

Figure 1-1

Figure 1-1
Conceptual View of Major elements of the Build Alternative
 Source: Parsons Brinckerhoff 2008



Figure 1-2

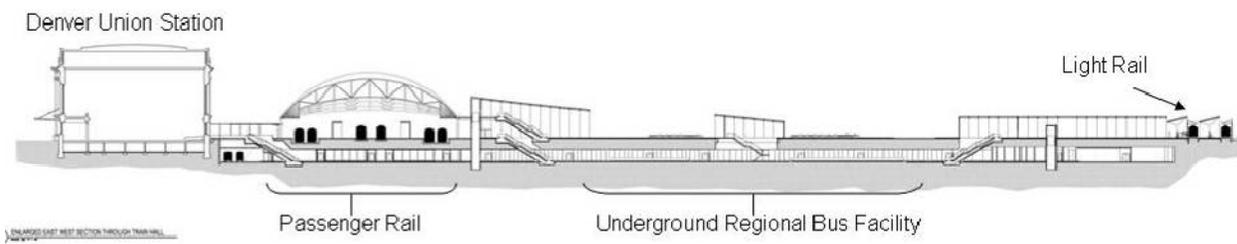
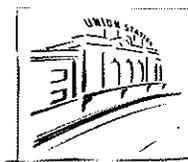


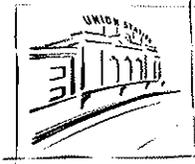
Figure 1-2
Cross-Section View of the Build Alternative
Source: Parsons Brinckerhoff, June 2008

Appendix A:
Impact Mitigation Measures

Denver Union Station Record of Decision



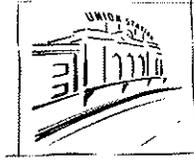
Impact Area	Construction Mitigation	Direct Impact Mitigation
Land Use	<ul style="list-style-type: none"> No mitigation required. 	<ul style="list-style-type: none"> No mitigation required.
Property Acquisitions and Displacements	<ul style="list-style-type: none"> No mitigation required. 	<ul style="list-style-type: none"> All property acquisitions must adhere to federal guidelines on acquisition and relocation assistance, including the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, and applicable Colorado statutes. The owners of all real property acquisitions must be offered just compensation. Also, under CRS §38-1-121, Regional Transportation District (RTD) is required to pay the reasonable cost of a property owner's appraisal, provided that: 1) the estimated value of the property to be acquired is over \$5,000; 2) the appraisal is made using sound, fair and recognized appraisal practices consistent with the law; and 3) two signed originals of the appraisal are submitted to RTD within 90 days of the date that the property owner is notified of this statute. All property acquisitions will also be compliant with the March 25, 1993 Light Rail System Master Agreement between the City and County of Denver and the Regional Transportation District or any superseding agreement.
Social Impacts	<ul style="list-style-type: none"> Hold periodic meetings in the community during the construction period, to inform residents and business owners of planned construction activities, answer questions, and respond to concerns. 	<ul style="list-style-type: none"> No mitigation required.
Environmental Justice	<ul style="list-style-type: none"> No mitigation required. 	<ul style="list-style-type: none"> No mitigation required.
Parks and Public Facilities	<ul style="list-style-type: none"> Distribute public notification to area residents and businesses to advise them of changes in pedestrian, bicycle, and transit routes during construction. 	<ul style="list-style-type: none"> No mitigation required.
Public Safety and Security	<ul style="list-style-type: none"> Coordinate construction activities, temporary road closures and detours and the schedule for these activities with the City of Denver Police and Fire departments, the Denver Health Paramedics Division, and RTD security forces at DUS to ensure emergency responses are not unnecessarily delayed. Locate contractor and/or Police Department personnel on and around the construction site to assist with traffic direction (public traffic movement and construction-related traffic) to minimize congestion and accidents. Coordinate with the Denver Fire Department to alert the agency of temporary and/or service changes to water line and fire hydrants. Work with construction contractors to ensure construction staging areas are appropriately lighted, fenced, and/or guarded to prevent police, fire, or safety incidents. Require the construction contractor to have qualified first-aid personnel on-duty when 	<ul style="list-style-type: none"> The project will comply with all applicable laws, regulations, and codes to ensure protection of public health, safety, and welfare. RTD will work with police, fire, and transportation agencies during project design to ensure reliable emergency access is maintained and develop alternative plans or routes to avoid delays in emergency response times. RTD will work with the Denver Police Department to help plan for appropriate security forces and will increase the number of private security guards to patrol DUS. The design will be in accordance with all applicable codes, standards and guidelines, including the Federal Transit Administration (FTA) Handbook for Transit Safety and Security Certification, the FRA Guidelines for Performing Collision Hazard Analysis and other applicable FTA/FRA/DHS guidelines and standards.



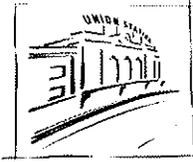
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Impact Area	Construction Mitigation	Direct Impact Mitigation
Visual Quality/Aesthetics	<p style="text-align: center;">construction activities are underway.</p> <ul style="list-style-type: none"> ▪ Installation of light shields to control temporary light and glare effects. ▪ Watering the area to control dust. 	<ul style="list-style-type: none"> ▪ Physical barriers will be designed in conjunction with the architectural elements of the project to help create a cohesive and pedestrian-friendly environment. Because of the many different canopies and architectural coverings required for the passenger rail and LRT stations and the Mall Shuttle and Downtown Circulator improvements, a unified design theme will be implemented to create a cohesive visual image for all of the above-ground architectural features.
Cultural Resources	<ul style="list-style-type: none"> ▪ A restraint wall will be installed to protect the DUS building during bus facility construction. ▪ If previously undocumented archaeological sites are discovered during construction, all work in the area of the discovery will cease and the appropriate authorities will be notified. Work will not continue until appropriate treatment measures are completed. 	<ul style="list-style-type: none"> ▪ The following mitigation is incorporated in a Memorandum of Agreement (MOA) with the SHPO and Consulting Parties: ▪ RTD, on behalf of FTA, shall ensure that the Delgany Street Sewer and the tunnel at Denver Union Station are documented by the gathering of old drawings and plans of those facilities and the provision of medium format archivally stable copies or photographs of those plans. ▪ RTD shall ensure that archival photographs be taken of the existing passenger tunnel (the other two tunnels are filled with fly ash and therefore photographs are not possible) at Denver Union Station and of the existing railroad tracks to the west of Denver Union Station. Medium format archival photographs shall also be taken of the Delgany Street Sewer at the time that it is exposed during construction of this project. ▪ Three copies of this archival documentation shall be provided - one for the SHPO, one for the Western History Collection at the Denver Public Library, and one for RTD. ▪ There are many existing historical resources including books, maps and plans providing detailed information on DUS and the railroad tracks located behind the station. Several plans, reports and drawings also exist for the Delgany Street Sewer. A detailed list of those existing references shall be compiled. ▪ All archival photography shall be completed prior to removal of passenger tunnel or railroad tracks. Archival documentation shall be compiled and available at the locations above within two years of the date that the archival photography is completed. ▪ A Historic Structure Assessment shall be prepared for Denver Union Station, including its setting. (Guidelines for preparation of this document can be found in "Historic Structures Assessment Annotated Scope of Work", Colorado Historical Society, State Historical Fund, January 2008). This document will help provide information on the structure to help direct future decisions on maintenance and repair. This document shall be completed prior to the demolition of the passenger tunnel.

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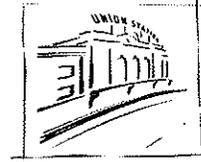
Impact Area	Construction Mitigation	Direct Impact Mitigation
		<ul style="list-style-type: none"> ▪ The existing large historical photographs in the passenger tunnel shall be salvaged prior to demolition of the tunnel and relocated on-site in consultation with the SHPO within one year of completion of the undertaking. ▪ The gate signs and brass light fixtures shall be salvaged from the Denver Union Station passenger tunnel prior to demolition of the tunnel and relocated on-site in consultation with the SHPO within one year of completion of the undertaking. The existing brass gate signs in the tunnel have been painted with green paint. The green paint shall be removed to restore the original brass fixtures. ▪ A comprehensive interpretive display on the importance of DUS and its environs shall be prepared in consultation with the SHPO within one year of completion of the undertaking. Walking tour brochures addressing 6-12 interpretive signs for the station area shall be prepared. Items to be addressed in the comprehensive interpretive display shall include, but not be limited to, tunnels at DUS, the railroad tracks behind DUS and the Delgany Street Sewer. The City shall be consulted for the placement of the interpretive signage. ▪ The SHPO's office and the consulting parties shall be provided information by the City on the proposed design standards and guidelines for the private development on the DUS site. The SHPO's office and the consulting parties shall be afforded an opportunity to review and provide comments on these proposed design standards and guidelines at least 30 days prior to Denver Community Planning and Development adoption. ▪ The SHPO's office and the consulting parties shall also be provided information by RTD on the design of the pedestrian bridge over passenger rail. Once they are available, RTD shall provide 30% design plans for the bridge to SHPO and allow SHPO 30 days to review and provide comment back to RTD. ▪ Prior to the sale or transfer of the historic station building, RTD will initiate a discussion with the Executive Oversight Committee to consider the possibility of a historic preservation easement or another form of protection for the interior and exterior of Denver Union Station.
Economics	<ul style="list-style-type: none"> ▪ Coordinate temporary pedestrian walkways with neighboring retailers and property owners to minimize the perception of inaccessibility during construction. ▪ Work with neighboring property owners to minimize temporary reduction of parking availability during critical construction phases. ▪ Coordinate the timing of temporary road closures and use of roadway detours to minimize impacts on business activities, especially those related to seasonal or high 	<ul style="list-style-type: none"> ▪ No mitigation required.



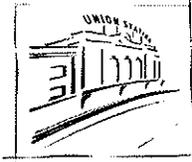
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Impact Area	Construction Mitigation	Direct Impact Mitigation
	<p>sales periods, to the extent practicable.</p> <ul style="list-style-type: none"> ▪ Increase public notification during construction to announce the status of area business operations. 	
Utilities	<ul style="list-style-type: none"> ▪ Prior to the start of construction activities, establish communication protocols and procedures with potentially affected utility owners, to ensure appropriate coordination and response to emergencies in the event that utilities are inadvertently damaged during construction. ▪ Coordinate all planned utility work with agency and CCD staff knowledgeable of other area projects. ▪ Conduct the abandonment, temporary relocation, permanent relocation, and construction of all new utilities in compliance with all applicable rules and regulations from regulatory agencies and purveyors. ▪ Comply with local government jurisdiction building codes, fire codes, design standards, and other requirements applicable to all design aspects of the utility system, stations, and maintenance facilities. ▪ Meet and coordinate closely with local municipal agencies and private utility purveyors to provide acceptable and safe relocation of manholes and other access points used for ongoing utility maintenance. ▪ Use utility access standards for repair and maintenance of utilities. ▪ Use industry-standard methods to reduce the impact of construction vibration on underground pipes and to address special infrastructure concerns, such as lead pipe joints. ▪ Comply with applicable utility policies as specified in adopted operational comprehensive plans, including provisions related to levels of service, conservation strategies, and coordination of service providers. Discuss the possibility of undergrounding relocated above-ground utilities with local jurisdictions and purveyors to improve the neighborhood's visual appearance. ▪ Coordinate closely with utility owners to determine appropriate measures to protect utilities against potential ground settlement. ▪ Coordinate with any archaeological and cultural resources preservation work and any pre-existing and new hazardous materials work during construction. The findings of these coordination efforts may result in additional utility reroutes and/or alternative measures to ensure that utility services are minimally interrupted. 	<ul style="list-style-type: none"> ▪ No mitigation required.
Energy	<ul style="list-style-type: none"> ▪ Maintain construction equipment in good repair. 	<ul style="list-style-type: none"> ▪ No mitigation required.

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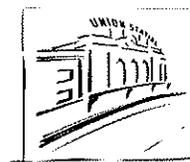
Impact Area	Construction Mitigation	Direct Impact Mitigation
	<ul style="list-style-type: none"> ▪ Route and schedule construction trucks to avoid traffic congestion. ▪ Minimize the number of required truck trips to and from the site. ▪ Provide suggestions from Bob Wilson for this project to serve as a demonstration project to the design team for consideration during project design. 	
Air Quality	<ul style="list-style-type: none"> ▪ RTD will include language in the construction specifications for DUS that all construction equipment will be equipped to burn ultra low sulfur diesel fuel. ▪ RTD will work with the City and County of Denver and the project design team, to strongly encourage that sustainability principles (related to water use, energy use, managing solid waste and stormwater management) be used throughout the construction and operation of the Build Alternative. ▪ Diesel Equipment Usage: Minimize use of on-site diesel construction equipment, particularly unnecessary idling. ▪ Diesel Equipment Maintenance: diesel power equipment will be properly tuned and maintained. ▪ Electric Powered Equipment: Where feasible, replace diesel equipment with electrically powered machinery. ▪ Equipment Emissions: Construction equipment will be shut off to reduce idling when not in direct use. Diesel engines, motors, or equipment will be located as far away as possible from sensitive land uses (i.e., residences, schools, playgrounds, etc.). ▪ Location of Staging Areas: Haul trucks will be staged as far away from sensitive land uses as possible. ▪ Truck Covering: Trucks hauling dirt, sand, soil, or other loose substances and building materials will be covered. ▪ Street Sweeping: Street sweeping equipment will be used at site access points and all adjacent streets used by haul trucks or vehicles that have been on site. ▪ Fugitive Dust Control: Implement a fugitive dust control program through the City and County of Denver guidelines. ▪ Phasing: Phase construction activities to minimize concurrent dust generating activities. ▪ The Build Alternative includes a mitigation commitment to comply with any required SIP measures for ozone. ▪ RTD will consider requiring EPA Tier III or Tier IV construction equipment prior to issuance of a construction contract. 	<ul style="list-style-type: none"> ▪ The Build Alternative includes a mitigation commitment to comply with any required SIP measures for ozone.
Noise	<ul style="list-style-type: none"> ▪ Nighttime construction noise will adhere to the City of Denver Noise Ordinance (Revised Municipal Code, City and County of Denver, 	<ul style="list-style-type: none"> ▪ Per RTD's Noise Mitigation Measures for Moderate Impacts, no mitigation is required.



