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March 15th, 2010

By John Rebchook, InsideRealEstateNews.com

The St. Patrick's Day Parade has passed, but the Denver Union Station transportation improvement project is still going green. So far this month, it has diverted more than 12 tones of waste from landfills. Kiewit Western, the contractor for the Denver Union Station transportation improvements, is committed to reducing the amount of waste going to landfills. It developed a waste management plan for the project to direct the diversion of waste through reuse, salvage or recycling.

Opportunities to divert waste, according to Kiewit spokesman Hunter Sydnor, include:

- Asphalt and concrete can be crushed and reused as base aggregates for roads
- Metals, aluminum, steel, copper, old rails, tie plates, spikes, and signage, can be melted and then reused
- Wood, sheet materials, formwork, wood ties, pallets, and millwork, can be ground into pulp for reuse.
- Plastic, PVC pipe, and packaging materials extruded into other products

“By the end of construction over 500 tons of waste will be diverted,” Sydnor said. “Of course traditional items such as paper, cans and plastics used in the office are being recycled as well.”

March 18, 2010

By Jeffrey Leib, Denver Post

U.S. District Court Judge John Kane heard nearly six hours of testimony today on the pros and cons of issuing a temporary restraining order that would block FasTracks transit construction at Denver Union Station.

The Colorado Rail Passenger Association has sued the Federal Transit Administration, claiming the federal agency's approval of a Union Station environmental impact statement was tainted by conflict of interest and should be overturned.

ColoRail wants the court to mandate a new study.

While the group's suit has moved slowly through the court, the Regional Transportation District and the Denver Union Station Project Authority have proceeded with development plans and recently secured \$304 million in loans from the U.S. Department of Transportation to propel the project.

A contractor selected by RTD and DUSPA was to have begun excavation of the project's underground bus station this week, but ColoRail asked for the restraining order to halt that work.

Kane said he will rule Thursday on ColoRail's request.

Philipp Theune, the group's lawyer, told Kane that those backing an alternate development for Union Station will suffer "irreparable injury" if major construction begins on the site.

"The harm to the natural and human environment threatened by the commencement of construction can never be undone," he said in brief requesting the restraining order.

ColoRail objects to the current Union Station development plan, which has light-rail and commuter-rail platforms separated by several blocks and linked by an underground bus station. The group wants a closer proximity between the two rail types.

Lawyers for RTD, DUSPA and the FTA asked Kane to reject the request for a restraining order on numerous grounds.

RTD General Counsel Marla Lien said ColoRail and its members participated in the Union Station environmental study for years and they took legal action to block redevelopment when their ideas did not prevail.

"We believe the plaintiff is simply seeking a redesign according to its liking, rather than the public's liking," Lien told the court.

Delaying the project puts federal dollars that RTD hopes to get for FasTracks and Union Station at risk, Lien said, and also risks lowering the "confidence" of teams of private companies that are bidding to become RTD's public-private partnership contractor. The PPP contractor selected by RTD will build train lines from Union Station to Denver International Airport and Arvada/Wheat Ridge, among other FasTracks elements.

"The financial ramifications of halting construction are so substantial that they cannot be ignored," RTD said in a brief opposing the restraining order.

March 18, 2010

By Jeffrey Leib, Denver Post

U.S. District Court Judge John Kane today rejected the Colorado Rail Passenger Association's request that he issue a temporary restraining order halting transit construction that is part of the redevelopment of Denver Union Station.

ColoRail sued the Federal Transit Administration last spring trying to overturn the federal agency's approval of a Union Station environmental study now guiding redevelopment of the site.

More recently, the U.S. Department of Transportation approved two loans totaling \$304 million to the Denver Union Station Project Authority to aid in the redevelopment.

Construction on the Union Station site was to begin in earnest this week, but in testimony Wednesday before Kane, ColoRail said an order blocking construction was needed while the group pursued its lawsuit.

Kane did not agree.

In his written ruling denying the restraining order, Kane said ColoRail's claim that it is "likely to succeed on the merits" of its case against the FTA "is speculative and entirely tenuous."

ColoRail's legal arguments "boil down to little more" than repeated assertions that the Union Station environmental study was flawed, Kane wrote. "Nothing more."

On Wednesday, Regional Transportation District lead lawyer Marla Lien told Kane a restraining order would delay the Union Station project and RTD's larger FasTracks transit expansion, and subject RTD to the risk of losing millions of dollars in federal money.

In his ruling, Kane said, "I cannot conclude the vague 'human harm' (ColoRail) asserts in terms of negative environmental impact or impact to the traveling public outweighs the harm that will befall other aspects of the 'public' for whose benefit their elected and appointed representatives have collaborated, approved and financed the project."