

## Denver Union Station Record of Decision

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### 1.1 Decision

The Federal Transit Administration (FTA), as the lead federal agency for this project, has determined that the requirements of the National Environmental Policy Act (NEPA) and applicable regulations and statutes have been met for the Denver Union Station (DUS) project located in Denver, Colorado. This Record of Decision explains the project decision, mitigation measures to be incorporated in the project, public involvement outreach conducted through the process and Section 4(f) approval.

The Final Environmental Impact Statement (Final EIS) was prepared by the Regional Transportation District (RTD) and Federal Transit Administration (FTA) and, in cooperation with the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), City and County of Denver (CCD), Denver Regional Council of Governments (DRCOG), and Colorado Department of Transportation (CDOT). It was published in August 2008. The Final EIS focused on public transportation improvements planned at Denver Union Station (DUS) and the impacts of each proposed transportation element. The transportation elements described in this Record of Decision are referred to as the Build Alternative.

The major elements of the Build Alternative are listed here with details in Section 1.3.2. The project elements which make up the Build Alternative fall into three general categories:

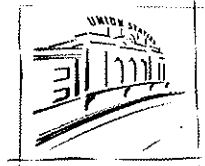
- Transportation facilities including new or relocated RTD, Amtrak and Ski Train facilities;
- Infrastructure repairs and upgrades necessary to accommodate the transportation facilities; and,
- User access to and egress from the facilities.

These primary elements include:

- Light Rail
- Passenger Rail
- Regional Bus Facility
- 16th Street Mall Shuttle
- Access improvements for a Downtown Circulator
- Pedestrian Access and Circulation
- Street and Infrastructure Reconstruction
- Parking Structure
- Bicycle Access

FTA has considered all of the information in the public record, including the DUS Draft EIS, the Final EIS, regulatory and resource agency coordination, Draft and Final EIS public hearing comments and public and agency review comments on the environmental documents. The FTA

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has determined that the requirements of NEPA have been satisfied for the Denver Union Station project. This decision pertains to the Build Alternative as described in the Final EIS and as modified in this ROD, and is subject to the mitigation measures detailed in Appendix A of this ROD.

## 1.2 Purpose and Need

The purpose of the proposed project is to enhance the function of DUS as a multimodal transportation center for the Metro Denver Region and the entire State of Colorado. Improving DUS will bring together the various modes of transportation into one place and provide efficient and convenient access to and from downtown Denver. The proposed transportation improvements would help relieve traffic congestion, improve air quality, and provide additional mode options for the traveling public.

The DUS project responds to a range of transportation-related issues facing the Denver metropolitan area. These issues concern the need to optimize the effectiveness of the region's transportation system and to improve mobility and access to employment and other major activity centers in the region. To this end, redevelopment of DUS will facilitate connectivity and transfers between modes and services, improve passenger services, and provide the public with a variety of modal choices to reach a broad range of downtown and regional destinations.

Various planning studies have shown that population and employment levels in the metropolitan Denver area are anticipated to increase approximately 50 percent by 2030. In response to this growth, the region has identified several transportation mode solutions such as bus rapid transit (BRT), light rail transit (LRT), passenger rail, and high-occupancy vehicle (HOV) lanes to help relieve expected congestion, improve air quality, and offer additional transportation options to citizens within the region.

FasTracks is RTD's 12-year comprehensive plan and funding program to improve and expand the Denver region's existing transit system and facilities. Approved in November 2004 by the region's voters, the FasTracks funding source is a 0.4 percent sales tax increase. A portion of the FasTracks monies combined with funds from federal, state and other local sources are dedicated to DUS to construct the transportation improvements on-site.

The Final EIS discusses the potential environmental, social, and economic impacts associated with the No Action Alternative, Build Alternative and Phase I Alternative.

## 1.3 Alternatives Considered

The project team initially defined a Transportation Systems Management (TSM) Alternative to be evaluated. The TSM Alternative traditionally assumes low-cost transportation improvements beyond the No Action Alternative. However, the FTA concurred with RTD in a letter dated March 3, 2003 that the evaluation of a TSM as a baseline alternative was not needed because the environmental impacts would not significantly differ from the No Action Alternative. As such, the No Action Alternative, Phase I Alternative, and the Build Alternative were evaluated in detail in the Final EIS.



