



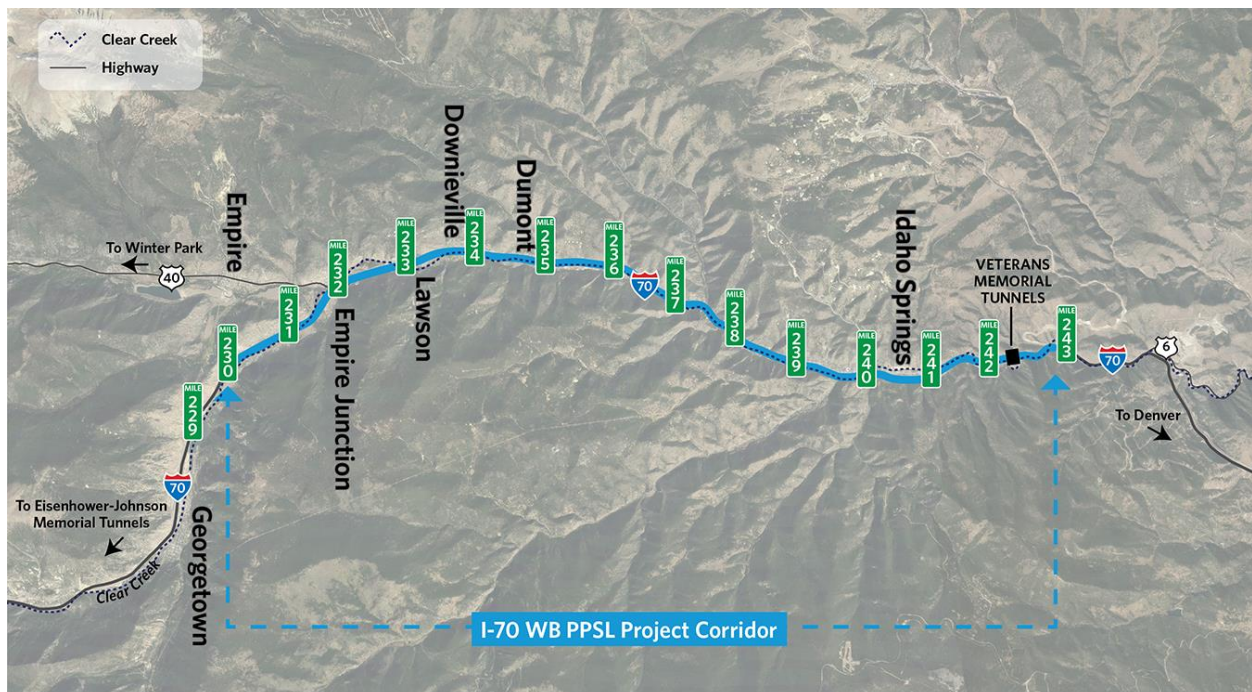
Summary

The Federal Highway Administration (FHWA), in cooperation with the Colorado Department of Transportation (CDOT), is preparing a Categorical Exclusion for proposed changes to the westbound (WB) lanes of Interstate 70 (I-70) between approximately milepost (MP) 230 and MP 243, in Clear Creek County, Colorado (Proposed Action). The Proposed Action includes the addition of a 12-mile tolled Peak Period Shoulder Lane (PPSL) between east Idaho Springs and the U.S. Highway 40/I-70 interchange in the WB direction and improvements to the State Highway (SH) 103 interchange. The Proposed Action includes the following improvements:

- I-70 resurfacing and widening in select areas
- Walls at acceleration lane locations and at rockfall locations
- SH 103 Interchange improvements
- Rockfall mitigation
- Active traffic management
- Fiber optic upgrades
- Guardrails and barriers
- Drainage infrastructure
- Safety pull-outs

The project corridor is shown in Figure 1.

Figure 1. Project Corridor



Source: HDR 2018.