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Impact Area	Construction Mitigation	Direct Impact Mitigation
	<p>Codified through Ordinance No. 628-97, adopted September 22, 1997).</p> <ul style="list-style-type: none"> ▪ Erect temporary barriers between construction activities and residences ▪ Place noisy equipment, such as compressors, away from residences ▪ Utilize ambient sound-level-sensitive backup alarms 	
Vibration	<ul style="list-style-type: none"> ▪ Conduct pre-construction survey of structures within 500-feet of pile driving to assess potential vibration damage and to monitor vibration during construction. 	<ul style="list-style-type: none"> ▪ No mitigation required.
Geology	<ul style="list-style-type: none"> ▪ Use drill shafts and casings in the upper unstable soils to minimize the caving of soils, migration of contaminated materials, and generation of contaminated soils. If temporary casings are used, they should be cleaned of potentially contaminated soil and water that may adhere to avoid the spread of contamination. 	<ul style="list-style-type: none"> ▪ No mitigation required.
Water Resources/Water Quality	<ul style="list-style-type: none"> ▪ Best Management Practices (BMPs) are required under stormwater permitting for the NPDES permit issued by CDPHE and the Construction Activities Stormwater Discharge Permit issued by CCD. As part of the NPDES implementation in the State of Colorado, both RTD and CCD have been issued Municipal Separate Storm Sewer System (MS4) permits. Accordingly, RTD and CCD may impose requirements related to their MS4 permits during the plan review and approval process and through inspections. ▪ The Construction Activities Stormwater Discharge Permit issued by CCD requires submittal of a Stormwater Management Plan (SWMP) and an erosion control and grading plan. The SWMP must be completed and implemented by the time the project breaks ground and must be revised as necessary during the construction process. The BMPs will include structural items such as silt fences and inlet protection and non-structural items such as spill prevention measures and waste handling procedures. Permanent BMPs will include fossil filters. ▪ Dewatering mitigation will be defined as part of a separate NPDES dewatering permit issued by the CDPHE. During the construction phase, this permit will be a construction dewatering permit. If permanent dewatering is required after the completion of construction, the permit will most likely be a Permit for Discharges Associated with Subterranean Dewatering or Well Development. If the groundwater is contaminated, a groundwater remediation permit from CDPHE may also be required. Discharged water will meet the requirements of the NPDES permit(s), including location, 	<ul style="list-style-type: none"> ▪ The following measures are required for runoff volumes and rates and to protect water quality: <ul style="list-style-type: none"> ○ Permanent BMPs will be installed. These are anticipated to be catch basin (inlet) filtration systems. ○ Mitigation for drainage impacts will be addressed as part of final design. On the Wewatta Street side of the project, storm sewers are designed for the 100-year storm for the fully developed condition, and no mitigation will be required; ○ The quality of stormwater runoff from the site will be of equal or better quality as compared to the existing condition due to the implementation of permanent BMPs. These BMPs will include fossil filters; and ○ The construction of subsurface drains in the below-grade bus station may result in the collection and discharge of groundwater. Mitigation measures will include treatment of groundwater prior to discharge if necessary. ▪ No mitigation will be required for flow volumes in the South Platte River, drainage patterns, groundwater, floodplains, or wetlands.

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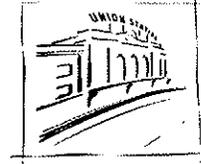
Impact Area	Construction Mitigation	Direct Impact Mitigation
	<p>flow rates, water quality limits, frequency and duration of monitoring, and reporting. Pursuant to NPDES requirements, these discharge limits will be set at levels that will avoid any exceedance of water quality standards in the South Platte River. If groundwater treatment is necessary to meet these discharge requirements, it will be implemented.</p>	
Biological Resources	<ul style="list-style-type: none"> ▪ Construction activities associated with this project will comply with the Federal Migratory Bird Treaty Act (MBTA) which provides for the protection of migratory birds, including their nests and eggs. If field studies determine the presence of migratory bird nesting sites, the Fish and Wildlife Service (FWS) Colorado Field Office will be contacted for further guidance. To comply with the MBTA, field surveys will be conducted by a qualified biologist during the nesting season (April 1 to August 15) to determine the absence or presence of nesting migratory birds. Field study results will be documented and maintained on file for potential review by the USFWS. 	<ul style="list-style-type: none"> ▪ Field studies will be done prior to construction to determine the presence of any migratory birds. If any are found, U.S. Fish and Wildlife Service (USFWS) guidelines will be followed.
Hazardous Materials	<ul style="list-style-type: none"> ▪ Casings will be cleaned of potentially contaminated soil and water to avoid spread of contamination. ▪ A Health and Safety Plan will be prepared for workers during construction. ▪ A Materials Handling Plan will be prepared to address waste management issues. ▪ A voluntary clean up application will be filed for the site under the CDPHE Voluntary Clean Up Program. The approved application will provide guidance and requirements for management of excavated soil at the site. ▪ A Phase II Assessment has been performed and may be amended, if future study is needed. ▪ Long term management of recovered contaminated groundwater from dewatering would be addressed through a dewatering permit and NPDES permitting process. ▪ Prior to disposal of contaminated soils, analytical testing will be required to determine the appropriate disposal site. Depending on the concentrations of contaminants encountered, a Hazardous Materials Transportation Permit could be required by the CDPHE. ▪ Due to the presence of asbestos in the abandoned electrical tunnel at DUS, material abatement will be conducted. 	<ul style="list-style-type: none"> ▪ A system to assess, contain, treat and dispose of contaminated soil will be designed.
Transportation	<ul style="list-style-type: none"> ▪ The project team will work with the appropriate public agencies to develop a construction plan. ▪ CCD will oversee operations on the surrounding local street system. CCD has established a process for addressing impacts to local transportation services during 	<p>The Build Alternative is expected to impact these four intersections and the project will mitigate them by constructing improvements as described.</p> <ul style="list-style-type: none"> ▪ 20th Street and Chestnut Place: Add a right turn lane from eastbound 20th Street to southbound



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Impact Area	Construction Mitigation	Direct Impact Mitigation
	<p>construction of large-scale projects.</p> <ul style="list-style-type: none"> ▪ RTD will provide construction plans to CCD to ensure that each transportation mode is allowed access to the greatest extent possible. Any potential impacts to the state's highway system will be addressed in coordination with CDOT representatives. ▪ During construction RTD will provide a temporary station for Amtrak with access to services including water, fuel, inspection, ticketing, baggage, restroom services, and office functions similar to their current operations and consistent with all federal requirements during construction. 	<p>Chestnut Place. This right turn lane requires a shift in the sidewalk but it will not be reduce it to less than 10 feet since that sidewalk is designated bike route D-4. This turn lane addition also requires a new signal pole at the southwest corner of the intersection, and reset/replacement of pedestrian lighting. Modify striping on northbound Chestnut Place to allow a double left and a through-right. The placement of the northbound thru/right lane will require a forty foot no parking zone immediately north of the intersection to allow lane shift through the intersection. Modify signal timing on 20th Street to provide protective/permissive left turn operations. Adding protective /permissive left turns will require replacement of the signal pole in the northwest corner of the intersection.</p> <ul style="list-style-type: none"> ▪ 17th Street and Wewatta Street: Construct the west side Wewatta Street cross section to retain a single lane in each direction without the large median separation. Modify signal timing to include a phase dedicated to pedestrian movements and a northbound Wewatta Street to westbound 17th Street protected-permitted left-turn phase. ▪ 16th Street and Wynkoop Street: Add a right turn lane from southbound Wynkoop Street to westbound 16th Street. This turn lane requires removal of four parking spaces for the turn lane and may reduce sidewalk width if necessary to accommodate adequate turn lane width without removing the bike lane. During initial construction, the project will modify the curbline to allow a cross-section that provides space for the new turn lane, but the area will remain parking until the City determines that declining levels of service at the intersection require addition of the turn lane. Modify signal timing to include a phase dedicated to bicycle movements from eastbound 16th Street to Wynkoop Street. ▪ 15th Street and Wewatta Street: Modify signal timing to include protected-permitted left turn phases for all approaches which will require new signal heads and possibly detection devices. <p>Mitigation for other modes is as follows:</p> <ul style="list-style-type: none"> ▪ RTD will provide Amtrak with water, fuel, inspection, ticketing, baggage, restroom services, and office functions similar to their current operations and consistent with all federal requirements. ▪ Signage and surface treatments will make it clear to users that there is no at grade pedestrian access across any of the passenger rail tracks. ▪ In terms of passenger rail, signage and surface treatments will make it clear to users that there

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Impact Area	Construction Mitigation	Direct Impact Mitigation
		<p>is no at grade pedestrian access across any of the passenger rail tracks.</p> <ul style="list-style-type: none"> ▪ Approximately 150 market rate parking spaces structured over the passenger rail between 18th and 19th Streets will be provided by this project to the general public including Amtrak and Ski Train customers who choose to park at Denver Union Station during their travels.

Appendix B:

Amended Memorandum of Agreement among FRA, FTA, RTD and SHPO

**Memorandum of Agreement
Regarding the Denver Union Station Multimodal Transportation Center
Build Alternative in the City and Count of Denver, Colorado**

**Impacts to Denver Union Station (5DV.114), Railroad Tracks Behind Denver
Union Station (5DV.9189) and the Delgany Street Sewer (5DV.4725.3)**

Amendment 1

Whereas, Section 106 of the National Historic Preservation Act, 16 USC 470 *et seq.* requires Federal Agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings; and

Whereas, the proposed federally assisted undertaking is the development of the Build Alternative of a multimodal transportation center at Denver Union Station (DUS), a property on the National Register of Historic Places, for which the Section 106 and National Environmental Policy Act (NEPA) processes have been completed; and

Whereas, an executed Section 106 Memorandum of Agreement is in place (dated September 30, 2008) for the Denver Union Station Multimodal Transportation Center undertaking; and

Whereas, in order to consider providing financial participation in the Federal Transit Administration undertaking the Federal Railroad Administration wishes to adopt the provisions of the MOA by becoming an additional signatory to the MOA and it may be necessary in the future to allow other Federal Agencies to agree to the terms of this MOA; and

Whereas, Stipulation VI of the current MOA allows for a process to make amendments to the MOA; and

Now Therefore, the FTA, SHPO, FRA, ACHP, and the other parties hereto agree to the addition of the Federal Railroad Administration as a signatory to the Memorandum of Agreement with the following stipulations:

Stipulations

FTA shall ensure that all of the measures in the original MOA are implemented:

I. By executing this Amendment, the Federal Railroad Administration Agrees to the terms of the MOA.

II. In the event that the Regional Transportation District or other agency applies for additional federal funding or approvals for the Denver Union Station project and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this MOA and notifying and consulting with SHPO and ACHP. Any necessary modifications will be considered in accordance with the original Memorandum of Agreement and 36 CFR 800.6(c)(7) and 800.6(c)(8).

Signatories:

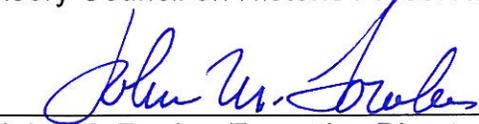
Federal Transit Administration, Region VIII

By:  Date: 1/11/10
Terry J. Rosapep, Regional Administrator

Colorado State Historic Preservation Officer

By:  Date: Jan. 12, 2010
Edward C. Nichols, SHPO

Advisory Council on Historic Preservation

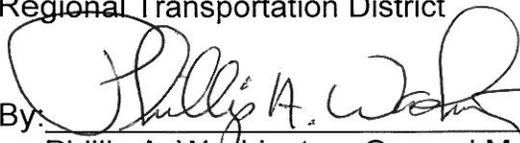
By:  Date: 2/2/10
John M. Fowler, Executive Director

Federal Railroad Administration

By:  Date: 1/19/10
Joseph C. Szabo, Administrator

Invited Signatories:

Regional Transportation District

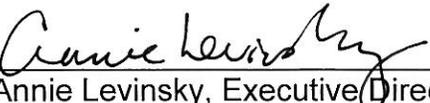
By:  Date: 1/12/10
Phillip A. Washington, General Manager

Community Planning and Development Department of the City and County of Denver

By:  Date: 1.12.10
Peter J. Park, Manager of Community Planning and Development

Concurring Parties:

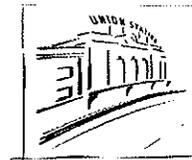
Historic Denver, Inc.

By:  Date: 1/13/10
Annie Levinsky, Executive Director

Appendix C:

Final EIS Comments and Responses

Denver Union Station Record of Decision



Verbal Comments from the Final EIS Public Hearing

1-1) Comment:

Gary Van Doren, Denver Commission for People with Disabilities

We'd like to encourage you to make this project even more accessible than what the ADA and local and national standards call for. We feel that when you make a project accessible from the get-go, you spend less money and more time enjoying the project. Further, we encourage you to make all areas accessible, public areas, service areas. We encourage housing to be made accessible, as well as businesses, and opportunities for people who have disabilities to come into the project in construction and other parts of the project. We're available to work with you if you have any questions as far as disabilities and the needs of the disabled community.

Response: As discussed in Final EIS Section 4.2, all ADA requirements will be met with new construction and several new options for circulation around the station and between modes have been developed. Housing is not part of this project. Any future housing constructed in this area will be subject to City and County of Denver approval processes.