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The *Denver Union Station Master Plan*, which established the broad goals for the reuse and redevelopment of the DUS site and its environs, was adopted by Denver City Council in 2004 and the *Denver Union Station Master Plan Supplement* was adopted in 2008. Throughout this ROD, these two complementary documents will be referred to collectively as the *DUS Master Plan*.

The DUS Draft EIS evaluated over forty alternatives, including: 14 initial alternatives developed by the project team to respond to the project's needs; 9 publicly submitted alternatives based on comments received after the public's review of the 14 initial alternatives; and over 20 additional design options to the initial alternatives and publicly submitted alternatives. The alternatives were subjected to a four-tier screening process. The three alternatives that survived the four-tier screening process were subjected to more detailed engineering and review, which resulted in the elimination of one alternative. Upon closer examination, the project team determined that the improvements identified in one of the alternatives could be completed as an initial phase of the eventual build-out. The team recognized that due to funding limitations, implementation of the *DUS Master Plan* would occur in multiple phases over time -- possibly over a 20 year period. As such, the project team recommended the complete build-out be referred to as the Vision Plan and the initial phase of the build-out be referred to as Phase I of the Vision Plan (Phase I Alternative). The phasing recommendation was subsequently approved by the Project Management Team (PMT) and project standing committees. This process resulted in the reasonable alternatives that were presented and analyzed in the Draft EIS document.

However, between publication of the Draft EIS and the Final EIS, other RTD FasTracks corridors selected vehicle technologies which changed the requirements for the passenger and light rail facilities previously planned at DUS. Also, additional funding was secured. Due to these changes, a combined alternative was developed that could be funded entirely in one phase. This alternative was referred to as the Build Alternative in the Final EIS and in this ROD. The Build Alternative added the construction of the regional bus facility, which will provide relocation and expansion of RTD's regional bus facility from Market Street Station, plus accommodation of the planned Downtown Circulator service and additional room for commercial bus operators.

### **1.3.1 No Action Alternative**

The No Action Alternative is used as a baseline for comparison to both the Phase I Alternative and the Build Alternative and is comprised of the existing and committed regional land use and transportation projects contained in the DRCOG 2030 Regional Transportation Plan (RTP).

The travel modeling used for comparing the No Action Alternative to the Build Alternative assumes the 2030 road network and the 2005 transit network (existing and committed). Travel modeling comparing the No Action Alternative with the Phase 1 Alternative assumed the 2030 road network and the 2005 transit network. Table 1-1 lists the major elements of the No Action Alternative, grouped by major subject area.

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**Table 1-1  
Major Elements of the No Action Alternative**

<b>Existing Land Use Systems</b>
<ul style="list-style-type: none"> <li>▪ 19.5-acre site comprised of the DUS building and adjacent land and tracks</li> </ul>
<b>Existing Transportation Elements</b>
<ul style="list-style-type: none"> <li>▪ Southwest Corridor LRT (C-line)</li> <li>▪ Southeast Corridor LRT (E-line)</li> <li>▪ 16th Street Mall Shuttle</li> <li>▪ Amtrak (passenger rail) at DUS</li> <li>▪ Ski Train at DUS</li> <li>▪ Special event trains</li> <li>▪ RTD North HOV Busway on 19th and 20th Streets connecting to the 16th Street Mall</li> <li>▪ Pedestrian/bike bridges at 16th Street and I-25, 16th Street and Platte River, and 16th Street and CML</li> <li>▪ City of Denver Bike Trails</li> <li>▪ Regional Buses (bus stops for RTD and commercial carriers)</li> <li>▪ Local RTD Buses</li> </ul>
<b>DRCOG 2030 Regional Transportation Plan</b>
<ul style="list-style-type: none"> <li>▪ West Corridor LRT</li> </ul>
<b>Private Transportation Projects</b>
<ul style="list-style-type: none"> <li>▪ Pedestrian bridge at 18th Street over the Consolidated MainLine</li> <li>▪ 15th Street and Delgany Street will be improved with an additional right turn lane from southbound Delgany Street to westbound 15th Street. This turn lane will remove on street parking spaces.</li> </ul>

### 1.3.2 Build Alternative

Based on the results of a detailed screening process, the Build Alternative was found to best meet the purpose and need for the project.