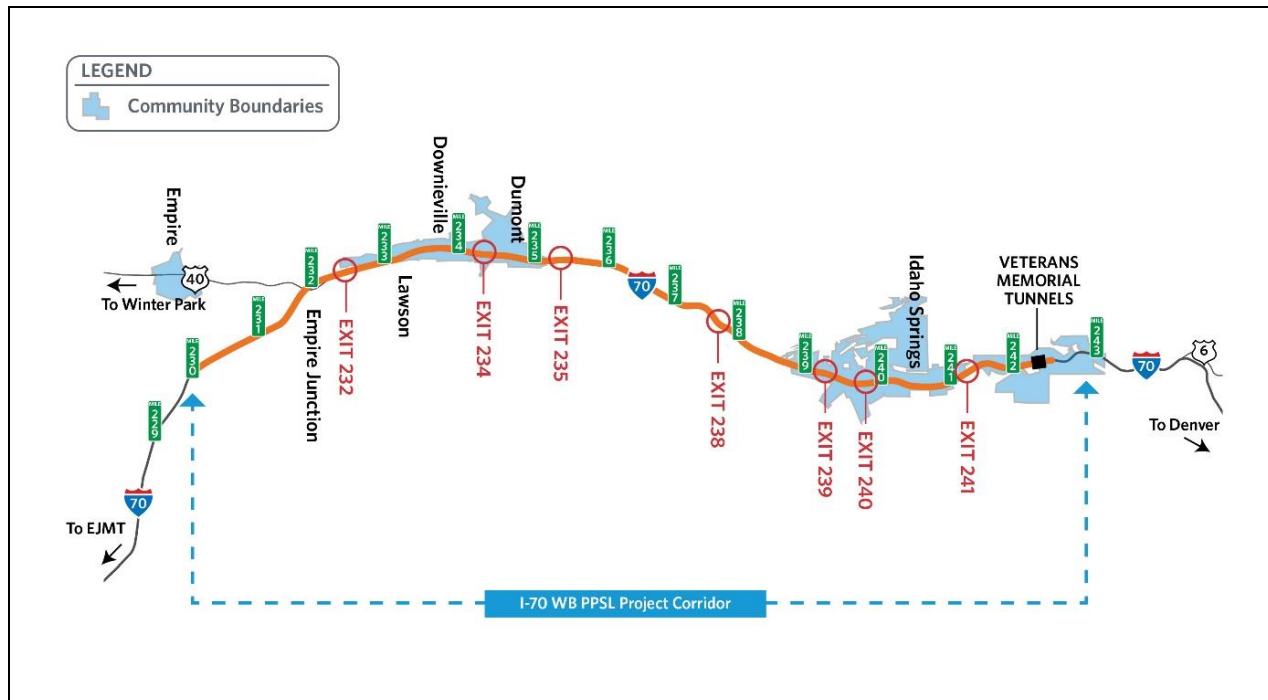
Study Area

The study area for the WB PPSL project encompasses CDOT right-of-way along I-70 in both directions from MP 243 to MP 230 and areas immediately adjacent to the right-of-way. This study area was used to evaluate the **direct** effects of the Proposed Action.

For transportation and socioeconomic impacts, the study area for **indirect** effects includes Clear Creek County and the communities of Idaho Springs, Downieville-Lawson-Dumont, and the town of Empire. This area is broadly defined and includes the communities and other areas that would be **indirectly** affected by the Proposed Action. The indirect effects study area includes the communities shown in Figure 2.

For the remaining resources, the study area for **indirect** effects generally includes a 0.25-mile buffer around the study area. This area encompasses the communities and other areas that would be indirectly affected by the Proposed Action.

Figure 2. Study Area Communities



Right-of-Way

Plans and Policies

Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR Part 24)

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) is the foremost federal statute governing right-of-way acquisition and relocation for projects that receive federal funding in



any phase of the project. FHWA has promulgated regulations for the URA, which appear at 49 Code of Federal Regulations (CFR) Part 24 (URA Regulations). On February 3, 2005, the URA Regulations were amended by FHWA to advance national program uniformity, meet contemporary needs, improve service to individuals and businesses, reduce administrative burdens, and make the rule easier to understand.