2-1) Comment:

Manny Salzman

I'm very concerned about the visual impact of the wing buildings on the historic Union Station. I would compare the effect of these wing buildings on the station with a construction of comparable buildings on each side of the state capitol building in Denver. And I think it would have significant deleterious effect on the historic Union Station. Thank you very much.

Response: Visual impacts of the private development (including wing buildings) are discussed in the cumulative impacts section of the Final EIS, on page 5-77.

3-1) Comment:

Bert Melcher

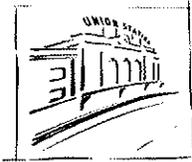
I do have some concerns. First of all is the separation of the public part and the private part of the project. By doing that you're avoiding the discussion of impacts, the one that Manny Salzman was concerned with, the visual, historical, cultural impacts of the station, which is on the National Register of Historic Properties. The plaza and other various buildings surrounding that, including the LoDo District, obviously, too. The reason I think that separation is artificial is that the funding from -- TIF funding from the vertical development, which will be the private development, is, as we are told, \$200 million approximately, is absolutely essential for the RTD public infrastructure to be developed.

And we have been told further that if these wing buildings or other buildings are not built, the project will collapse. If that is the case, the environmental impact statement should fully address every aspect of this, including all of the potential impacts of the vertical development. If they are separate, as is pointed out in one of your slides, and vertical development is not needed for the RTD project, the public land should not be sold for private development but should be reserved for public uses.

Response: As stated on page P-1 of the Final EIS, the anticipated private redevelopment of the DUS property is independent of the Build Alternative recommended in this document because:

- it is governed by established zoning approved by the City of Denver for the property;
- its development does not depend on the transportation improvements;
- it does not affect the selection of the preferred transportation alternative;
- it will be paid for from private funds; and,
- it will not require federal approvals.

Private development planned in the vicinity of DUS is described in the Final EIS Section 5.21, Secondary and Cumulative Effects. The section fully describes the potential impacts of the private development.



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3-2) Comment:

Secondly, we are concerned about disclosure of one aspect of public disclosure. The EIS is a disclosure document. If there is something, I'll use the word, deliberately misleading in it, then it does not rise to the level of proper disclosure. That's why I think it needs to be significantly rewritten so that these matters are fully covered. Also, final information is not available on a number of factors: Traffic studies, design guidelines, financing and so forth. Some are not yet available so it makes it difficult at this point to actually deal with the full disclosure conditions.

Response: FTA believes that sufficient public involvement, engineering and environmental analyses have been completed to provide relevant data to select a Preferred Alternative and describe the relevant impacts of that alternative.

The design guidelines and other processes related to future private development on the site are being completed as part of the private development. Those efforts are primarily being led by the City and County of Denver and apply to future private development.

Financing is fully disclosed in Chapter 7 of the Final EIS.

3-3) Comment:

The cumulative impact should definitely cover the future -- the indirect and direct future from all sources in the reasonably foreseeable future, and this certainly does include private development. That is not excluded from the FHWA guidelines on dealing with an impact analysis.

Response: Cumulative impacts of the proposed private development are described in the Final EIS in Chapter 5 Secondary and Cumulative Effects.

3-4) Comment:

I am concerned that apparently there are some federal actions that have been taken prior to the publication of the record of decision. One is transfer of property development rights from public land. This is a federal action, a transfer to private development.

The second, we read in today's paper that contracts have been awarded for utility development. And I recognize the need for urgency in this process, but nonetheless, the National Environmental Policy Act is our environmental bill of rights and any abuse of it, I think, is not to be condoned and not to be acceptable.

Response: RTD has not sold any public property and will not sell any public property until a ROD has been signed and that sale is deemed consistent with the ROD. Any utility relocations occurring in the area are funded entirely by the City and County of Denver. However, since FTA does not own the land, disposing of excess property is not a FTA action.

4-1) Comment:

Shannon Gifford

Going specifically to the things that are raising the most controversy, I would point out that we have had many, many public -- quite a bit of public review and discussion of the wing buildings, including 15 breakout groups, prior to city council approval of the master plan and zoning that approved those buildings that were specifically devoted to this process.

There has been some misunderstanding that's been promoted, not here this evening, but perhaps in future comments will come up, regarding the order of the actions regarding the landmark area around the building, the zoning and the master plan. I just want to clarify for those who may not be as familiar as all of us, those actions were taken simultaneously. City council, when they were reviewing the zoning and the master plan that permitted the wing buildings were reviewing the landmark area at the same time period that they were all considered together.

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There was another comment made that the station site -- that to sell off any of the station site or to provide development rights to private parties would somehow be unacceptable because it's currently publicly owned land. And just to clarify for everybody, RTD needs to acquire a lot of land to build the FasTracks program. In some cases, it will have to take title to more land than it needs for specific use and will have to dispose of it afterwards. It was only possible for RTD and the four partner agencies to acquire the 19 1/2-acre site in LoDo. That doesn't necessarily mean a lifetime commitment that all of that land had to be public forever, but it had to be acquired that way.

And finally, there have been comments made from time to time that the capitol building and the station should somehow be treated similarly in terms of their architectural status or urban design significance. I would just point out that the context and symbolism of capitol buildings and railroad stations are really quite different. Capitol buildings are quite frequently designed to be seen in the round, cities on a hill and temples.

Whereas, railway stations, because they have tracks and trains, they can't climb hills, are always at the bottom of hills, and they are frequently seen from just two sides because you have tracks running behind them. They do not tend to be seen from 360 degrees. In fact, I can think of only one station in the country, Grand Central, that is designed that way. Typically, you either have a front and a back to a station or you have a headhouse configuration with the tracks running out to the back. So it's simply a very different urban context.

Response: Your comment in support of the project has been noted.

5-1) Comment:

Tracey Halasinski

I just wanted to comment that the bicycling community is very much in support of the concept of the bike station -- go bike station. We want to make sure that it is, indeed, included on the site. It is in the master plan. I would hate to see that dropped at the end. This is designed to be a multimodal hub, so we're happy to see that bikes are included as part of the plan. Just want to make sure that the bike access is considered. We'd like to ensure that the site is, indeed, accessible to bikes and that there's adequate and well-spaced bike parking aside from the bike station. If the bike station indeed does not get built, we'd like to see adequate bike parking space throughout the site and realize that bicycles will be accessing the site. I noticed on the plan that there wasn't really any specified east-west routes within the site, and realize that bicycles, as vehicles, will still be using those streets.

Response: Updated information about Denver's commitment of space for a bike station is included in this ROD. Other bicycle access and facilities are described in Section 4.3 of the Final EIS.

6-1) Comment:

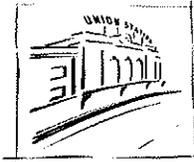
Tyler Gibbs

I would also like to address the urban design issues. The design for the entire station area is, of course, responsive to, but not driven only by the transportation and pro forma issues. This is really about creating great public spaces, and no area of the project more so than Wynkoop Plaza.

Denver has far too many public spaces that are not successful because they are not part of the active daily life of the city. And look at the challenges that we have ongoing discussion with activating Civic Center. But not only Civic Center, even plazas along 17th Street that are a part of the very dense urban core are not successful because they're not activated.

Great public spaces are activated by people who gather along the edge of those spaces because they can linger for a cup of coffee or lunch or meet friends and watch the passing activity. Union Station is a great building; it deserves a great public space that will be part of the everyday life of lower downtown, not just special events.

We're not going to be able to populate a space the size of Wynkoop Plaza with just a few shops and wing buildings that don't have adequate access or visibility. This is really about integrating this into the everyday life of the city. And like Shannon said, this is a place of commerce and activity. It is not like the state capitol building. And the station, like any masterpiece, should be framed in a setting that complements the quality and significance of the building and invites an appreciative audience that will use the plaza every day.



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These proposed wing buildings are sited and scaled to complement that building and to frame it as the masterpiece that it is. There will be further detail and guidelines for the space and for those buildings as part of the design guidelines. So I want to say that that entire space is conceived as a whole to work as a great public space.

Response: Your comments have been noted. The Record of Decision does not include a discussion of the future plaza, since it is not a part of the Build Alternative improvements.

7-1) Comment:

Jerry Glick

I don't want to repeat any of what was well said by Shannon and Tyler. I agree it's been a six-year process. I only want to add and thank the partner agencies particularly for the diligence during this period of time. I think we've come to a great plan at a great time and very enthusiastic about going forward.

Response: Your comment in support of the project has been noted.

Other Comments Received

8-1) Comment:

Tiffany Harrick

I'm going through the proposed Final EIS, and quick comment on Table 3-1, the Central Platte Valley Housing Development. You seem to be missing a key one, which is the Ice House, which is immediately to the right of Union Station. A little disconcerting, especially on Figure 3-2 where it's not even mentioned as residential, and it's right in the middle of all this. So, if you could let me know if that was just a general omission, or why it wasn't on there.

Response: Your comment has been noted and addressed in Appendix D, Final EIS of this document. It was an oversight that the Ice House lofts were left out of the Table and Figure.

9-1) Comment:

Sierra Club Rocky Mountain Chapter

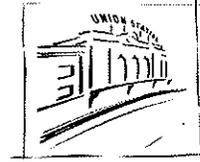
The Rocky Mountain Chapter of the Sierra Club appreciates the opportunity to comment on the Denver Union Station Final Environmental Impact Statement and Final Section 4(f) Evaluation. The Sierra Club strongly supports increased levels of alternate transportation modes, including higher levels of transit service that DUS will enable, to reduce greenhouse gas emissions and mitigate the effects of climate change and peak oil. We are eager to see DUS redeveloped as a transportation hub for the Denver metro region to further these goals.

However, we believe that the Final EIS contains a serious flaw since it states that "anticipated private redevelopment of the DUS property is independent of the Build Alternative recommended in this document." The National Environmental Policy Act (NEPA) requires that both the direct and indirect impacts of the actions related to the future DUS development must be evaluated in order to comply with the letter and intent of the law. As a consulting party to the Section 106 Historic Preservation evaluation, we have previously expressed our concern about the "segmenting" of the DUS project in the Environmental Impact Statement, separating the public transportation improvements from the private development despite their intimate physical and financial connection. Even if the ultimate goal of DUS redevelopment is laudable, the clear and obvious requirements of NEPA cannot be tossed aside in the Final EIS.

The Final EIS states in Section 5.21 Cumulative and Secondary Impacts, page 5-73:

"The anticipated private redevelopment of the DUS property is independent of the Build Alternative recommended in this document because (1) it is governed by established zoning approved by the City of Denver for the property, (2) its development does not depend on the transportation improvements, (3) it

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does not affect the selection of the preferred transportation alternative, (4) it will be paid for from private funds and (5) it will not require federal approvals.”

NEPA and guidance from relevant federal agencies clearly refutes these arguments for separating the private development from the public improvements.

The Sierra Club notes that in its leading provision (Section 101(a)), which sets forth its national purpose “to foster and promote the general welfare,” NEPA explicitly invokes the need for lead agencies with project responsibility such as FTA to recognize the “profound influences” of “high-density urbanization” in undertaking the environmental review process.¹ As one reviewing court recognized as early as 1972, NEPA “must be construed to include protection of the quality of life for city residents.”²

Project actions (such as the interrelated public and private development contemplated at DUS) have direct and indirect environmental impacts that must be evaluated and reasonably mitigated where such impacts are anticipated to produce a negative result. Pursuant to Council on Environmental Quality’s instruction, “to the fullest extent possible,” agencies shall “[u]se all practicable means...to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.”³

The CEQ further clarifies that lead agencies are to consider both the “direct” and “indirect” effects of a proposed action. As CEQ notes, an example of the latter are those “caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” As the regulation specifically observes, “[i]ndirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use...”

In reading this instruction, we submit that the private development component – not considered as such as within the scope of the Final EIS – is representative of precisely the type of indirect effect CEQ contemplated in adopting those regulations underscoring the need to address them.

In addition to stressing the need to consider future TOD-related activity as an inexorably intertwined causal upshot of the DUS redevelopment, Sierra Club emphasizes the fact that the NEPA process necessarily compels consideration of the impacts on a cumulative basis. The Final EIS notes that “[a]pproximately 1,350,000 square feet of gross leasable/saleable area is planned on the 19.5 acre site, including commercial, office and residential.” However, the Final EIS fails to explore the cumulative effect of such impending development.

CEQ defines cumulative impacts as those which result “from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”⁴ In determining whether the anticipated effects of foreseeable actions are to be included in the purview of NEPA analysis as cumulative impacts, the Tenth Circuit has adopted an “independent utility” test for determining the type of actions properly considered as producing cumulative impacts together with the proposed federal action. The Circuit has determined that this test hinges on “whether the actions were so interdependent that it would be unwise or irrational to complete one without the others.”⁵

A subsequent decision from the Tenth Circuit, further interpreting the CEQ regulations on cumulative impacts with regard to a DOT undertaking held that “(1) connected actions should be discussed in the same EIS, and (2) similar actions should be discussed in the same EIS when the best way to assess adequately the combined impacts of the similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.”⁶

¹ 42 U.S.C. § 4331.

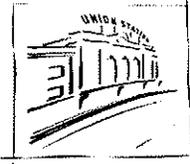
² *Nanly v. Mitchell*, 460 F.2d 640 (2nd Cir. 1972).

³ 40 C.F.R. § 1500.2(f).

⁴ 40 C.F.R. § 1508.7; *See also*, <http://www.environment.fhwa.dot.gov/projdev/tmimpacts.asp>.

⁵ *Airport Neighbors Alliance, Inc. v. United States*, 90 F.3d 426, 430 (10th Cir. 1996).

⁶ *Utahns for Better Transp. v. U.S. Dept. of Transp.*, 305 F.3d 1152 (10th Cir. 2002).



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With this in mind, the impacts of the proposed project, past actions, other present actions, and reasonably foreseeable future actions must come together in a proper NEPA analysis in order to evaluate the cumulative impact on individual resources.