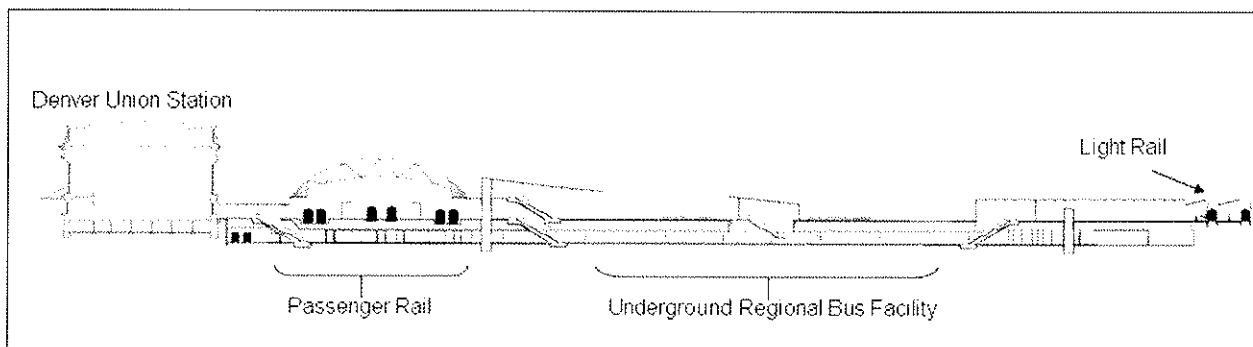
The Build Alternative will include all of the major transportation modes envisioned in the *DUS Master Plan*: light rail, passenger rail, and regional and express bus, as well as turnarounds for the 16th Street Mall Shuttle and future Downtown Circulator. A conceptual view of the Build Alternative showing the light rail, passenger rail, and regional bus facility is shown in Figure 1-1, including the modes that will be used by the future FasTracks transit corridors. A cross-section view of the Build Alternative is shown in Figure 1-2.







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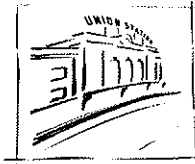


**Figure 1-2**  
**Cross-Section View of the Build Alternative**

Source: Parsons Brinckerhoff, June 2008

The following are the major elements of the Build Alternative:

- **Light Rail** – RTD will construct two LRT tracks and platforms so that they are adjacent to the Consolidated Mainline and will serve the Southeast, Southwest and West Corridors.
- **Passenger Rail** – RTD will construct eight at-grade passenger rail tracks for Amtrak, Ski Train and RTD's East, North Metro, Northwest, and Gold Line Corridors. Discussions with Amtrak, Federal Railroad Administration (FRA) and the Public Utilities Commission regarding design and operation details for passenger rail, as well as construction staging are currently ongoing. Amtrak will operate on track four (4) which will be extended in length to approximately 1600 feet. A double track for storage of Amtrak cars and locomotives will be provided immediately north of the track throat, extending approximately 1000 feet under the Park Avenue West viaduct. Additional discussion about the process established to resolve final design and operation details is provided below in Section 1.4 Environmental Consequences and Mitigation Measures.
- **Regional and Commercial Bus Facility** – RTD will construct a bus facility under 17th Street which will extend from the LRT station to the DUS building. There will be 22 bus bays built; two will be for commercial buses and 20 will be for RTD services. Bus access will occur along the HOV ramp at 18th Street and where 18th Street ends at the CML.
- **16<sup>th</sup> Street Mall Shuttle** – RTD will extend the shuttle along 16th Street with a turnaround at the LRT station and will stop at DUS to provide service to passenger rail.
- **Downtown Circulator** – Separate from the Build Alternative, RTD is planning to provide a new downtown circulator with service on 18th and 19th Streets which will have access to the below-grade bus facility using the inbound ramp at the east end of the regional bus facility.
- **Pedestrian Access and Circulation** – There will be at-grade pedestrian access at all facilities, except the regional bus facility which is below-grade and will serve as a climate-controlled concourse connecting the light rail and passenger rail stations. There will be access to the bus facility through escalators, elevators, and stairs. A pedestrian



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deck will be constructed over the passenger rail for access to passenger rail and parking.