FHWA Policy Guidance for Voluntary Acquisition and/or Relocation Incentive Programs

On April 26, 2006, FHWA issued a guidance memorandum that allows state Departments of Transportation to implement, with FHWA approval, acquisition and relocation incentive programs. Incentive payments are payments over and above the just compensation offer or computed relocation benefits provided by the URA. Incentive payments are typically paid to those who sign purchase agreements, or for displaced occupants who move from a property being acquired, within certain minimum time frames. Participation in these programs requires preapproval by FHWA.

Every Day Counts

In 2009 FHWA, in cooperation with the American Association of State Highway and Transportation Officials, launched the Every Day Counts (EDC) initiative to speed up the delivery of highway projects and address the challenges presented by limited budgets. EDC is a state-based model to identify and rapidly deploy proven but underutilized innovations to shorten the project delivery process, enhance roadway safety, reduce congestion, and improve environmental sustainability.

Encouraging the use of conditional right-of-way certifications is one of the major EDC right-of-way innovations. Before EDC, if property needed for a transportation facility had not yet been acquired, if right-of-occupancy had not yet been obtained, and/or if displaced persons remained on the property, the agency was discouraged from advertising the project. After EDC, a conditional right-of-way certificate allows construction to proceed while the right-of-way is being acquired and relocation of displaced occupants is completed.

MAP-21

On July 6, 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law. In MAP-21 Congress encouraged right-of-way acquisition activities in advance of National Environmental Policy Act (NEPA) clearance, and revised the conditions under which property may be acquired prior to issuance of a NEPA decision document, including modifying conditions for use of federal funds for such advanced acquisitions. These new early acquisition rights were somewhat limited, because MAP-21 precluded the use of eminent domain to acquire right-of-way prior to a NEPA clearance. Eminent domain can only be used after the NEPA clearance.

FAST Act

On December 4, 2015, the Fixing America's Surface Transportation Act (FAST Act) was signed into law. The FAST Act augmented the structure and reforms of MAP-21 by continuing a focus on accelerating project delivery.

New FHWA Regulations Implementing Map-21 and FAST Act Emphasis Initiatives

On August 23, 2016, FHWA published final regulations that, among other things, implemented the MAP-21 initiatives on accelerating project delivery. The FAST Act had an effect on these regulations, albeit minimal. The central focus of the regulations, with regard to accelerating the right-of-way process, was



modifications to 23 CFR 635 (which modified the process for use of conditional right-of-way clearances) and 23 CFR 710 (which provided guidance on early right-of-way acquisition in advance of NEPA clearances). This rulemaking was comprehensive and included changes to other aspects of right-of-way acquisition and property management.

Existing Condition and Impacts Evaluation

CDOT's Region 1 Survey/Right-of-Way Plans Unit identified existing CDOT right-of-way and ownership of adjoining private properties. As of the date of this report, the existing right-of-way varies but is generally 250 feet to 300 feet through the study area, including both eastbound and westbound lanes of I-70.

Direct Effects

Current design and survey show that no permanent acquisitions are necessary for Proposed Action. Six temporary construction easements, or temporary easements, are anticipated. Of these six temporary easements, five are on property owned by the City of Idaho Springs and one is located on a privately owned property. The total combined area of anticipated temporary easements is 8200 square feet. The Chicago Creek Sanitation District sewer line is moved 1,000 feet farther west. This work requires a temporary easement in the city's parking lot and affects some parking in that lot for a period of 4 to 5 months.

Mitigation

The right-of-way acquisition process for these temporary easements will follow the URA. The process provides for fair and equitable treatment of the owners of the properties to be acquired and includes initial property valuation, determination of just compensation, negotiations, payment, and protection of rights under eminent domain. For any person(s) whose real property interests, including temporary easements, may be impacted by Proposed Action, the acquisition of those property interests will comply fully with the URA. All impacted owners will be provided notification of the acquiring agency's intent to acquire an interest in their property, including a written offer letter of just compensation specifically describing those property interests. A right-of-way specialist will be assigned to each property owner to assist them with this process.

Acronyms and Abbreviations

CFR	Code of Federal Regulations
CDOT	Colorado Department of Transportation
EDC	Every Day Counts
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
I-70	Interstate 70
MAP-2	Moving Ahead for Progress in the 21st Century Act
MP	milepost
NEPA	National Environmental Policy Act
SH	State Highway
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act
WB	westbound