In order to be compliant with NEPA, the Rocky Mountain Chapter of the Sierra Club believes that the environmental impacts of public *and* private development associated with the DUS must be evaluated together, and that reasonable and prudent alternatives can be developed that avoid or mitigate any adverse impacts. The Final EIS as currently drafted does not meet these requirements.

Response: The plaza planning process conducted to-date is described in Chapter 8, Public Involvement. The plaza project is not part of the Final EIS since it is a City project independent of the Union Station project.

As stated on page P-1 of the Final EIS, the anticipated private redevelopment of the DUS property is independent of the Build Alternative recommended in this document because:

- it is governed by established zoning approved by the City of Denver for the property;
- its development does not depend on the transportation improvements;
- it does not affect the selection of the preferred transportation alternative;
- it will be paid for from private funds; and,
- it will not require federal approvals.

Cumulative impacts of the Build Alternative are fully defined in Section 5.21 of the Final EIS.

Indirect impacts (also called secondary impacts) of the Build Alternative on land use (induced growth) are described in Section 5.21.2 of the Final EIS.

10-1) Comment:

Phil Flores

I appreciate this opportunity to submit my comments on the Denver Union Station Final Environmental Impact Statement (Final EIS).

First, I support the comments made by the Open Space Initiative Group (OSIG) on the Final Environmental Impact Statement (Final EIS) as signed by Stuart A. Ohlson, AIA, President of OSIG and Albert G. Melcher, MS, APA, Secretary of OSIG.

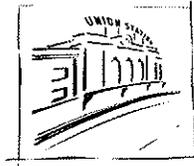
As professional landscape architect who has lived and practiced in Denver for over 40 years I see the Union Station and its setting in Lower Downtown as one of the most significant structures in Denver and the State of Colorado. The very best use of the public space around the eastern three sides of the Union Station structure should be in a community oriented open space plaza. If the proposed new buildings that are programmed at either end of the Denver Union Station are built they will greatly diminish the adjacent public open space. In addition, this will limit the views to and from the station and of the nearby historic structures. This will negatively effect the cultural values that presently exist in and around the Denver Union Station.

The projected density of the two buildings that are programmed for each end of the Denver Union Station can be transferred to an adjacent location within the overall developed area of the Union Station Neighborhood Company. The open space lands at either end of the Denver Union Station can then be utilized for a multitude of public uses and activities over time.

Thank you for your consideration of these concerns for the redevelopment in and around the Denver Union Station.

Response: As you suggest, the Final EIS does describe the indirect and cumulative impacts of the foreseeable private development. Cumulative impacts of the Build Alternative are fully defined in Section 5.2.1 of the Final EIS. Indirect impacts (also called secondary impacts) of the Build Alternative on land use (induced growth) are described in Section 5.21.2 of the Final EIS.

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Many of the cases, regulations, and comments you have offered suggest a belief that the transportation improvements that are evaluated as part of the EIS do not have independent utility from the future private development. However, FTA has determined independent utility for two reasons. First, the future development does not depend on the transportation improvements since its zoning is already established. Second, the selection of the proposed transportation action was based on criteria developed from the purpose and need established in 2002 – prior to and independent of the zoning decisions.

11-1) Comment:

Jonathan F. Esty

As a former president (1993-2008) and founding member of the Colorado Rail Passenger Association (ColoRail) and a member of the Union Station Advisory Committee since its inception, I would like to make some comments on the Denver Union Station Final Environmental Impact Statement. My comments are my own and are not ColoRail's.

Because of the influence and direction of the Union Station Neighborhood Corp, the redevelopment plan for DUS has morphed into something that is needlessly expensive, inadequate, and not designed to be in the best interests of the traveling public. At one time, the provision of efficient and effective transportation services was the overriding objective of the DUS Master Plan. Commercial development of the DUS property was a distant secondary priority. The present plan reverses those priorities as real estate development demands greater space in order to provide the funds for excessively costly transit facilities, namely the proposed below grade regional bus facility.

At one time, DUS was to be a multi-modal transportation entity that facilitated the transfer of people to four commuter rail lines, three light rail lines, intercity passenger rail, and local, regional, and intercity buses and downtown shuttles. The facility is now described as a "transit district" which means that various transit modalities can be in the vicinity of the historic station as opposed to being at the station. The light rail lines are two blocks away from the historic station and except for two bays in the regional bus station, there is no intercity bus presence in the area.

In order to live up to the original intent that DUS become an intermodal facility and that this goal be achieved as inexpensively as possible, the following measures should be taken:

- Maintain the current light rail route into the station area.
- Utilize as much of the existing station infrastructure as possible. For example, the below grade walkway which currently connects passenger train and light rail platforms should be retained.
- Eliminate all commercial buildings from the DUS site. All DUS acreage should be either used for transportation activities or public open space. Terminate development agreements with the Union Station Neighborhood Corp. Ample development opportunities made valuable by the presence of DUS exist between Wewatta St. and the Consolidated Mainline.
- Place the regional and the intercity bus station above the passenger rail tracks between 18th and 20th Streets providing them with a close connection to the HOV ramp to I-25 as well as access to city streets.
- Allow sufficient flexibility in the number and length of commuter/passenger rail tracks to accommodate additional future Amtrak service as well as local and regional rail service.
- Maintain the current station tail tracks to allow for great flexibility in switching train cars and possible eventual extension to the Consolidated Mainline.
- Provide track space for private rail cars.

Most of these suggestions are compatible with alternative A-1 of the DUS Master Plan. The A-1 alternative is well within the original FasTracks budget hence no need for commercial real estate involvement.

Thank you for the opportunity to comment.

Response: The Build Alternative was chosen based on its ability to best meet the purpose and need of the project. Critical to the decision about placement of the light rail facility was recognition that grade crossings of the surface street network through the Common's neighborhood would not provide safe or functional movements for vehicles or pedestrians at the intersection or along the Wewatta and 16th Street corridors. Chapter 2 of the Final EIS describes the Alternatives Considered.



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Analysis completed as part of the DUS Final EIS process indicates that the project can provide adequate capacity for all future passenger rail operations that are funded or part of an adopted plan. Final EIS Chapter 4 pages 4-22 and 23 describe how the passenger rail operations will accommodate all services planned for the future (year 2030). Though there is additional capacity in the current design, this project is not intended to provide unlimited capacity for unplanned, unfunded, future rail services.

12-1) Comment:

Georg Ek

How friendly are the Denver plans to the cities and communities that are part of the metropolitan connections?

Response: The DUS project has implemented a broad public involvement program, and has exceeded NEPA requirements for public involvement. Over 700 persons throughout the metropolitan region and the state are part of the DUS mailing list. All USAC meetings are regularly publicized. Publication of the DEIS and FINAL EIS was announced in the citywide news media. The Build Alternative has been found to best meet the purpose and need for the project. A full description of the operations of the Build Alternative is in Chapter 2 of the FINAL EIS. All of the transportation modes described in the Master Plan have been incorporated in the Build Alternative. In terms of future capacity for operators such as Amtrak, the project team has had discussions with these entities and confirmed their needs for the future (year 2030).

12-2) Comment:

Have the electorate in larger Denver metropolitan communities been adequately represented by leaders in their various jurisdiction in the framing of the EIS?

Response: See response to 12-1.

12-3) Comment:

Just where will the Commuter Rail's trains from each of the corridors be spotted, and how will they be adequately serviced?

Response: Final EIS figure 4-5 describes Passenger Rail Service Assignments.

12-4) Comment:

What will happen to Commuter Rail service as it expands when trains vie for clearance on just a few tracks and compete to discharge and load passengers while trains switch back and forth to reverse into DUS?

Response: Analysis completed as part of the DUS Final NEPA process indicates that the project can provide adequate capacity for all future passenger rail operations that are funded or part of an adopted plan. Final EIS Chapter 4 pages 4-22 and 23 describe how the passenger rail operations will accommodate all services planned for the future (year 2030). Though there is additional capacity in the current design, this project is not intended to provide unlimited capacity for unplanned, unfunded, future rail services.

12-5) Comment:

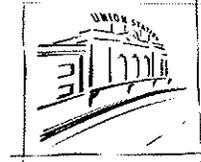
How can the current small dead end off track yards at DUS accommodate through Commuter Rail service on to Colorado Springs from the Consolidated Main Line?

Response: Opportunities for future passenger rail service is described in Final EIS Section 4.4.3.

12-6) Comment:

How will the plan for EIS adequately, comfortably, and pleasantly meet passenger transfer requirements?

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Response: Plans for pedestrian circulation and transit transfers are described in Final EIS Section 4.4.2

12-7) Comment:

Why tear up the newly laid Light Rail trackage conveniently adjacent to Denver Union Station and expensively relocate all of that trackage adjacent to the Consolidated Main Line freight trackage two and one-half blocks away? How can this fit into the Master Plan vision?

Response: See response to 11-1.

12-8) Comment:

And what about those bearing luggage, and the elderly and the infirmed, will they be attracted - as the final plan addresses - to transfer at Denver Union Station to an intermediate mode or step onto a moving carpet to a destination two blocks away?

Response: Baggage service will be maintained for Amtrak passengers and all facilities will be designed to be accessible and compliant with the Americans with Disabilities Act.

12-9) Comment:

If one works in Arvada or Boulder, for example, and lives in Englewood or Littleton, will the time delay and inconvenience of the two and one-half blocks between the CML Light Rail shed and DUS discourage the use of RTD?

Response: Every required transfer is known to discourage ridership or create a "ridership penalty". The DUS project has been designed to minimize the transfer time between the heaviest transfer movements. These movements are shown in Figure 4-7 of the Final EIS.

12-10) Comment:

The safety of passenger transferring from CML to DUS is a seriously significant factor. The two and one half blocks between exposes transferring passengers to potential harm, less as a safety issue but more as vulnerable victims of crime. What will be the impact on ridership (and revenue) if a grizzly crime, such as murder or rape, occurs? With the newspapers disposition to sensationalize, how will RTD be impacted?

Response: RTD is proposing to expand its safety and security measures to cover all of the facilities that are part of the DUS project. RTD's security and safety protocols are described in the Final EIS Section 3.4.4.

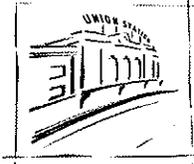
12-11) Comment:

Therefore, are passengers and their convenience the real focus? If they are, why would the design call for transfers from Light Rail to shuttles or ask mothers with small (even large) children to wrangle, walk, or ride rather than conveniently step across, take an escalator or elevator to a convenient platform to board Commuter Rail, Amtrak or another mode?

Response: See response to 12-9.

12-12) Comment:

What motivates the 'planners' to abandon the useful tunnels that has so conveniently connected and served past passenger needs for so many generations and now serves Light Rail to DUS? Then, too, how necessary is it to close the existing Market Street Mall station?



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Response: The removal of the tunnels, and alternatives explored, are documented in Section 6.2.1 of the Final EIS.

12-13) Comment:

With two alternatives feasible for through southern service into DUS - thus avoiding rear-end entry - and time consuming switching and reverse maneuvering at the expense of passengers - why are these options not presented?

How can that very little rail yard with its modest trackage at DUS hope to meet expanded Amtrak needs desired for rail service to Portland, Seattle, Los Angeles, Kansas City, St. Louis, Texas, Wyoming and Montana?

How will Amtrak fair, and how can heavy rail passenger service as projected from New Mexico and Wyoming effectively occupy the same platforms at the same time without the very long trackage that makes that possible as it does at Melbourne, Australia's Spencer Street Station?

Response: See response to comment 12-4.

12-14) Comment:

As our nation and our international world traveler connect to Amtrak and DIA, how well are these issues addressed?

Response: Connections at DIA will be planned as part of RTD's East Corridor EIS. Plans for pedestrian circulation and transit transfers are described in Final EIS Section 4.4.2.

12-15) Comment:

Since rail station worldwide - especially in Canada - have geographic and demographic comparisons with Denver, why are they excluded, i.e. unmentioned? Would it not at least be of value to compare Denver to other western and national transportation plans that have demographic and other similarities?

Response: Though they are not described in this document, many facilities from other cities were studied during the development of the alternatives for DUS.

12-16) Comment:

How and where can the few DUS tracks as planned in the DUS accommodate Special Trains, Presidential Specials, luxuriously wonderful trains like American-Oriental Express whose clientel, incidentally, bring big bucks to Denver?

How can DUS service a 15 to 20 (or more) AAPRCO* Private Car train - or even spot a frequent private car visiting DUS or auger well for private cars located in greater Denver?

Response: See response to comment 12-4.

12-17) Comment:

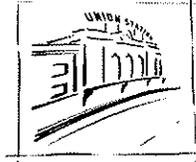
How farsighted are the expanding needs of Commuter Rail, Light Rail and Amtrak addressed?

Response: The planning horizon year is 2030.

12-18) Comment:

Where are the comparisons to the expansion of the rail network of Denver of the past drawn upon? Denver Union Station was designed by civic leaders to accommodate the public - to avoid costly and cumbersome transfers from one Denver station to another. How different was that from what is planned now, e.g. Grehound locked out from the plan because of supposed money issues, not public concern?

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Response: Preservation of the historic character and setting are described in Chapter 6 of the Final EIS. Significant efforts were made to incorporate a commercial bus facility. Unfortunately none of the sites that the private bus companies were able to afford could be constructed without negatively impacting the publicly funded transportation elements of the project.

12-19) Comment:

Lincoln's Pacific Railway Act of 1862 was envisioned to unite these United States. What is in the EIS that reflects concerns for anything other than how private firms can make money at the distress, discomfort, and expense of the common person?

Response: The Build Alternative was found to best meet the Purpose and Need as defined by RTD and the other public sector stakeholders of this project.

12-20) Comment:

What in the EIS gives consideration for future regional transportation rail and other mode needs?

Response: Opportunities for future passenger rail service are described in Final EIS Section 4.4.3.

12-21) Comment:

As to the references to forthcoming population, transportation choices, environmental impacts, and life style changes, where are they addressed in the document?

