denver metropolitan area is essential to the region’s economic vitality and quality of life.



Historic photos of 46th Avenue from Commemorating the Opening of the East 46th Avenue Freeway (Interstate 70), 1964

1.2 What is the NEPA process?

NEPA requires analysis of projects with a federal nexus, such as federal funding, that may significantly impact the environment. This is done through a rigorous process that allows the public to understand and comment on the benefits and impacts of the project. Federal agencies are required by NEPA to prepare an EIS for major federal actions that could significantly affect the quality of the human and natural environment. EISs are intended to disclose the effects of a project at a stage in the project where decision making can still be shaped by the environmental analysis and agency and public comments. This process allows decision makers to consider effects on the environment with other important considerations, such as need, feasibility, and cost.

1.3 What is the project?

CDOT and FHWA propose improvements to the I-70 corridor where it crosses northeast Denver, Colorado, from I-25 on the west to Tower Road on the east.

The intent of the I-70 East EIS is to identify highway improvements along I-70 by:

- Analyzing alternatives that are intended to meet the project's purpose and need, and detailing the highway improvement alternatives development process;
- Evaluating the social, economic, and environmental effects (positive and negative) of the alternatives; and
- Identifying measures to avoid, minimize, or mitigate negative effects.

This EIS process began in 2003 as part of the I-70 East Corridor EIS, which looked at both highway and transit solutions. The process was initially a joint effort among several agencies, including CDOT, FHWA, RTD, FTA, and Denver.

In June 2006, it was determined that the highway and transit elements of the I-70 East Corridor EIS process serve different travel markets, are located in different corridors, and have different funding sources. At this point, the highway and transit components of the analysis were separated.

History and purpose of NEPA

Congress enacted NEPA in December 1969, and President Nixon signed it into law on January 1, 1970. NEPA was the first major environmental law in the United States. NEPA established this country's national environmental policies.

What is a federal nexus?

Under federal law, NEPA applies to any proposed action or transportation project that has a federal nexus, including, but not limited to, instances where:

- Federal funds are involved
- Federal permits or approvals are required
- New or revised access to the interstate system is included



This I-70 East Supplemental Draft EIS focuses on needed highway improvements between I-25 and Tower Road and is being conducted by CDOT and FHWA. The EIS for the transit elements in this area (East Corridor EIS) were completed by RTD and FTA in 2009; construction of the transit line is anticipated for completion in 2016. More information on the transit elements of this corridor is available at <http://www.rtd-fastracks.com/>.

1.4 Who has been involved in planning the environmental process?

NEPA requires that one or more lead agencies take responsibility for the environmental review process. For this project, FHWA is the federal lead agency and CDOT is the state lead agency. FHWA is providing highway design guidance and environmental oversight. CDOT is leading the highway design efforts and development of the EIS. The lead agencies also closely consider public comments on the project.

Staff from the affected jurisdictions and representatives of state and federal resource agencies provide advice and recommendations to the lead agencies about the scope and content of environmental analysis. These “cooperating agencies” are defined under NEPA as other agencies with jurisdiction by law or special expertise over evaluated resources (42 United States Code [USC] §§ 4331[a] and 4332[2]).

1.5 Why did CDOT and FHWA prepare a Supplemental Draft EIS?

According to NEPA, an agency must prepare a Supplemental Draft EIS when:

- The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
- There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (40 Code of Federal Regulations [CFR] §1502.9[c][1]).

The Supplemental Draft EIS allows the alternatives evaluated since the release of the 2008 Draft EIS, which are different from those studied in the 2008 Draft EIS, to be fully documented and analyzed.



This document also contains additional design detail and analysis items, including a new Build Alternative. Also, the Realignment Alternatives have been eliminated and a preferred alternative has been preliminarily identified. By incorporating these changes, this document allows agencies, stakeholders, and the public to review and comment on the changes before a final decision is made.

This document does not replace the 2008 Draft EIS. Instead, it addresses the same topics as the 2008 Draft EIS and updates the data and analysis. Although this document addresses issues raised by comments received during and since the comment period on the 2008 Draft EIS, a comment-by-comment response is not provided.

1.6 What has happened since the 2008 Draft EIS?

Many changes have occurred within the I-70 East corridor and the state of Colorado since the release of the 2008 Draft EIS. The following changes have affected this process and are addressed in this document.

1.6.1 Major projects completed along or near the corridor

The transportation system near the project has changed since the 2008 Draft EIS. The East Corridor rail line is currently under construction and planned for completion in 2016. This project improves transportation access and mobility in the area with connections to downtown Denver, DIA, and the rest of the RTD transit system.

A new interchange opened in 2012 at Central Park Boulevard on I-70. Located within the Stapleton Redevelopment Area, the Central Park Boulevard interchange provides additional I-70 access and a connection to Central Park Boulevard, a north/south arterial through the Stapleton Redevelopment area.

The East Corridor rail line and the Central Park Boulevard interchange are included as existing conditions within this document. Both projects are considered in the evaluation of alternatives.