- **Bicycle Access** – Existing bicycle routes will remain and a new connection on 16th Street between Wynkoop Street and the Millennium Bridge will be created. Bicycle racks and lockers will be provided around transit facilities. A site between 15th and 16th Street has been identified as a potential location for a bike station assuming an operator and supplemental funding can be identified. Since publication of the Final EIS, the City and County of Denver has committed to working with this project to provide unprogrammed Wewatta Street right-of-way in this area for a bike station. Bicycles will also be able to share general purpose lanes on the additional street infrastructure described in the next section.
- **Street Infrastructure and Reconstruction** – Portions of Chestnut Place, and 16th, 17th, 18th, and Wewatta Streets will be reconstructed to accommodate the proposed transit improvements, as well as auto, bicycle and pedestrian circulation. The 16th Street right-of-way will be widened between Wynkoop and Wewatta Streets and rebuilt between Wewatta Street and the Millennium Bridge. 17th Street will be rebuilt over the below-grade regional bus facility. Since publication of the Final EIS, the proposed cross-sections for 16th Street (between Wynkoop Street and the Millennium Bridge) and 17th Street (between Wewatta Street and Chestnut Place) have changed. Both proposed changes provide more space for pedestrian movements and improved traffic circulation and neither create additional environmental impacts. These changes were presented at the Final EIS Public Hearing and made available on the project website. An extension of the 18th Street alignment west of Wynkoop Street will provide access to the parking garage and regional bus facility. Many utilities will be relocated to accommodate the below-grade bus facility as well as the modifications to at-grade transit infrastructure and rights-of-way.
- **Parking Structure** – One level of elevated parking over the passenger rail station will provide approximately 150 market-rate parking spaces for the general public.

### 1.4 Environmental Consequences and Mitigation Measures

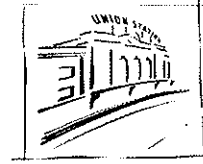
Environmental consequences and recommended mitigation measures for the Build Alternative are described in this section. Mitigation measures are described in detail in the Final EIS. Mitigation commitments are formally adopted as a part of this document. These are included in Appendix A of this document.

#### Construction

It is anticipated that the majority of negative impacts will occur during construction and will be temporary. Construction impacts will include noise, dust and vibration increases in and around the station, short-term congestion associated with vehicle detours or workers and equipment moving through the study area, and short term business impacts in Lower Downtown (LoDo). Although these impacts cannot be avoided, they are not expected to result in long-term adverse conditions within the study area. Construction of the Build Alternative will begin in early 2009 with a projected completion date of 2013.

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One important element of this work will be reconstruction of the existing track throat north of 18th Street. Amtrak and Ski Train operations will be maintained during construction of the passenger rail station by providing a temporary platform between 18th and 20th Streets. In June 2008, Amtrak was provided with two temporary platform design options that could be built without affecting the environmental impacts. Prior to and during construction, the project team will coordinate with Amtrak and Ski Train to include provisions for all existing train servicing operations and essential passenger needs at the temporary station.

### Traffic

After the FEIS was published, a supplemental transportation study for the Build Alternative was completed for RTD and the City and County of Denver. RTD believes this study is a more accurate prediction of area vehicle and pedestrian movements than the model used in the FEIS. The results of this study have replaced the 2030 DRCOG model household and employment estimated traffic projections with data representative of the specific development projects in the Central Platte Valley. The new number of housing units is 1,790 and the amount of office space is 2,775,000 square feet. It is also estimated that 345,000 square feet of retail and restaurant uses and 350 hotel rooms will be constructed in the Central Platte Valley. These estimates are projected land-uses based on the latest zoning-compliant development scenarios not necessarily approved development projects. Though the results of the supplemental transportation study identified impacts at several study area intersections, only four require Build Alternative mitigation.