Response: Analysis of all environmental resources (as documented in Chapter 5 of the Final EIS), assume population and demographic predictions for 2030 as approved by the Denver Regional Council of Government and appropriate local and federal oversight agencies.

12-22) Comment:

DUS is not ONLY for Denver. Rightfully, should not DUS be the Colorado Union Station? Does it hinge on optics? DUS is for greater metropolitan Denver not for some sort of various economic development; yet isn't the myopic vision presented in the EIS just for Denver, admittedly some with casual out of focus concessions for her suburbs?

Response: Changing the name of the station was never a significant point of discussion in this process.

12-23) Comment:

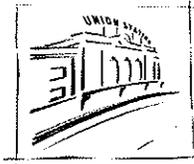
Yet it is our state of Colorado's station and the adjoining states of New Mexico and Wyoming too. Both sister states are undergoing outreach in rail expansions. How will the meager allotment of just more than a pittance of tracks and maintenance facilities accommodate future rail as well as other mode needs?

Response: See response to comment 12-4.

12-24) Comment:

When and where have respected experienced professional rail and other mode personnel - at all levels - been consulted and involved - or for that matter even represented in the final EIS?

Response: Chapter 9 of the Final EIS includes a list of preparers documenting all the professionals involved in the project over the past 6 years.



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12-25) Comment:

What provision does the final plan have for maintenance facilities and personnel quarters to administer routine, preventative, and immediate repair services for rail cars and buses?

Response: Adequate space has been made available for on site services. This is available upon request in the most recent design plans. Additional services will be provided at the planned commuter rail facility and existing Elati light rail maintenance facility. The commuter rail maintenance facility is undergoing a separate design and environmental clearance process.

12-26) Comment:

Does the EIS final really address passenger convenience and needs while carrying through on the MASTER PLAN vision and goals to create Denver Unions Station as a multimodal transportation hub to efficiently serve the metropolitan communities and stand in prominence internationally?

Response: The Build Alternative was found to best meet the Purpose and Need. The elements being cleared as part of this EIS are only one component of the recommendations of the DUS Master Plan. Other elements of the DUS Master Plan are being addressed by separate processes.

12-27) Comment:

What a challenge it is to dig out references to transportation save for 'Chapter 4 - Transportation' in the DUS eis, pp 4-20 thru 4-30 and to find within the eleven chapters and the A thru J Appendices references to other modes of public transportation.

Response: Your comments have been noted.

12-28) Comment:

Perhaps Denver Union Station Final Environmental Impact Statement is just a frozen time warp with no thought that the future could be different than it was in 2002?

Response: See response to 12-24.

12-29) Comment:

Is Denver Union Station just a quaint structure of the past around which other development structures dominate with but a nostalgic bit of how railways built Denver, the West and united this great Republic?

Response: Preservation of the historic character and setting are described in Chapter 6 of the Final EIS.

13-1) Comment:

Bob Wilson

1. The overall Denver Union Station design is innovative, well designed and evolving nicely. The Final EIS is well written and complete. After following this project for many years, I see only a few issues to consider.
2. The authors of the Final EIS are to be commended for many advanced requirements in energy, air quality and other sustainability issues. Noteworthy is requiring the immediate use of ultra-low sulfur diesel (ULSD) in 2009 when construction starts. EPA standards requiring the use of ULSD will be required for construction equipment in 2010.
3. In Chapter 10, References, many excellent sources are referenced. In addition, the RTD Board of Directors Sustainability Policy and Guidelines (October 2006) should be added, reviewed, and referenced. This reference could be added to Table 5-21, Air Quality.

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Response: Since the agency's sustainability goals are not specific commitments, references to the sustainability goals of the partner agencies have been incorporated in the Record of Decision.

13-2) Comment:

Table 5-20, Energy, page 5-86.

The Final EIS states there are no energy impacts for the Build Alternative. I believe there are beneficial and other impacts of this project on energy. The development in general will use energy above the amount used by the No Build alternative. The energy usage will be for new buildings, powering transit (commuter rail and light rail), rail and bus station lighting, HVAC, informational displays, etc. This additional energy usage can be mitigated primarily by requiring LEED certification for new buildings. Other energy mitigation measures could include energy-efficient transit station lighting, intelligent controls on this lighting, investigate ground-source HVAC for the DUS transit village, optimal use of sunshine (as the design calls for), solar photovoltaic energy generation, solar thermal systems for heating water for human use, green roofs, etc.

The electrical multiple units (EMUs) and light-rail transit (LRT) vehicles use a large amount of energy and this will be supplied by Xcel Energy. LRT service will use more energy than today as additional trains from the West Corridor will start arriving at the light rail station in 2011 to 2012. The impacts on the broad energy picture are beneficial and need little mitigation because transit is more energy efficient than privately owned vehicles (POVs). However, the current energy mix from Xcel is somewhere between 80 and 90 percent thermal – from coal and natural gas combustion. In the future Xcel must generate 20% of its energy from renewable sources by 2020. Mitigation would include supplying the transit system energy demand (load) by a percentage higher than 20% using additional renewable energy, such as wind and solar. An Xcel Energy representative such as Doug Ryan should be consulted.

A renewable energy generation technology that could be easily applied is solar photovoltaic (PV) or solar thermal. PV can be installed on south or southwest facing roofs or other features. The DUS project could serve as a demonstration project for renewable energy on a public transit facility. The PV feature could contribute clean, renewable energy to the electric utility grid during the daylight hours when electricity is most in demand. It will help contribute the State of Colorado's response to the global climate crisis. It will help reduce heat-trapping gas emissions and other toxic residues emitted as a by-product of gas- and coal-fired electric power generation. It will reduce demand on the electric utility. This will be a high-visibility project that the Nation is scrutinizing at the cost of electricity. This feature on transit agrees with the premise of public transit to improve urban livability while reducing the intensity of privately owned vehicles on the roads and the intensity of heat-trapping and other kinds of emissions from automobile tailpipes. The PV in the DUS transit project will demonstrate in a tangible way to over 100,000 transit passengers per day.

Response: Your suggestions for this project to serve as a demonstration project will be conveyed to the design team for consideration during the upcoming phases of project design.

13-3) Comment:

Table 5-20, Air Quality, page 5-86.

Possible mitigation action for air quality would be similar to the ones discussed under Energy (above). The field of clean diesel technology for construction is progressing rapidly and the DUS project should take advantage of recent developments.

One step could be ensuring new Diesel Multiple Units (DMUs) meet EPA Tier IV (as opposed to Tier III) requirements when delivered in 2013 or 2014. Other measures would be encouraging Amtrak and the Ski Train to upgrade their diesel-powered locomotives sooner than 2015 as required under EPA rules for locomotive engines. The use of clean diesel technology for construction is discussed below.

Response: Your comments have been noted. Commitments to EPA Tier IV requirements will be addressed as a part of the North Metro and Northwest Rail Corridor environmental documents.



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13-4) Comment:

Table 5-21, Energy and Air Quality, page 5-93.

The authors should be complimented for the many excellent ideas listed under the Air Quality section. Concerning the Air Quality table entry, in addition to using ULSD, this project should require the use of a certain percentage of (Tier III) modern diesel (non-road) engine technology for construction equipment. The DUS construction site is very close to residences and businesses. The use of modern newer (or retrofitted) diesel engines will minimize the amount of pollution that affects residents of Lower Downtown, and the River Front and other nearby neighborhoods. Taken as a whole, fuel and engine technology will minimize complains by citizens, lessen particulate matter, generate fewer oxides of nitrogen, and other emissions will reduce the generation of ozone and will help keep the Denver region out of non-compliance for ozone. Specifically, this means using construction equipment that meets Environmental Protection Agency (EPA) Tier III or Tier IV requirements.

Setting the percentage of construction equipment that meets Tier III or Tier IV is a balance between public health and not prejudging small or disadvantaged sub-contractors (SBE/DBE). Tier III or IV equipment most likely is newer equipment or equipment with added emissions controls. Typically a SBE/DBE may not own or lease the most modern equipment. In my opinion, the percentage should be one-half Tier III or Tier IV.

For a good overview of diesel technology please see *Low-Cost Ways to Cleaner Construction*, EPA420-F-08-008, February 2008, <http://www.epa.gov/otaq/diesel/documents/420f08008.pdf>. A copy is included in the mailed version of these comments. This publication discusses the use of (relatively) inexpensive technology such as idle reduction, diesel oxidation catalysts, and diesel particulate filter. For additional information, see the EPA website: <http://www.epa.gov/nonroad-diesel/>. Specifically, the EPA Rocky Mountain Clean Diesel Collaborative has many resources: <http://www.epa.gov/region8/air/rmcdc.html>.

Response: Your suggestions for this project to utilize EPA Tier III or Tier IV construction equipment will be considered by RTD prior to issuance of a construction contract.

14-1) Comment:

Ron C. Vander Kooi

The people of the Denver Metropolitan Area, and especially transit riders, would, and will, protest what is planned for the DUT location when they find out the ways in which they have been deprived by the DUT plans!.

I send this modified paper, with the issues I and others dispute, because of the limits of time.

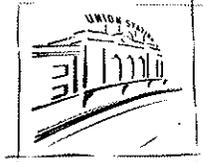
I have advanced this idea as forcibly as I could. I, and more knowledgeable people, could further develop plans for the petition, e.g. below.. I have been told by some that "it is too late," and, in fact, I've heard this for a few months. But other, e.g. believe we could have a new "GROUP EFFECT" far beyond that of our writing individual letters, etc. .

The MAYOR and others could, properly, be embarrassed when many Coloradoans learn anew of the current defects in the plan for DUT! The PUBLICITY of such a petition drive, and other related group efforts, e.g., getting the issue and this petition (on TV, the radio, and in the newspapers) could have a radical effect on the current plans, or, at least, modify them, as did our protests about putting passenger trains in a DUT "trench."

This protest might have an effect of delaying the current project, and that would be good. The existing closeness of DUT and its Light Rail Station, the convenience of the pedestrian tunnel under the tracks and other existing facilities are, in my mind, could be beneficial to the proposed development, and the costs of "doing it wrong," are immeasurable!

The CHIEF DEFECTS of the DUT plan are the following and probably there are others out, the petition must be relatively SIMPLE, stressing the relocation of DUT's Light Rail if we were to get many people to stop and sign the petition.

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The three key RAIL issues, in addition to "crowding more buildings next to DUT," would also put in an accompanying letter to the Mayor, along with the signed petitions would be these:

A. The LIGHT RAIL STATION is planned to be a full two and a half blocks away from what the voters thought they were getting when they voted overwhelmingly for DUT as a transportation hub. (There are plenty of other cities that have "done it right" and pictures of perhaps three of these could be put in to a BROCHURE, perhaps getting such on TV and in the newspapers along with the news of "a petition drive for a true DUT transportation hub."

B. No "THROUGH TRACK" is in the current plan and a strong need for it will come later and at greater expense. There is, no doubt, that front range passenger rail service, north and south, will be essential in coming years, and even now thought on this is being developed.

C. There is no room in the current plan for nearly enough TRACKAGE for 1) AMTRAK expansion in future years, 2) or any tracks for added COMMUTER SERVICE, 3) There is no room for SPECIAL TRAINS, or for setting out a few private cars, let alone the 70 or so cars that were parked there during the 2008 Democratic Convention! There is certainly no plan for 4) the RTD Light Rail which are presently close by the Amtrak tracks. 5) the tunnel will be gone.

We already have the facilities, which if restored, could make the existing DUT a great rail and inter modal station!

In short, the development currently what was once proposed to be a true DUT "TRANSPORTATION HUB" will be a profitable BONANZA for the developers. But, in the long run, not only will the project be very expensive, not only in moving the Light Rail tracks and other facilities a few blocks away, with light Rail passengers having to travel further, e.g. to downtown jobs, etc. in the decades ahead, some of the developer's buildings may have to be demolished to facilitate more transportation facilities and the cost will be spectacular, not even considering the further inconvenience for all in the reconstruction process.

The developers are, to my understanding, putting a relatively small amount of money toward the transportation aspect of the project will become a financial BONANZA for them with large building development being planned. In the coming years, esp. with Light Rail, there will be an obvious disadvantage for Light Rail users and for those who wish to transfer to and from inter city trains, busses, and other modes of transportation at the "Hub."

One further problem with the plans should be treated in regard to preserving the image of DUT as a focal point and magnet for the City of Denver, balancing the Colorado Capitol at other end of the downtown area. The current plans call for LARGE BUILDINGS to be built on each side of DUT. The current plans of these buildings would add to the crowding planned for the whole area. Another better and popular idea would develop the areas in dispute, now two large parking lots, into park areas

A MY PROPOSED PETITION:

THE PEOPLE CLEARLY VOTED FOR DUT TO BECOME DENVER'S "TRANSPORTATION HUB." DEVELOPER PLANS NOW SEVERELY LIMIT THIS "HUB" WE, CITIZENS OF DENVER AND THE DENVER METROPOLITAN AREA, URGE MAYOR HICKENLOOPER TO WORK CHANGE THE CURRENT DEVELOPER PLANS, ESPECIALLY ON THREE ISSUES.

1. THE PROPOSED DUT LIGHT RAIL STATION SHOULD NOT BE RELOCATED OVER TWO BLOCKS AWAY FROM THE "HUB."

2. TRACKAGE TO THE SOUTH, FOR COMMUTERS AND INTERCITY TRAINS HAVING BEEN REMOVED, SHOULD BE REPLACED.

3. TRACKAGE THAT PROVIDED FOR SPECIAL TRAINS, SUCH AS SERVED THE DEMOCRATIC CONVENTION, SHOULD BE PROVIDED AND THE TUNNEL THAT SERVED THEM SHOULD REMAIN.



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FOR THIS AND OTHER REASONS, THERE SHOULD BE NO CLAIM THAT DUT WILL BECOME THE TRANSPORTATION HUB FOR THE DENVER METROPOLITAN AREA.