1.6.2 Changes in community and environmental resources

The I-70 East EIS was initiated in 2003 and the initial data collection started as early as 2003/2004 to identify the purpose and need for the project and alternatives. The 2008 Draft EIS included all the available data from the project initiation through the publication date; however, some data, such as the social and economic data from the U.S. Census Bureau, dated back to 2000.

Where can I find the 2008 Draft EIS?

The 2008 Draft EIS is available online at the project website, www.I-70east.com, or by request to one of the agency representatives listed in the abstract of this document. It can also be found at all viewing locations for the document, these locations are listed on the project website.

All resources originally considered were re-evaluated to determine if there were any changes to the original data or if the data still represent corridor conditions and provide a reasonable baseline to analyze the environmental impacts. All the resources also were revisited to determine if there has been a new law or regulation associated with a specific resource since the publication of the 2008 Draft EIS.

The data and analysis were updated based on the most recent available information and the most recent regulations. For example, social, economical, and environmental justice resources were updated with the 2010 Census data. Land uses, wetlands, and biological resources were verified through field surveys to confirm the validity of available data. The updated data did not substantially change the social and environmental characteristics of the project area.

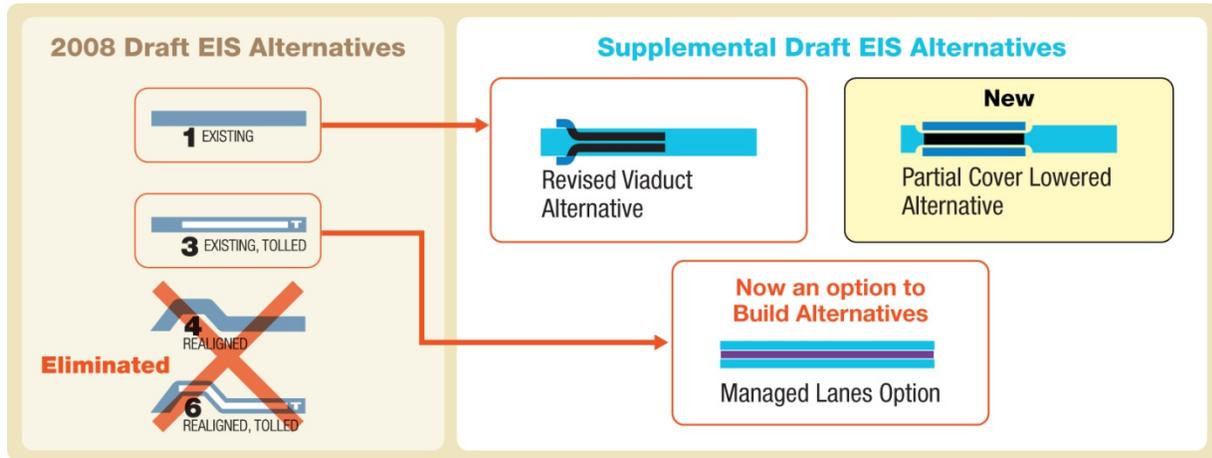
1.6.3 How alternatives are defined

The 2008 Draft EIS evaluated Alternatives 1, 3, 4, and 6. Alternatives 1 and 3 were located along the existing highway alignment and Alternatives 4 and 6 were located along the realignment. Alternatives 1 and 4 added capacity with general-purpose lanes, while Alternatives 3 and 6 added tolled-express lanes.

As the project progressed, the alternatives were redefined to reflect their design rather than a numerical identifier. Alternative 1 was refined to develop the Revised Viaduct Alternative and Alternatives 4 and 6 (Realignment Alternatives) were eliminated. Alternative 3 was redefined as the Managed Lanes Option to the Build Alternatives.

A new alternative has been added to this document. Called the Partial Cover Lowered Alternative, this idea was revisited and revamped based on a previously eliminated alternative. Exhibit 1-1 shows the 2008 Draft EIS alternatives compared to the alternatives analyzed in this document. More detail on all the alternatives is available in Chapter 3, Summary of Project Alternatives.

Exhibit 1-1. 2008 Draft EIS alternatives compared to Supplemental Draft EIS alternatives



1.6.4 Preliminarily identifying the Preferred Alternative

NEPA allows lead agencies to preliminarily identify a preferred alternative at the Draft EIS stage or to wait until the Final EIS is published. The 2008 Draft EIS did not identify a preferred alternative. FHWA and CDOT have preliminarily identified the Partial Cover Lowered Alternative with Managed Lanes Option as the Preferred Alternative in this document. Chapter 3, Summary of Project Alternatives, includes additional detail on this decision.

1.7 How were comments on the 2008 Draft EIS addressed?

Consistent themes emerged from the comments received on the 2008 Draft EIS. CDOT modified and revised the content of the document in response to these comments. The following updates were made based on the common concerns expressed by the public, which influenced the approach to identify a preferred alternative:

- The air quality analysis approach goes beyond federal requirements in several areas.
- Additional mitigation measures have been included to address environmental justice concerns.
- Additional detail is provided on community impacts and neighborhood cohesion.
- Available funding is identified, and an anticipated construction schedule is discussed along with a brief discussion on how the project may be phased.