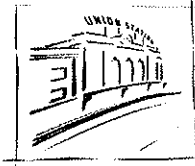
The Build Alternative is expected to impact the following four intersections and the project will mitigate them by constructing improvements as described in Appendix A.

- 20th Street and Chestnut Place
- 17th Street and Wewatta Street
- 16th Street and Wynkoop Street
- 15th Street and Wewatta Street

The Build Alternative is also expected to impact the intersections listed below. However, the only reasonable improvements are signal timing adjustments which will be completed by the City and County of Denver independent of the Build Alternative. These independent improvements which are listed below are not included in the mitigation table in Appendix A.

- Speer Boulevard and Wewatta Street
  - The additional northbound left turn lane on Wewatta Street and southbound left turn lane on Wewatta Street recommended in the FEIS are no longer part of the mitigation.
- 15th Street at Wynkoop Street and Wazee Street
  - At Wazee, the modeling suggested an additional left turn lane from northbound Wazee Street to westbound 15th Street which would require the removal of parking spaces on the east side of Wazee Street. The project team agreed not to make this





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change because the movements at Wazee affect a larger downtown system that relies on the existing phasing for each movement and mode at that intersection.

- 16th Street at Wewatta Street, Wazee Street and Market Street
- 17th Street at Chestnut Place and Blake Street
- 18th Street at Chestnut Place, Wewatta Street and Blake Street
- 19th Street at Chestnut Place, Wewatta Street, Wazee Street and Blake Street

The Build Alternative is no longer expected to impact these intersections and no improvements are planned.

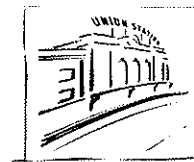
- 20th Street and Wazee Street
  - The modified signal phasing and lane reconfiguration of the northbound approach on Wazee Street recommended in the FEIS are no longer part of the mitigation.
- 17th Street and Wynkoop Street
  - The traffic signal at this location recommended in the FEIS is no longer part of the mitigation.
- 18th Street and Wynkoop Street
  - The traffic signal at this location recommended in the FEIS is no longer part of the mitigation.

### Railroad Operations

- The Final EIS describes the eight track passenger rail facility and documents two options (detailed in the Final EIS, Chapter 2, Section 2.4.1) to accommodate different operating scenarios for Amtrak. Based on updated operations analysis results, the RTD has decided that the Option 1 operating scenario, described on page 4-23 of the Final EIS will be implemented which places Amtrak operations on track four. This location provides Amtrak with a track with a minimum length of 1585 feet and passenger platform that can be protected from the elements. It provides for all of the servicing and operational uses that Amtrak currently performs at DUS, including but not limited to fueling, watering, toilet servicing, inspections, and 480 volt ground power. Through some additional design work, RTD has decided that this location also allows access for Amtrak passengers from the station building to the Amtrak platform that is at least equivalent to the current level of access from the station building to the current track including consideration of capacity and accessibility.
- Amtrak has also identified a need for layover of setoff cars and locomotive storage. Previous designs accommodated this within the station, but adjustments to provide an extended track for Amtrak required identification of a site outside the passenger rail station. Since the Final EIS was published, additional analysis occurred and placement

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of the storage track has been determined to be under the Park Avenue West viaduct immediately north of the track throat, extending approximately 1000 feet. This site was presented at the Final EIS Public Hearing and posted on the project website. This site is approximately 50,000 square feet or 1.15 acres which will provide space for a two track storage/runaround stub with switches to connect directly into the track throat. Though the environmental impacts of this element were not separately analyzed in the Final EIS, the operations were in the base assumptions. Therefore the impacts of noise, vibration and air quality are already accounted for in those analyses. Storage track construction in this new location will require acquisition of currently undeveloped and unused right-of-way from the Union Pacific Railroad for which RTD will adhere to all federal guidelines on acquisition and relocation assistance. Shallow soil excavation required to construct the tracks may include encounters with contaminated soil and groundwater. This excavation of approximately 20,000 cubic yards of soil will follow the same procedural system to assess, contain, treat and dispose of contaminated soil as will be undertaken for removal of the other 160,000 cubic yards expected to be removed for the project.