SIGNED NAME
ADDRESS
DATE

THE petition should be at least as simple as the one above. I'd urge that we gather petitions on public sidewalks near the DUT Light Rail Station (as we were told to do in our effort to save Chicago's NorthWestern Station), and in front of DUT., focusing on the thousands of commuters who use it each work day for work, sports, theatre and other events.

I must conclude that, if these and other improvements to DUT plans are not made, it is HYPOCRISY to call it Denver's transportation hub. Otherwise it will the project will be done primarily for the developers. It might be better to cancel the plans and save the money!.

Response: The DUS project has implemented a broad public involvement program, and has exceeded NEPA requirements for public involvement. Over 700 persons throughout the metropolitan region and the state are part of the DUS mailing list. All USAC meetings are regularly publicized. Publication of the DEIS and Final EIS was announced in the citywide news media.

Critical to the decision about placement of the light rail facility was recognition that grade crossings of the surface street network through the Common's neighborhood would not provide safe or functional movements for vehicles or pedestrians at the intersection or along the Wewatta and 16th Street corridors.

Analysis completed as part of the DUS Final EIS process indicates that the project can provide adequate capacity for all future passenger rail operations that are funded or part of an adopted plan. Final EIS Chapter 4 pages 4-22 and 23 describe how the passenger rail operations will accommodate all services planned for the future (year 2030). Though there is additional capacity in the current design, this project is not intended to provide unlimited capacity for unplanned, unfunded, future rail services.

The removal of the tunnels, and alternatives explored, are documented in Section 6.2.1 of the Final EIS. These tunnels need to be removed because expansion of the passenger rail facilities requires horizontally shifting and lowering the grade of the existing tracks which will significantly destroy the tunnels. The proposed bus ramp extending from 18th Street at-grade to the below-grade bus facility would also cut off the central circulation tunnel in use today.

15-1) Comment:

Luke O'Kelley

Please consider this email a positive endorsement of the DUS Final EIS by Union Station Advocates (USA). USA has over 160 members who are committed to great public spaces at Union Station. We support the DUS Master Plan including the side buildings on Union Station Plaza.

Representatives of USA have attended Final EIS meetings throughout the process. In our opinion, to the extent possible, all issues were sufficiently vetted.

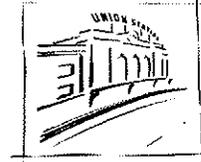
Response: Your comment in support of the project has been noted.

16-1) Comment:

Jerry Glick

I've reviewed the EIS, and I very much support both the concept and the details of the plan as presented. As you know, the Union Station Advisory Committee, comprised of, if I recall, 93 members, spent almost five years debating and revising the plan. We reached consensus and recommended the Plan to City Council. Nothing has changed since those arduous conversations.

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Most particularly, the "wing" buildings are key to the overall plan. An open plaza will fail, and the historic building will be unable to draw an active use unless the plaza is active. Plazas aren't new; the need for activation has been demonstrated in city after city, both in this country and abroad. To argue that somehow the historic building is damaged by framing the plaza with active buildings and uses, is absurd on its face.

Leaving things as they are seldom works, evidence Civic Center. We must figure out how to attract people to the Wynkoop Plaza, and that means active uses. Those uses have to function through buildings; simply putting a coffee shop, for example, in the existing train room won't, and hasn't in the past, generated pedestrian interest and traffic.

Please let me know how I can help support the EIS and the Master Plan.

Response: Your comment in support of the project has been noted.

17-1) Comment:

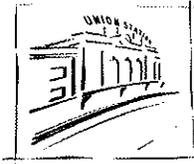
Edie Bryan

The EIS report (page xxiii) refers to Denver Union Station as "the region's multimodal transportation hub, "and the plan is" to expand and establish DUS as the region's multimodal transportation center." That is a worthy goal. But there are some ways that the plan is less than ideal.

1. It sounds like the light rail will be at Denver Union Station, but it is not. (page ES-4.) It is not close enough for light rail riders to quickly transfer to AMTRAK or commuter rail. The "Build" alternative is not as convenient as the present configuration at Denver Union Station where light rail riders can use the tunnel to easily access the station and the train tracks. It is essential that all travel modes be closer together to increase ridership and provide maximum convenience for travelers. This is done in many train station locations, including Fort Worth and Washington, DC. Miami also has rental cars and a large parking lot.
2. Passenger rail is designed for eight tracks but all are designated for current train uses. There should be provision for additional train tracks in the future. Two possibilities currently exist: The I-70 mountain corridor from Denver International Airport to Eagle County, Colorado, and the Colorado High Speed Rail Corridor along the Front Range to connect with Wyoming and New Mexico's existing Railrunner trains. Both are under study at this time. Now AMTRAK funding is being augmented by Congress so that long distance trains besides the California Zephyr are future possibilities. These additional tracks do not need to be built at this time, but the space for them should be identified.
3. Lack of through train service. All the stations in the United States that use the dead end track configuration agree that this is not the ideal. Going straight through on continuous track is most efficient and takes less time. The current way of backing eastbound Amtrak trains into the station apparently would continue. This is tedious, slow, and makes passengers impatient when they are so close to the station, but come to a total stop and sit and sit. The obstacles to overcome in order to achieve this long term goal are well described in the EIS. It is necessary to designate a location for such through tracks so that this goal can be achieved in the future. Such a designation need not add to the cost to construct the "Build" alternative.
4. The front of the historic Union Station should be an open plaza for public use. The maximum mass of the side buildings would block views to and from Union Station.

The purpose expressed on page 1-5 is great: "The purpose of the proposed project is to enhance the function of Denver Union Station as a multimodal transportation center for the Metro Denver Region and to the entire State of Colorado. Improving Denver Union Station will bring together the various modes of transportation into one place and promote efficient and convenient access to and from downtown Denver." There must be convenient multi modal for all users, including light rail riders.

Response: The Build Alternative has been found to best meet the purpose and need for the project. A full description of the operations of the Build Alternative is in Chapter 2 of the Final EIS. Chapter 2 addresses future rail capacity, the fatal flaws of a through-station, and an explanation of the placement of light rail and the movement of pedestrians and transit patrons between modes of transit.



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Analysis completed as part of the DUS Final EIS process indicates that the project can provide adequate capacity for all future passenger rail operations that are funded or part of an adopted plan. Final EIS Chapter 4 pages 4-22 and 23 describe how the passenger rail operations will accommodate all services planned for the future (year 2030). Though there is additional capacity in the current design, this project is not intended to provide unlimited capacity for unplanned, unfunded, future rail services.

Another important consideration in the design was convenient transfers. Those movements with the highest volume transfers were designed to be closest together which is why the shuttle and circulator stop locations are immediately adjacent to the light rail and commuter rail stations. Transfers between light rail and commuter rail were much lower and therefore less critical. Complete plans for pedestrian circulation and transit transfers are described in Final EIS Section 4.4.2

18-1) Comment:

Shannon Gifford

I am writing to voice my support for the Union Station plan as described in the "Build Alternative" in the Final EIS, as well as in the amended master plan for the site. Specifically, although not directly an issue considered in the EIS, I understand that some members of the community intend to voice their opposition to the adopted zoning and master plan for the site through the EIS process.

As you know, many of us have now participated for over 6 years now in the extensive public involvement process leading up to this point. Composed of 96 members representing 36 different stakeholder groups, the Union Station Advisory Committee (USAC) met 21 times between June 27, 2002, and October, 2004, the date when the initial master plan and zoning were approved by Denver's City Council. In addition, there were a variety of formal break-out groups which met extensively during the process to further discuss such issues as the zoning, urban design, historic preservation, public open space, and development on the site. The conclusion of the USAC and its breakout groups that the project design should include "wing" buildings facing Wynkoop Street at 16th and 18th streets was not unanimous. However, after 15 break-out groups devoted specifically to the issue of the appropriate level and distribution of development on the site, supporters of the selected design approach formed the overwhelming majority among our committee.

The reasons for that support are easy to explain: we sincerely believe that the addition of these two buildings is critical to create a lively, successful public realm in the plazas facing Lower Downtown at Union Station. Active ground floor uses surrounding the plaza will attract people to the spaces during broader periods of the day and week than can be expected due to commuter traffic alone.

As a resident and business-owner directly across the street from Union Station, I look forward enjoying the plazas and the two new buildings framing them.

Response: Your comments in support of the project have been noted.

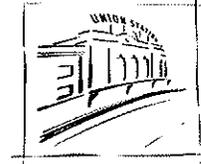
19-1) Comment:

Dana Crawford

the master plan for denver union station has been carefully developed over a long period of time. I wish to register my support for the attention that has been devoted to the role of the historic union station building in the master plan. surrounding buildings have been designed to complement the landmark building which serves as the centerpiece of the major project. the principles of historic preservation have been applied at all times. the unfortunate attitude of some citizens who have taken a negative approach to the master plan should not influence the ultimate approval of the Final EIS.

Response: Your comments in support of the project have been noted.

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20-1) Comment:

The Open Space Initiative Group:
SUMMARY COMMENT

Recommendation and request. The primary concerns of OSIG are about the severe and unacceptable adverse impacts on historic and cultural values associated with constructing new buildings in the plaza of the Station. This Final EIS has a fatal flaw in its failure to properly identify the true Federal actions that involve or "trigger" the application of the National Environmental Policy Act and the processes required under it. It misrepresents Federal Actions of direct application to the Denver Union Station project. This Final EIS fails to adhere to the requirements to avoid or mitigate significant adverse impacts on historic places and cultural resources, and to utilize appropriate feasible alternatives to those impacts.

Additionally, it fails to use DOT guidelines in its analyses, especially in Section 4(f) and Cumulative Impacts, thus obfuscating and misrepresenting true impacts. Further, it fails to disclose important material essential for the full disclosure purposes of NEPA, in part because such information is still being developed at this time.

Accordingly, the best and most responsible FTA action on this Final EIS would be to produce a supplemental Final EIS to correct the misleading and missing information, including the fatal flaw noted above, and add the new information that is being developed and is highly relevant. Failing this, the FTA should provide a Record of Decision (ROD) that (1) mandates prompt, complete, unbiased, transparent analysis and public disclosure of alternatives, (2) does not foreclose options and plans changes to avoid or mitigate substantial adverse impacts on historic resources, and (3) sets up an independent design professional team and conflict resolution process. This latter is necessary because there has been evidence since 2004 or even before that there decision-making has been guided with a pre-determined outcome. The National Environmental Policy Act should not be used to justify such an outcome.

Regarding comments on alternatives, the primary alternative of the transportation project, and the Purpose and Need for it, are not at issue here. The alternatives of concern are secondary alternatives associates with the adverse impacts described herein and with their avoidance.

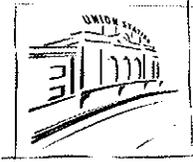
SPECIFIC COMMENTS

1. One sentence presented here epitomizes the many egregiously misleading statements that are made throughout the Final EIS: "If future development follows maximum height and density allowances, it is likely that from some vantage points the station's visual presence may diminish as adjacent, larger structures become more dominant." The truth is that proposed new "bookend" buildings in the plaza definitely WILL TOTALLY DESTROY considerable portions of the visual presence of the Station. The station's visual presence WILL be diminished significantly, substantially and, for many if not the majority of the public, unacceptably. Views of the Station Building will be lost. Views of other historic places near the Station building and plaza will be significantly diminished. The "setting" – adjacent areas and places that relate to and help identify the character of an historic place – will be substantially impaired. This is true for the Station building/plaza complex and the nearby historic places. The "vertical development and train shed structures will also completely alter the visual presence of the Station, and OSIG accepts that most of this is essential to the Purpose and Need of the project, the financing and economics, the transportation operations and the desirable Transit Oriented Development (TOD). OSIG has selected this one sentence to exemplify the misrepresentations of commission and omission in this Final EIS. The specific sentence is found in Chapter 5, Environmental Consequences, Section 5.21.7, "Visual/Aesthetics."

Response: The only view corridor which this project was required to and does protect is along 17th Avenue west of the historic station building. The impact of future potential development sites were discussed with the consulting parties and considered in the mitigations required by the MOA (see attachment B).

20-2) Comment:

2. The major defect, indeed, a fatal flaw, in the Final EIS is that it pretends that there is no Federal action involving the private "vertical development." In reality and truth, there is a direct relationship between the public project and



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actions and the private part of this project with the "vertical development". There are several Federal actions, as will be identified below, that trigger the application of NEPA. As a result of the pretense, impacts are improperly ignored.

The reality and truth is that there is a one-to-one relationship between the public sector and the private. It has been clearly stated and documented that revenues generated by taxing the private vertical development are absolutely essential for the public infrastructure and transportation development. This will generate over \$200 million to be combined and pooled with about \$270 million or so of funds Federal and other governmental and agency funds. This will service debt on the bonding that will enable the DUS project and its infrastructure to be to be built and the Purpose and Need of the project to be met.

This financial structure is Federal action that is a trigger for an EIS under NEPA. Accordingly, positions of FTA are unsupportable when it states that there is not Federal funding of the private vertical development and hence on impacts that are associated with such development.

A variety of actions apply to nonfederal entities: funding, permitting, leasing, granting easements, planning, licensing, granting certificates, loans, subsidies, funding or other entitlement for use. The categories in which Federal actions tend to fall include:

- (1) The adoption of official policies such as rules and regulations.
- (2) The adoption of formal plans which guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.
- (3) The adoption of programs such as a group of concerted actions to implement a specific policy or plan.
- (4) The approval of specific projects such as actions approved by permit or other regulatory decision as well as federal and federally assisted activities.