- Anticipated environmental impacts on resources are included. Each resource section in Chapter 5, Affected Environment, Environmental Consequences, and Mitigation, also discusses impacts anticipated during construction.
- In response to questions about mitigation commitments made in the 2008 Draft EIS, information has been incorporated about mitigation strategies and planned processes for determining how these strategies are incorporated into construction activities.

Commenters who believe that comments made on the 2008 Draft EIS are still valid and were not addressed may resubmit comment(s) regarding this document during the comment period. Responses to comments on this document will be provided in the Final EIS.

1.8 What resulted in re-evaluation of the alternatives?

CDOT committed to identifying the Preferred Alternative in partnership with the corridor communities and stakeholders during the public hearings on the 2008 Draft EIS. CDOT began a collaborative process with the formation of the PACT for the I-70 East EIS in July 2010. Comprised of state and federal agencies, advocacy groups, and stakeholders—including neighborhood representatives from Adams County, Aurora, Commerce City, and Denver. The PACT's goals were to:

- Build mutual understanding of all interests, data, and concerns about the alternatives identified in the 2008 Draft EIS.
- Agree upon and recommend a preferred alternative that satisfied the most interests, best addressed all concerns, and met the purpose and need of the project.

Recommending a preferred alternative was a challenging task. As PACT members describe it, there were no perfect solutions; there were tough trade-off choices to make and there were impacts to different resources with every alternative. After many discussions, open dialogues, and public input, the PACT recommended the Current Alignment Alternative as their preferred, but was unable to reach consensus on if the alternative should shift to the north or south from Brighton Boulevard to Colorado Boulevard. This preference is described in more detail in Chapter 3, Summary of Project Alternatives.

Based on the outcomes of various outreach activities and the PACT process, CDOT and FHWA re-examined the previously

eliminated alternatives. This resulted in the development of a new alternative called the Partial Cover Lowered Alternative.

1.9 What happens after the Supplemental Draft EIS?

CDOT will continue to refine the mitigation measures based on public input and ongoing coordination with agencies that have special expertise and jurisdiction over specific resources. The results of these additional analyses, including work done to refine the Preferred Alternative, will be incorporated into the Final EIS, which is planned for publication in 2015. The Final EIS will include all comments received about the Supplemental Draft EIS during the public comment period, along with responses to those comments.

The final step in the NEPA process is the preparation of a Record of decision (ROD) that will document FHWA's decision for the project. The ROD will identify funding for the approved action consistent with the fiscally constrained section (Fiscally Constrained Regional Transportation Plan [RTP]) of the Denver Regional Council of Governments (DRCOG) *2035 Metro Vision Regional Transportation Plan* (MVRTP)(2007b).

During Final EIS development, a phased ROD will be considered, which will allow CDOT to fund and implement elements of the Preferred Alternative over an extended period.

1.10 When will the project be built?

Funding constraints may limit the ability to fully construct the Preferred Alternative at one time. Pending the completion of this EIS process, construction for the highway between Brighton Boulevard and Colorado Boulevard is anticipated to begin in 2016, after project permits are received. The Partial Cover Lowered section of highway between Brighton Boulevard and Colorado Boulevard could open to traffic in 2020. If full funding is available, the rest of the project could be completed by 2030.

1.11 How can I be involved, and how will CDOT communicate with the public?

The best way to be involved in project decision making is to comment on this document. There are several ways to provide comments.

- **Attend a public hearing on the Supplemental Draft EIS.** CDOT will hold public hearings on September 23, 24, and 25, 2014. They will include exhibits about the project, team members to answer questions, and the opportunity to comment in writing, on a computer, by talking into a microphone in front of peers, which is recorded by a court reporter, or speaking to a private recorder.
- **Use the Web to comment.** CDOT has posted links to the full text of this document on the project website at www.i-70east.com. You can make comments on this document by submitting a form through the website.
- **Provide written comments by e-mail.** Comments can be submitted through e-mail at contactus@i-70east.com. The comment period ends on October 14, 2014.
- **Provide written comments by mail.** You can write comments and mail them (postmarked by October 14, 2014) to: Colorado Department of Transportation, in care of Peter Kozinski, at 2000 South Holly Street, Denver, CO 80222.

After the comment period has closed, CDOT will continue to keep the public informed about decision making and opportunities for input. If you provide your name and address when you comment, the project team will add you to the project mailing list, which allows you to receive regular updates. If you have no comments on this document but would still like to stay informed, you may join the mailing list by logging onto the project website at www.i-70east.com or by calling the project hotline at 303-757-9413.

How to Stay Involved

Attend the public hearings

- September 23, 2014
Sable Elementary School
2601 Sable Boulevard
Aurora, CO 80011
- September 24, 2014
Kearney Middle School
6160 Kearney Street
Commerce City, CO 80022
- September 25, 2014
Bruce Randolph Middle School
3955 Steele Street
Denver, CO 80205

Contact the I-70 East project team

- 2000 South Holly Street
Denver, CO 80222
303.757.9413
contactus@i-70east.com

Join the mailing list or submit comments electronically

- www.i-70east.com

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