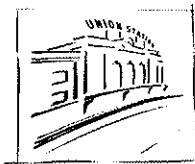
The above changes are consistent with the scope of the improvements in the Final EIS and will not result in significant environmental impacts.

Additionally, Amtrak and several other Final EIS commenters suggested the need to either provide or preserve capacity to connect the passenger rail station to the southbound Consolidated Main Line (CML) tracks. This connection was neither part of this project's Purpose and Need, nor is it necessary to provide adequate capacity for the rail services funded or planned for the 2030 horizon year. However, the DUS design creates a concourse-like connection to a possible passenger rail platform adjacent to the LRT station at the CML which would provide ready access to southbound tracks. As a second option, the Build Alternative design could be connected by construction of a short segment of track connecting tracks exiting the Union Station throat to the north with the CML in the vicinity of the Park Avenue viaduct.

RTD is continuing productive conversations with Amtrak and FRA to resolve any specific design details which include a detailed analysis of passenger movements through the station to confirm adequate capacity and comfort levels on major routes and vertical circulation elements. If additional design refinements occur as a result of these processes, RTD and FTA will re-evaluate any changed environmental impacts.

### **Noise**

The introduction of increased passenger rail traffic to the station will result in moderate noise impacts at two residences within the IceHouse Lofts. Per RTD's Noise Mitigation Measures for Moderate Impacts, no mitigation is required. The Final EIS Errata in Appendix D includes two new tables as minor discrepancies were found in Table 5-9 (Noise Impact Assessment Results) and Table 5-10 (Predicted 50 Foot Reference Noise Levels for the Build Alternative) of the Final EIS. The Noise Impact Assessment Results table was replaced to correct outdated information for the IceHouse Lofts and One Wynkoop Plaza (identified as Locations 2 and 3 in Table 5-9). The new table indicates a lesser impact than originally calculated. The Predicted 50-Foot



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Reference Noise Levels table is updated to include an omitted row for the 16th Street Mall Shuttle and to correct certain values less than one that had been rounded down to zero.

### **Air Quality**

The air quality analysis indicated that for the Build Alternative, the mobile source analysis and stationary source analysis are both within the National Ambient Air Quality Standards (NAAQS). The emission burden analysis showed that the air toxic levels for the 2030 Build Alternative are less than what exists for current conditions, however, are slightly higher than the 2030 No Action Alternative, due to increased passenger rail activity. No mitigation is required for air quality.

The Final EIS Errata in Appendix D includes a new table for Representative Background Data (Final EIS Table 3-13). This new table fixes a layout error and provides corrected background data for PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>x</sub>. This does not affect the analysis results since the original analysis assumed the accurate data.

The Clean Air Act Amendments of 1990 require that the FTA not provide financial assistance for a project unless that project has been found to conform to the purposes of the State Implementation Plan (SIP) of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. The Interim Guidance of Conformity issued by the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) in June 1991 states that a project conforms: (1) if it comes from a conforming transportation plan and Transportation Improvement Program (TIP), and (2) if it, in carbon monoxide (CO) or PM<sub>10</sub> nonattainment areas, eliminates or reduces the severity and number of violations of the CO or PM<sub>10</sub> standards in the area substantially affected by the project.

The Denver Union Station project is included in the Fiscally Constrained 2035 Regional Transportation Plan, 2008-2013 Transportation Improvement Program and State Transportation Improvement Program, which meet conformity criteria. These were prepared, consistent with the most recent set of amendments to streamline the U.S. Environmental Protection Agency's transportation conformity rule. The Federal Highway Administration and Federal Transit Administration (FTA) signed a reconfirmation of the conformity finding for the 2035 Regional Transportation Plan in March 2008.

The hot spot analysis performed for the Final EIS evaluated localized air quality impacts caused by the Denver Union Station project. The results of this analysis show that the NAAQS are not expected to be violated in either the opening year or the design year for the project at any location. FTA finds that the project conforms to the air quality plans for the Denver metropolitan area.