Item (4) applies in this case because a permit of some form of property right must be granted, and as such will be a Federal action, to allow construction of a privately-owned building on RTD property, the DUS plaza. The conveyance of property rights recommended as leases or easements (Ref.: Report to RTD Board of Directors from Marla Lien, General Counsel, July 1, 2008) has been proposed to be activated after a November 2008 vote of ten persons in five Metropolitan Districts, one per each RTD property for which rights will be conveyed to the Union Station Neighborhood District. These Districts will provide a property tax for public infrastructure capital improvements. Without the Federal action of property right conveyance action there can be no Metropolitan District and no local tax contribution to the RTD (Federal) public investment. This cannot be masked by the misleading statement that because there is not funding of the private construction there is no Federal action. In order to allow for the November 2008 Metropolitan District election, small amounts of public land have already been leased prior to the Record of Decision of this Final EIS

Item (3) applies as noted above because, as noted above regarding funding, and as defined in item (2) above, there is a group of Federal concerted actions to implement a specific policy or plan. These include funding, programmatic and site-specific plan approvals, FTA and FRA technical approvals and permissions, land transactions of various kinds such as that near the CML for the light rail, and joint agreements with public agencies and private entities. Appendix J of the Final EIS deals with the pertinent FasTracks Programmatic EIS of which DUS is an element.

There is no "independent utility" of any of the vertical development. This is the ultimate "interdependent" utility of a private investment with a Federal funding and plan.

It was stated in the September 10, 2008, Public Hearing on the Final EIS and the April 2008 USAC breakout meeting on the EIS that future vertical development is not part of the project and are not necessary to accomplish the project purpose and need. If the private buildings are not needed, RTD should not transfer any property rights to the developer or otherwise permit commercial exploitation of the public land. This applies even without any assessment of adverse impacts; adding in the consideration on major historic, cultural and aesthetic impacts and of opportunities foregone for public use of the plaza, and the case against any such transfer is irrefutable.

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This totally misleading fiction of independent utility carries on into the Final EIS and is the distorted and distorting rationale as to why the historic views and settings and many other impacts are not discussed and why alternatives are not presented.

Hence this one-to-one relationship between Federal actions and private investment means the public transfers to the private developer and the essential vertical development on those properties will produce direct impacts and immediate impacts that will be significant and substantial. The public "uses" should be considered under the principle of "constructive uses." These constructive uses require Federal transportation agencies to consider feasible and prudent alternatives and to undergo all possible planning to minimize harm to the protected resources located in the area of potential effects of the project.

It appears that some vertical development is essential for the transportation project, such as the shed over the train tracks, the vertical transportation at various places, and the public-private facility of and over the bus station. These matters need to be disclosed and discussed.

There is one further condition demonstrating the intertwining of the private vertical development with the public infrastructure. This involves the physical facilities. As Chapter 2 describes, the 17th Avenue underground bus terminal – an RTD need – has a cover with traffic and sidewalks needed for the private access. The new vertical development east of Wewatta along 16th Street ("A Block") will serve as a "head house" for passenger rail. Other pedestrian access features being studied by the developer in the current 30% design process also intertwine vertical development with the horizontal and vertical movements of passengers and transit and public streets. The Federal actions in the NEPA context and the nonfederal actions are so intermingled that one cannot say "this square foot is due to a Federal action and that square foot is totally independent to any federal action." Hence, the independent utility of private vertical development is a fiction; the identification and terminology with veracity, reality, authenticity and actuality is "interdependency".

Response: FTA has determined independent utility for two reasons. First, the future development does not depend on the transportation improvements since its zoning is already established. Second, the selection of the proposed transportation action was based on criteria developed from the purpose and need established in 2002 – prior to and independent of the zoning decisions.

20-3) Comment:

3. As a result of Section 2 of this document, above, there is inadequate or misleading information on a number of EIS disclosure factors of significant public concern, such as the following. All of the following categories are in FHWA Guidelines for EIS's.

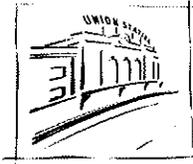
- [Historical & Archeological Preservation](#)
- [Community Impacts](#)
- [Aesthetics](#)
- [Section 4\(f\) of the USDOT Act of 1966](#)
- [Cumulative Impacts](#)

Attachment A displays one significantly adverse effect and impact of the proposed new buildings in the plaza on views, settings, cultural sense, and foreseeable future beneficial use of space as a community public space.

Response: Even if this project were to determine that the entitled private development on the site did cause a significantly adverse impact, it does not affect the alternative selection process since the zoning is entitled in the No Action alternative as well.

20-4) Comment:

4. Historical & Archeological Preservation and Section 4(f) (April 2008 revision) Community Impacts. This is the heart of the intense controversies and the abuses of the letter and spirit of NEPA and the DOT and CEQ Guidelines. It is the *cause célèbre* of the Open Space Initiative Group and the many citizens and prominent leaders who have supported proposals for studies of alternatives to the bookend buildings.



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Major adverse impacts are:

- Loss of views of and from the Station and of and from other buildings around the Station that are on the National Register of Historic Places or are eligible for inclusion on it.
- Significant adverse impairment of the historic settings of the Station building, the Station plaza, the surrounding buildings and the entire LoDo Historic District.
- The cultural ambience and character of the area will be severely damaged. The cumulative effects of noise, air quality, visual and aesthetic impacts, historic impacts, community impacts and future land uses significantly impair the value of protected resources. These are "cumulative impacts" that must be fully disclosed but are not.

The important law is called Section 4(f) and it applies to this project. It requires Federal transportation agencies to consider feasible and prudent alternatives and to undergo all possible planning to minimize harm to the protected resources located in the area of potential effects of the project. Alternatives include not just the "primary" ones for the overall transportation system and vertical development but also "secondary" ones such as land use in a portion of the overall project. OSIG presents more discussion of alternatives later in this document.

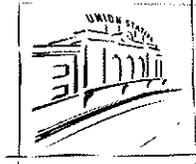
Page ES-13 states: "Historic: Coordination with the Colorado State Historic Preservation Officer (SHPO) has determined that the Build Alternative will have an adverse effect to three historic resources: the passenger, mail/baggage, and express tunnels at Denver Union Station, the Delgany Street Sewer and the railroad tracks behind Denver Union Station." The major flaw in this statement is that the Final EIS discussion of impacts on historic places and character cannot be limited to SHPO and its role. The discussion must embrace the entire public, controversies and analyses of alternatives. We note that a number of Consulting Parties to FTA refused to sign a Memorandum of Agreement with FTA because of this very limited and inaccurate position and because of the failure to address many impacts on properties listed on, or eligible to be listed on, the National Register of Historic Places. The quote above is an example of the failure to honor the "full disclosure" requirements of NEPA and is indicative of a predetermined outcome in this Final EIS.

There will be "Constructive Use" of historic and cultural resources if the bookend buildings are built. (23 CFR 774.) A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished. This applies when the proximity of the proposed project substantially impairs esthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the property. Examples of substantial impairment to visual or esthetic qualities would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a Section 4(f) property which derives its value in substantial part due to its setting. It applies to "nearby" places such as the Ice House and other places.

We emphasize that Section 4(f) has not and is not being complied with. Even as this Final EIS comment period is closing planning and design studies by the developer are obfuscating the actual physical features that exist with the apparent intent of ignoring the impacts on the historic resources. Specifically, as one example, pedestrian views are being shown but those involving the historic places in the plaza and environs are not included; one could almost assume that professional planning is being perverted in the name of obfuscating and misleading.

The "Design Guidelines" currently being developed do not include the "DESIGN GUIDELINES FOR LANDMARK STRUCTURES AND DISTRICTS" of Denver Landmark Preservation Commission and Planning and Development Office March 1995. This is a serious omission, and is another indicator of the pre-determined outcome of ignoring the historic impacts on places listed on, or eligible for listing on, The National Register of Historic Places.

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Here is another absurd statement in the Final EIS (Section 5.21.8): "The general feeling and association of the station as a rail transportation center will remain as it has for the past century." This sentence should have the word "not" inserted between "will" and "remain."

Response: The impact of future potential development sites were discussed with the consulting parties and considered in the mitigations required by the MOA (see attachment B). Private development planned in the vicinity of DUS is also described in the Final EIS Section 5.21, Secondary and Cumulative Effects. The section fully describes the potential impacts of the private development.

The potential for 4(f) constructive use was analyzed. The transportation project does not substantially impair the activities, features or attributes that qualify the historic properties such as the Ice House for the National Register. The transportation project is full consistent with past and current uses of the adjacent Denver Union Station historic property and does not in any way impair the attributes that made the Ice House eligible for protection under section 4(f).

20-5) Comment:

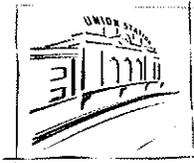
5. Community Impacts. These are not transparent in the EIS document. For example, there should be discussion of how TIF financing affects the City's taxpayers and fiscal abilities. Further, the future options for land use, such as having a world-class great Urban Square at DUS, should be identified and should not be limited to the alternative of the plaza with the proposed wing buildings, given the Section 4(f) and Cumulative Impacts analyses discussed elsewhere. In the context of Cumulative Impacts, the reasonable and foreseeable community use of the public spaces may well have far superior beneficial impacts with a different open space configuration.

We note that once buildings are built, they are seldom torn down to make a public space. The increasing residential density in the area may create a justification for an alternative land use for community values that that proposed. In NEPA terms, this constitutes an irreversible and irretrievable commitment of resources.

What are the economic impacts to the community if the plaza becomes a great urban square as a destination and a unique place for future generations, as has been proposed for several years? It is well known that historic places enhance the economic values and activities within a reasonable distance of the place. Indeed, in some places the major economic activity devolves from historic preservation (as with Gettysburg, Pennsylvania, for example.) Americans spend billions of dollars on tourism to destination places and one can project that a DUS Great Open Space with the historic station could become a destination for tourists to come to Denver in conjunction with other amenities of the city and region. Commercial buildings in the plaza would preclude this increase in economic value and activity. The Final EIS is grossly inadequate in its failure to address these phenomena. From FHWA EIS Guidelines: "Where there are foreseeable economic impacts, the draft EIS should discuss the following for each alternative commensurate with the level of impacts: (a) The economic impacts on the regional and/or local economy such as the effects of the project on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales. Where substantial impacts on the economic viability of affected municipalities are likely to occur, they should also be discussed together with a summary of any efforts undertaken and agreements reached for using the transportation investment to support both public and private economic development plans.

6. Aesthetics. The design guidelines concerning aesthetics are currently being written, so it is impossible to comment on this important matter in this Final EIS. As noted above, inasmuch as work is now going on, we comment that the process is not providing an adequate analysis of views and view planes especially involving the whole plaza and surrounded buildings that create the aesthetic of the Square.

The design to date has features that will severely ruin the views of the back (west) façade of the Station building and these could be treated in a less impacting manner. The EIS should cover this and impacts on this façade of the Station. At present the historic views of the station building are available for 360 degrees. If the buildout is completed with the bookends and the 17th Street view corridor, less than 90 degrees of the historic viewing zones will be left. An aesthetic of concern is the relation between the perception of an entity and the distances relative to perceptions. The Final EIS is seriously remiss in ignoring this most relevant phenomenon. The Final EIS is seriously remiss in being promulgated without proper examination, or even a process for proper examination, of this and related alternatives and issues.



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The Master Plan notes that "An 'envelope of transparency' should be created around the historic building that is in proportion with the scale of the historic structure." The drawing pertaining to this statement shows a miniscule envelope area close to the building and only on three sides. The aesthetic value of this envelope is negligible at best.

Response: The community impacts of the Build Alternative described here are discussed in the FINAL EIS section 5.21.4 Social and 5.21.9 Economics which indicate that the project benefits both the local and regional economy by providing new connections for business, recreation and tourism services, and improving employment availability.

20-6) Comment:

7. Alternatives Considered, Final EIS Chapter 2.

Section 2.1 states "The alternatives development and screening process was initiated During the early years of the DUS Master Plan's development, it was assumed that the identified alternative(s) would likely be phased over time due to funding limitations. Due to funding limitations, and based on the results of the screening process, the Phase I Alternative, as described in this chapter, was evaluated in the Draft Environmental Impact Statement (EIS) and was the subject of the public hearing held in April 2005. Since that time, a modified alternative has been developed that could be entirely funded in one phase. This alternative is referred to as the Build Alternative in this Final EIS and represents the Preferred Alternative. For purposes of continuity with the Draft EIS, this Chapter describes the No Action Alternative, the Build Alternative and the Phase I Alternative. It should be noted that a supplement to the 2004 DUS Master Plan was approved in May 2008 and is titled the DUS Master Plan Supplement."

Whereas the planning including the Master Plan and the Draft EIS was essentially completed in April 2005, alternatives for the public land of the plaza were not included. The first step in development of such was reported on in August 2005, in the workshop report by the Project for Public Spaces (PPS). The PPS report recommendations were not followed up and hence the June 30, 2008, Denver Union Station Master Plan Supplement is unchanged as regards options and a comparison of alternatives for the plaza.

We note that the uses of the plaza public land are "secondary" alternatives in the context of NEPA and EIS processes. The primary alternative is the overall transportation project; OSIG is not offering comments on it. The "secondary" alternatives have never been studied or evaluated in the Section 4(f) process or the cumulative impacts processes as regards avoiding or mitigating adverse impacts.

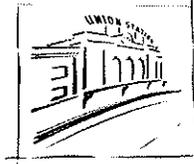
Some facts about the sole "secondary alternative" studied thus far are as follows.

(1) The Master Plan is apparently based on "Principles of Urban Form: The principles of urban form for Denver Union Station reflect the aspirations for the project as a whole, and are derived from three sources: 1) a relatively universal set of sound urban design precepts, 2) a group of ideas related to downtown Denver and the adjacent LoDo and Commons neighborhoods, and 3) principles related to the preservation of the Historic Building and its environs." Further, regarding "Historic Preservation:"

- Preserve, rehabilitate, and restore the Historic Station.
- Incorporate the Historic Station into the multimodal transportation hub both physically and functionally. Provide a visual connection to the Train Room from adjacent public space.
- Incorporate into the Historic Building interpretive displays about Denver Union Station."

