

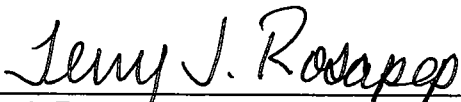
FEDERAL TRANSIT ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT

West Corridor Light Rail Project

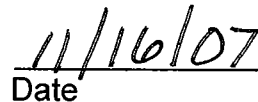
Denver Regional Transportation District

Denver and Jefferson Counties, Colorado

The Federal Transit Administration (FTA) has determined that the build alternative, as revised and documented in the Revised EA, will have no significant impact on the human environment. This FONSI is based on the attached Revised Environmental Assessment (EA) which has been independently evaluated by the FTA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that a Supplemental EIS is not required. The FTA takes full responsibility for the accuracy, scope, and content of the attached Revised EA.



Terry J. Rosapep
Federal Transit Administration, Region 8
Regional Administrator



Date

Project: West Corridor Light Rail Project
Applicant: Regional Transportation District
Project Location: Denver and Jefferson Counties, Colorado

Proposed Project

The Regional Transportation District proposes the construction of 12.1 miles of light rail transit (LRT) from the existing light rail line at the Auraria West Station to the Jefferson County Government Center. These improvements were fully documented in a previously prepared Environmental Impact Statement (EIS) and Record of Decision (ROD). The ROD was issued in April 2004.

Since April 2004, a number of changes have been made for value engineering reasons including changes to the alignment, LRT frequency, the number of tracks west of the Denver Federal Center, station location and layout, bridges, pedestrian facilities and other items. The August 28, 2007 Environmental Assessment and the November 16, 2007 Revised EA fully document these changes.

Specific changes now included are:

- Change in LRT frequency and number of tracks west of the Denver Federal Center
- New bridge at US 6/Colfax Avenue
- Proposed tunnel at I-70
- Changes at end of line station at the Jefferson County Government Center
- Changes at the Red Rocks Community College station
- Changes at the Denver Federal Center
- Changes associated with drainage along Dry Gulch and Lakewood Gulch
- Elimination of the maintenance facility at Harlan Street
- Changed pedestrian crossings
- Changes in retaining walls and noise barriers
- Street closure changes
- Changes at the bridges for LRT under Sheridan and Federal Boulevards
- Changes in the vicinity of Old Colfax and the Auraria Junction

The Federal Transit Administration (FTA) served as lead agency under the National Environmental Policy Act (NEPA) for this project. RTD prepared an Environmental Assessment (EA) and Revised Environmental Assessment in compliance with NEPA, 42 U.S.C. Section 4321 et.seq., and with FTA's regulations, 23 CFR Part 771. The Revised EA analyzes and describes the project's potential impacts.

Agency Coordination and Public Opportunity to Comment

RTD conducted extensive public and agency involvement for the West Corridor EA and Revised EA. This involvement is fully documented in Chapter 5 of the Revised EA and includes eight large public meetings, numerous Urban Design Committee meetings, presentations at neighborhood meetings, a number of "Coffees with Dennis" meetings and the formal public hearing which was held on September 19, 2007.

Consultation with the Colorado State Historic Preservation Office (SHPO) during the NEPA process included submittal of a Project Effect Determination in 2006. The SHPO concurred with these findings in October 2006 and an amended Memorandum of Agreement (MOA) has been fully executed and is in the Revised EA (Appendix F.)

Other agency coordination included the following:

- Coordination with the City and County of Denver regarding Section 4(f) impacts;
- Coordination with the US Army Corps of Engineers, US EPA, US Fish and Wildlife Service and Colorado Division of Wildlife regarding effects to wetlands and other Waters of the US

The EA for the West Corridor Project was issued on August 28, 2007 and its 30 day comment period ended October 4, 2007. The legal advertisement for the EA and the public hearing ran in the Denver Post on August 28, 2007 and was posted on the RTD web site. Copies of the Public Notice of availability for the EA were mailed to individuals, agencies, and local officials. Copies of the EA were made available at RTD, FTA, City and County of Denver offices, City of Lakewood offices, Jefferson County offices, City of Golden offices, four local libraries, Red Rocks Community College, Clements Community Center and the RTD website.