### **Historic**

Coordination with the Colorado State Historic Preservation Office (SHPO) has determined that the Build Alternative will have an adverse impact to three historic resources: the passenger

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tunnel at Denver Union Station, the Delgany Street Sewer and the railroad tracks west of Union Station (tail tracks). Mitigation measures have been identified for each impact and are described in Section 1.5 below. A Memorandum of Agreement (MOA) between FTA, RTD, SHPO, and ACHP is contained in Appendix B of this ROD.

## **Water**

The Build Alternative increases impervious surface area with a corresponding increase in the storm runoff. However, all of the increased stormwater runoff can be accommodated in the existing stormwater system. Changes in impervious surface area will increase the potential for new pollutants to enter surface water resources, which will affect local water quality. Mitigation measures including temporary and permanent best management practices will be implemented to minimize impacts.

Hazardous materials and groundwater at the site may be disturbed by the proposed improvements, depending on their final design and location. Because of existing contamination at DUS, it is expected that contaminants will be encountered and cannot be avoided during construction of the new facilities. If the groundwater is contaminated, a groundwater remediation permit from Colorado Department of Public Health and Environment (CDPHE) may also be required.

## **Right-of-Way**

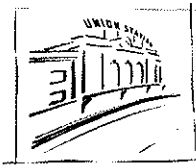
The majority of the Build Alternative elements are intended to be constructed entirely on the DUS site. As was disclosed in the Final EIS, approximately 0.04 acre of property (Icehouse Lofts) will be required to widen 18th Street access to the regional bus facility and proposed parking structure. Since publication of the Final EIS, the storage track has been determined to be under the Park Avenue West viaduct immediately north of the track throat, which will require acquisition of approximately 1.15 acres from Union Pacific Railroad. As design progresses, engineering refinements may require additional right-of-way or parcel acquisitions not yet identified, including the possible need for temporary construction easements. All other property necessary for construction of the Build Alternative at the historic station site and adjacent to the CML is already owned by RTD.

## **Cumulative**

The cumulative impacts for each resource can be found in the Final EIS.

## **Sustainability**

The partner agencies anticipate that technology in this area will continue to improve at a rapid pace in the near future. The DUS Master Plan documents the current goals and policies of each of the partner agencies as aspirations for the design and construction of the Denver Union Station. Though these goals are not requirements, they will serve as aspirations for this project as it is designed, constructed and operated with the most reasonably achievable environmental sensitivity.



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### 1.5 Section 4(f) Evaluation

Within the Area of Potential Effect (APE), 23 historic properties were identified. Three of these sites have been determined by FTA to be adversely affected (as defined under Section 106) by the Build Alternative uses. The three sites are the Denver Union Station/5DV114, tracks behind the Denver Union Station/5DV5189, and the Delgany Street Sewer/5DV4725. Direct effects to three historic resources will result from the re-development of DUS into a regional multi-modal transportation hub. All of the remaining Section 4(f) properties within the APE were evaluated and a determination was made that the Build Alternative would not substantially impair the use or constructive use of these resources.

#### 1.5.1 Measures to Minimize Harm

Based upon the alternatives analysis and consultation with project stakeholders and consulting parties, FTA has determined that there are no feasible and prudent alternatives to the tunnels associated with DUS, the UP and BNSF tracks immediately west of DUS, and a segment of the Delgany Street Sewer. The Build Alternative includes all possible planning to minimize harm to these Section 4(f) resources resulting from such use. A Memorandum of Agreement (MOA) between FTA and the SHPO was signed in August 2008 ensuring measures be taken to mitigate the impacts to the three historic resources under the Build Alternative. The mitigation required by the new MOA can be found in Appendix B, Memorandum of Agreement (MOA) among FTA, RTD and the SHPO, of this document.

### 1.6 Basis for Decision

The RTD Board of Directors approved the Final EIS on May 20, 2008. The FTA and RTD then released the Denver Union Station Final EIS on August 15, 2008 for a 45-day review period ending on September 29, 2008. Thirty-five commenter's (agency and public) submitted comments on the Final EIS during that time. A public hearing for the Final EIS was held on September 10, 2008. Comments and responses to comments received on the Final EIS are incorporated into this ROD, and are listed in Appendix C.