RTD held a public open house/public hearing on September 19, 2007 to present the EA to the public, answer any questions, and solicit additional public comments. Seventy – five comments were received during the public comment period. The comments received are summarized below. Appendix A to the Revised EA includes copies of the written and verbal comments on the EA and Appendix B includes full responses to all comments.

Comments on the EA

RTD received 75 comments during the public review period. Nine were submitted at the public open house and hearing, 36 were received via email and 30 were submitted on the project website.

General categories of types of comments that were received were:

Comment #1: A general concern about the plan to single track the LRT west of the Denver Federal Center and to slightly reduce the parking provided at the Jefferson

County Government Center. Responses to these comments are provided on Appendix pages B-12 and B-13 of the Revised EA.

Comment #2: Concerns about impact to the La Alma/Lincoln Park neighborhood. Responses to these comments are provided on Appendix pages B-5 through B-11 of the Revised EA.

Comment #3: Questions about whether or not the changes identified and evaluated in the EA and Revised EA are sufficiently significant to warrant preparation of a Supplemental EIS. Response to these comments is provided on Appendix pages B-19 and 20 and in this Finding of No Significant Impact.

Comment #4: Concerns that some of the information in the EA is considered to be arbitrary and capricious. Response to these concerns is found on Appendix pages B-19 through B-32 of the Revised EA.

Comment #5: Concerns about the finding of the noise analysis and the application of the RTD Moderate Noise Policy. Responses to these comments are found on Appendix pages B-33, B-34, B-38, and B-39 of the Revised EA.

Comment #6: Question about the Nelson Street pedestrian crossing. Response to this comment is found on Appendix page B-41 of the Revised EA.

Comment #7: Input about preferring LRT on the north side of 6th Avenue. Response to this comment is provided on Appendix page B-45 of the Revised EA.

There were other comments received that are more detailed in nature. All comments are provided in Appendix A of the Revised EA.

Mitigation Measures to Minimize Harm

Table 4-8 of the Revised EA lists mitigation measures that are required of RTD as conditions of this FONSI. Those mitigation commitments are based on the proposed mitigation measures identified in the Revised EA. The FTA finds that with the implementation of these mitigation measures, RTD will have taken all reasonable, prudent, and feasible means to avoid or minimize impacts from the proposed action.

Determinations and Findings

The Revised EA for the West Corridor Project was issued in November 2007. The EA found that the project's construction and operation would cause no new significant adverse environmental effects from the design changes that have occurred since the 2004 Record of Decision. This would apply to all applicable environmental elements including Land Use and Zoning, Air Quality; Noise, Water Resources, Biological Resources, Traffic and Parking, Cultural Resources, Parklands, Public Services and

Utilities, Aesthetics, Social Impacts, Safety and Security, Hazardous Materials, Environmental Justice, and Section 4(f) Resources.

After carefully considering the EA, its supporting documents, and the public comments and responses, FTA finds under 23 CFR 771.121 that the proposed project, with the mitigation to which RTD has committed, will have no new significant adverse impacts on the environment. Under 23 CFR 771.130(c) this EA and FONSI will form the basis of FTA's determination that a supplemental EIS is not necessary and will be added to the project file. Detailed information on impacts and mitigation is found in the Revised EA. The following information summarizes the major impacts associated with the changes in design.

Land Acquisitions and Displacements

A total of eight businesses would be relocated as a part of the change in design. 32 additional residential relocations would occur as a result of increased occupancy levels in apartment buildings since the EIS. Adequate, safe, and sanitary replacement facilities exist for displaced households and businesses and relocation assistance would be available to relocated persons without discrimination. Therefore, displacements and relocations resulting from the design changes are considered *generally not significant*.

Air Quality

No violations of the National Ambient Air Quality Standards (NAAQS) are anticipated as a result of the design changes. Therefore, impacts to air quality from the design changes are considered *generally not significant*.

Noise

The noise and vibration analysis that was done for the project identified 50 locations of severe impacts and 168 locations of moderate impact. This was a reduction in noise impact as identified during the FEIS (which had 68 locations of severe impact and 214 structures that would receive moderate impacts.) RTD is installing noise barriers in 26 locations which will mitigate all severely impacted locations and 67 of the 91 moderately impacted receptors in the upper fifty percent of FTA's moderate impact range.

For vibration, 13 locations of vibration impact were identified. This compares to 46 structures for the FEIS. All will be mitigated.

Impacts to noise and vibration conditions as a result of the design changes are *generally not significant*.

Wetlands

Wetland impacts were not calculated for the FEIS. For the Revised EA, wetland impacts have been determined to be 1.05 acres. The U.S. Army Corps of Engineers

concluded with this determination. Therefore, the impacts to wetlands from the design changes are *generally not significant*.

Historic Properties and Parklands

The Revised Design will result in minor impacts to two park properties. The City and County of Denver has agreed with the FTA determination that the impacts to these properties are appropriately classified as *de minimis*. Their concurrence letter is in Appendix E of the Revised EA.

The Revised Design would require an additional 0.004 acre of right-of-way from the International Style House, a property eligible for inclusion on the National Register of Historic Places. The SHPO has concurred with the Determination of Effect and an amended Memorandum of Agreement has been signed by the FTA, CDOT, SHPO and RTD.

As implementation of the MOA would effectively mitigate adverse impacts to historic resources and as the two park impacts are classified as *de minimis*, the impacts to parks and historic properties are considered *generally not significant*.

Hazardous Materials

No hazardous materials or hazardous wastes have been identified in the vicinity of the Proposed Action. Any buildings to be demolished would be inspected for asbestos and other hazardous materials prior to demolition. If hazardous materials were encountered, they would be handled and disposed of properly. Based on these provisions, impacts from hazardous materials are considered *generally not significant*.

Environmental Justice Findings

Executive Order 12898 provides that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." The Department of Transportation similarly requires FTA and FHWA to explicitly consider human health and environmental effects related to transit projects that may have a disproportionately high and adverse effect on minority and low-income populations. It also requires them to implement procedures to provide "meaningful opportunities for public involvement" by members of these populations during project planning and development. (DOT Order No. 5680.1)

RTD performed an environmental justice analysis as part of the EA. Based on that analysis, *FTA finds that the construction and operation of the West Corridor Light Rail Project would not have disproportionately high and adverse effects on low-income or*

minority populations. The proposed project would likely have beneficial effects on these populations by providing improved transit facilities in the area.

Section 4(f) Findings

Section 4(f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. 303, declares a national policy that a special effort should be made to preserve the natural beauty of the countryside, public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation may not approve transportation projects that adversely affect such resources unless a determination is made that there is no feasible and prudent alternative, and that all possible planning has been done to minimize harm (23 CFR 771.135).

There are two parks, recreational lands, wildlife refuges, or waterfowl refuges that would be impacted by the Revised Design. Implementation of the Revised Design would adversely affect one historic property that is eligible for inclusion on the NRHP. No other historic properties would be impacted. Because the impacts to these three properties would meet the definition of *de minimis*, FTA is not required to analyze prudent and feasible alternatives.

Environmental Finding

The Environmental Assessment (August, 2007) and the Revised EA (November, 2007) are incorporated by reference as part of this Finding of No Significant Impact (FONSI). Appendix A to the Revised EA includes the public comments received and Appendix B provides responses to all comments.

Based on the Revised Environmental Assessment and its associated supporting documents, the Federal Transit Administration finds, pursuant to 23 CFR 771.121, that there are no significant impacts on the environment associated with the development and operation of the proposed West Corridor Light Rail Project.