### 1.7 Determinations and Findings

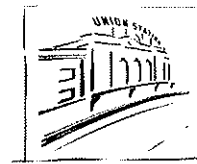
#### 1.7.1 Environmental

The environmental record for the Union Station Project includes the findings of the Draft EIS and Final EIS. These documents represent the detailed analysis and findings required by NEPA and 49 USC 5324(b) on:

- The environmental impacts of the proposed project;
- Adverse environmental effects which cannot be avoided should the proposed project be implemented;
- Alternatives to the proposed project; and,

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- Irreversible and irretrievable impacts on the environment which may be involved in the proposed project should it be implemented.

On the basis of the evaluation of social, economic and environmental impacts contained in the Draft EIS and Final EIS and the written and oral comments offered by the public and by other agencies, the FTA has determined in accordance with 49 USC 5324(b) that:

- an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest;
- the preservation and enhancement of the environment and the interest of the community in which the project is located were considered; and,
- no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

## 1.7.2 Section 106 Findings

Coordination with the Colorado State Historic Preservation Office (SHPO) has determined that the Build Alternative will have an adverse impact to three historic resources: the passenger tunnel at Denver Union Station, the Delgany Street Sewer and the railroad tracks west of Union Station (tail tracks). Mitigation measures have been identified for each impact and are described in Section 1.5. A Memorandum of Agreement (MOA) between FTA, RTD, SHPO, and ACHP is contained in Appendix B of this ROD.

## 1.7.3 Section 4(f) Determination

Within the Area of Potential Effect (APE), 23 historic properties were identified. Three of these sites have been determined by FTA to be adversely affected by the Build Alternative uses. The three sites are the Denver Union Station/5DV114, tracks behind the Denver Union Station/5DV5189, and the Delgany Street Sewer/5DV4725. Direct effects to three historic resources will result from the re-development of DUS into a regional multi-modal transportation hub. All of the remaining Section 4(f) properties within the APE were evaluated and a determination was made that the Build Alternative would not substantially impair the use or constructive use of these resources.

Based upon the alternatives analysis and consultation with project stakeholders and consulting parties, FTA has determined that there are no feasible and prudent alternatives to the tunnels associated with DUS, the UP and BNSF tracks immediately west of DUS, and a segment of the Delgany Street Sewer. The Build Alternative includes all possible planning to minimize harm to these Section 4(f) resources resulting from such use.

## 1.7.4 Conformity with Air Quality Plans

The Clean Air Act Amendments of 1990 require that the FTA not provide financial assistance for a project unless that project has been found to conform to the purposes of the State Implementation Plan (SIP) of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. The Interim Guidance of





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Conformity issued by the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) in June 1991 states that a project conforms: (1) if it comes from a conforming transportation plan and Transportation Improvement Program (TIP), and (2) if it, in carbon monoxide (CO) or PM<sub>10</sub> nonattainment areas, eliminates or reduces the severity and number of violations of the CO or PM<sub>10</sub> standards in the area substantially affected by the project.

The Denver Union Station project is included in the Fiscally Constrained 2035 Regional Transportation Plan, 2008-2013 Transportation Improvement Program and State Transportation Improvement Program, which meet conformity criteria. These were prepared, consistent with the most recent set of amendments to streamline the U.S. Environmental Protection Agency's transportation conformity rule. The Federal Highway Administration and Federal Transit Administration (FTA) signed a reconfirmation of the conformity finding for the 2035 Regional Transportation Plan in March 2008.

The hot spot analysis performed for the Final EIS evaluated localized air quality impacts caused by the Denver Union Station project. The results of this analysis show that the NAAQS are not expected to be violated in either the opening year or the design year for the project at any location. FTA finds that the project conforms to the air quality plans for the Denver metropolitan area.

This Record of Decision was issued October 17, 2008.

Terry J. Rosapep  
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Federal Transit Administration