One of the "sound urban design principles" that has been postulated is that the Union Station building should be "framed" by new wing buildings: "The Master Plan ensures that the historic building is appropriately framed." Other than in architectural drawings of elevations and plans, the principle does not translate into real-life perception by people on the ground. The plan views (Master Plan page 50) of the "frames" are not seen by people on the ground; seagulls, pigeons and avian species in general can have an excellent bird's eye view of the framing effect that is on the plan drawings. The term "frame" is not appropriate for people on the ground, who see views such as those of Plan page 51. The proper descriptor is not "frame" but is "obscure" and "dominate" and "conceal." Many professional

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designers and many in the general public agree with this and seek to avoid or mitigate this adverse effect of unrealistic and unneeded "framing."

A second principle used to support new buildings in the plaza is that the plaza needs to be "activated" with the presence of more people more hours of the day and all days of the week. This can be achieved without the adverse impacts of the new buildings: on weekdays, transportation ridership at DUS is forecast to exceed 205,000 (2030) and many more people can be attracted to a well-designed public square from the nearby area as well as from more distant city and regional suburbs. That "activation" can occur only with the proposed new wing buildings is a specious and indefensible argument.

(2) OSIG recognizes that financial flows associated with the private development are an essential part of the project economics and are essential to meet the Purpose and Need of the project. However, there is no evidence that there may not be improved economics by transferring density from the proposed wing buildings to other locations, including shifting the footprints of the buildings, increasing building heights, changing floor area ratios or other adjustments. OSIG recommends prompt evaluation of such options with full public transparency. The proposed wing buildings can be from zero to 65 feet in height, and the only alternative that has been studied is the full 65 feet.

Regarding sustainability, a different configuration can be superior energy sustainability in both "embedded energy" of construction and operational energy.

Response: The zoning decision which provides the framework for these comments was made by the Denver City Council in 2004. The alternatives analysis process which developed the Build Alternative did not consider changing the zoning, landmark preservation or any other regulatory requirement on the site.

20-7) Comment:

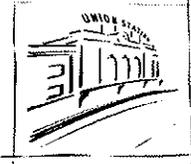
8. Public Involvement. The Final EIS is inaccurate in covering this subject. The Union Station Advisory Committee (USAC) started off well but after many members felt that they were not being listened to and that there was a pre-determined outcome, they decided not to waste time in attendance.

Since the Master Developer was selected many USAC meetings have been cancelled and most of those that have been held have been for information dissemination and status reports, not for meaningful dialogue and affects on decisions. There have been many meetings of various groups due in part to the frequent changes in alternatives for the trains and transportation, but the issue is not quantity of meetings but quality, and that has been lacking. In the past two years, many USAC meetings were cancelled and many more were used only to present general information or status without seeking substantive feedback or response. Information to the general public has been almost exclusively limited to these small USAC meetings.

Response: The Union Station project team aggressively sought input from dozens of different stakeholder entities through USAC meetings, breakout groups, tours of the station, town meetings, two public hearings, EOC meetings that were open to the public and continuously updating and taking feedback on the project website and hotline. Whenever meeting cancellations were proposed, the citizen leadership of the particular group that was to meet was consulted first to make sure the cancellation was appropriate. A complete description of the Public Involvement process is included in Chapter 8 of the FINAL EIS.

20-8) Comment:

9. Cumulative Impacts. Section 5.21.19 on Cumulative Impacts states: "Summary Overall, the cumulative impacts of the Build Alternative will not result in a significant incremental impact when added to the other past, present and reasonably foreseeable future actions in the area." This begs the question of cumulative impacts. A critical observation is that the culture and future of a city or any place is that people perceive and feel a "Sense of Place"; a cumulative history-aesthetic-community experience. Attachment B hereto presents the FHWA methodology for analysis of Cumulative Impacts and Direct/Indirect Impacts, here tailored to the DUS situation. In addition to the reasons presented above for full inclusion of Section 4(f) matters and analysis of alternatives to avoid or mitigate adverse impacts on historic and cultural resources, the requirements of for proper use of these conditions in an EIS. They also justify the requests, recommendations and concerns expressed in this document.



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Response: Even if this project were to determine that the entitled private development on the site did cause a significantly adverse impact, it does not affect the alternative selection process since the zoning is entitled in the No Action alternative as well.

20-9) Comment:

10. Disclosure. The FIES is supposed to be a full disclosure process.

- Final information is not available of local traffic projections and impacts, design guidelines for vertical development, privatization of rail lines coming into the Station in FasTracks, project finance and governance, and community economics, therefore, the public cannot make comments without full disclosure.
- The artificial separation of public and private funds and elements of the project has resulted in non-disclosure of existing decisions, feasible alternatives and impacts, and this prevents the public from adequately commenting on the Final EIS.
- Even the future vertical development between Wewatta and the Consolidated Main Line, which is more distant in time and is not essential for funding the project, will be triggered by and related to the DUS project and "Transit Village" and will have indirect cumulative impacts and should be discussed in the Final EIS. An example should be affordable housing and environmental justice. Full disclosure should address these considerations.

Response: FTA has determined that reasonable information is available and has been disclosed to make a determination about this Build Alternative's impact on environmental resources. Details of the surrounding neighborhood's vertical development and design characteristics are not necessary to make this decision.

20-10) Comment:

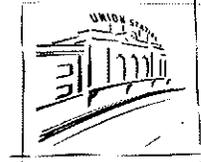
11. The argument is made that the Master Plan process came up with the final bookends and hence they should not be challenged. We feel that there was a pre-determined outcome and that this planning process was flawed. As the Master Plan was integral to the EIS process, it should have been given proper comparison of alternatives to avoid or minimize impacts to historic places, but was not. The Final EIS basically says that because the Master Plan includes the bookends, the project and Record of Decision (ROD) can accept the plaza as per the Master Plan. We strongly disagree for NEPA reasons as discussed above. The Master Plan was not developed under the NEPA process or consistent with NEPA requirements. Therefore, its authority in the EIS context is limited and should be subject to full EIS scrutiny.

Response: The DUS Master Plan describes land use goals that the City and County of Denver established for this site. The development of EIS alternatives was appropriately guided by that document. However, the Build Alternative does not include the build out of the entitled zoning by any party to this FINAL EIS.

20-11) Comment:

12. The section "1.1 Project Background" gives a brief history with a few sentences about the 1880's and then jumping to 1974, with the listing of the station on the National Register. This ignores the history of the creation of the RTD, 1969, the vision of RTD for DUS as the hub of a regional transportation system with DUS as an iconic operating station in the plaza without any wing buildings or other disruption of the historic plaza. In 1973 the regional voters approves such a plan. Then in the 1980's, someone drew the bookends on a plan and they took on a life of their own in planning, as is identified in this chapter. The point is, however, that the founders and voters wanted the few-standing station, an open plaza, and respect for the 1881 history. This bears disclosure. The public vote in favor of the RTD FasTracks Plan in November 2004 is relevant. Voters were given one plan and no alternatives within it. However, the Union Station Advisory Committee members who opposed the new wing buildings had negotiated that the bookend footprint zoning could be zero to 65' maximum height, subject to further planning. This has been noted in the Comments on the Draft EIS by the Friends of Union Station. Step one of the further planning was a public workshop in 2005 which contained several drawings of the plaza with and without bookends.

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The conduct of the workshop was biased against an open great public space, and the bias was reflected in a report on the workshop opining that the planners did not prefer the open space. However, the report recommendations for further analysis that would deal with the on-going public controversy and the intent of EIS-based analysis of secondary alternatives was never implemented

The point of this is that it substantiates the OSIG position that a proper analysis of a controversial secondary alternative dealing with significant 4(f) adverse impacts, and with the avoidance or mitigation of such impacts, needs to be conducted. The Final EIS Record of Decision should dictate this.

For OSIG' concern this gives credence to the fact that the public agencies resist the comparative analyses of the alternatives to the proposed "bookend" buildings, that there is a pre-determined outcome. It also makes fair and good faith activity in planning more difficult.

Response: The FINAL EIS does not question or endorse the construction of the private development on the 19.5 acre DUS site. However, the partner agencies have and continue to support processes to analyze appropriate re-uses of the surface parking lot on the east side of the historic station.

20-12) Comment:

13. In general, OSIG expresses its severe dismay that public and professional inputs over the years on the methodologies of EIS development have been ignored. Such input and guidance has been provided by attorneys with excellent NEPA credentials, by professional practitioners and by citizens with suitable knowledge and experience in EIS and planning/design practices relevant to this EIS process. As a primary and critical example, it has been requested that the analysis of cumulative impacts conform to FHWA and CEQ guidelines for such analysis. Such input was involved in the Union Station Advisory Committee as early as 2003, and as recently as early 2008 by consulting parties in the "Section 106" process required by the national Historic Preservation Act. The result is a flawed Final EIS, inadequate disclosure, indications of prejudged outcomes, and a lack of objectivity.

Response: The Section 4(f) process is documented in Chapter 6 of the Final EIS and in the MOA in Appendix B.

21-1) Comment:

Mike LaMair

As a long-time property owner in the Platte Valley I have several suggestions that I believe will enhance the overall development of the area particularly the CPV between 18th and 19th as well as the Prospect Neighborhood between 20th and Park Ave West :

1.) 16th St Mall Shuttle should extend from 16th along Chestnut to 18th, down 18th to Wewatta then back on Wewatta to 16th. This would increase transit access to the areas described above (which have significant existing and future residential populations) and eliminate the bottleneck at 16th and the CML under the proposed plan. Furthermore, it strengthens the connection between the CPV and LoDo which even more important now that 18th St will not be extended into the CPV as originally planned.

Response: Chapter 2 of the Final EIS describes the Mall Shuttle Route, pedestrian connections and parking structure access planned under the Build Alternative concept. The design has been completed to a preliminary engineering level. Specific access and circulation issues will be addressed as the City and County of Denver and RTD continue through final design.

21-2) Comment:

2.) The pedestrian connection that wraps around Union Station on the 18th St side needs to be user friendly , safe , and should favor the 18th St alignment as much as possible for the same reasons as described in #1 above . It must connect into the parking garage in a direct, safe and pedestrian friendly manner. The stairway down to Wewatta St should be handled in the same way so that it is usable on a 24 hour basis by residents of the CPV coming and going from LoDo.

Response: Plans for pedestrian circulation and transit transfers are described in Final EIS Section 4.4.2



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21-3) Comment:

3.) The parking structure needs an easy to find and use ramp from Wewatta St. This will capture cars coming into LoDo and give visitors a good parking alternative to driving around in the historic District and creating traffic congestion there. Thankyou!

Response: This suggestion will be relayed to the project team as design work continues for the parking structure.

22-1) Comment:

Barbara Gilson

I'm writing to add my support to the current proposed plans and EIS report findings and evaluation for the Denver Union Station project. This includes (although not a focus nor a part of the federal evaluation of the EIS study) the concept and location of the proposed 'wing' buildings. These proposed structures have been discussed at length and are included as a part of the master plan development. I believe that they are an important component of the project and will lend support for activating the plaza area and making sure that the plaza will be a successful and important component for the design.

Response: Your comments supporting the project have been noted.

23-1) Comment:

Jason Dennison

Congratulations on the progress you have all made in bringing the renovation of Denver Union Station into a multi-modal transit hub closer to fruition. We would like to express our broad support for the amended master plan, and our commitment to continuing to work with you as you proceed to implement it, with the goal of successful integration of the transit improvements with the surrounding development and public spaces, as well as the adjacent neighborhoods. We look forward to a unique urban project, with local, regional, and national significance.

As you refine the development plans for Union Station and the transit district, we would like to consider some of our principal thoughts and concerns in the following areas:

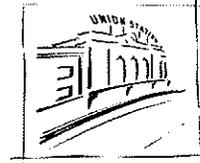
DESIGN

The historic station: The letter of intent between the developers and the EOC has raised concerns about the parties' commitment to early renovation of the full station. We believe it is crucial to coordinate the design and programming of the historic station with the design of the plaza facing Wynkoop Street. Early renovation and active programming of both the central station room and the station wings will have a significant, direct and positive impact on the success of those plazas and on the image and vitality of Lower Downtown. Conversely, deferring the renovation and ground-level activation of any portion of the station building would severely compromise the interface opportunities between the station, the public plazas and Lower Downtown.

The public realm: The quality of the network of urban spaces and connections at DUS are of the utmost importance. These include Wynkoop Plaza; the 17th Street promenade between the commuter rail tracks and Wewatta Street; the areas around the commuter rail tracks ("the outdoor train room"); access points to the track areas, including the "arcade" from the 16th Street shuttle stop; the connection from Wynkoop Plaza to Wewatta at 18th Street; and the light rail station at the CML. We applaud the process that you have recently outlined for public input into the design of the public spaces. Specific concerns that we hope to see addressed during that design process include:

- As described in the Commons PUD, the 17th Street promenade was originally intended to be a usable park-like open space. While the transit functions located below the promenade may affect the types of landscaping that can be placed in this area, we urge you to maintain this earlier vision of a landscaped public space for people—and not merely a visual backdrop for people along the perimeter of this 160' wide right-of-way.

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- A substantial portion of the transit users will arrive at the light rail station at the CML. The station should offer a “sense of arrival” and an urban design presence on Chestnut Street, and should serve as a terminus of the 17th Street promenade. The design of this station should highlight connections to the pedestrian bridges at 16th and 18th Streets, as well as access to the underground bus terminal, and should facilitate graceful connections with the future adjacent buildings.
- Pedestrian connections to and throughout the transit district need to be intuitive, safe, attractive and easy to use. They should help to activate the historic station and the future retail uses on the station site.
- The planned 18th Street pedestrian connection linking LoDo and the Central Platte Valley should be easy to use, intuitive, and safe. The bridge and upper deck should promote welcoming views of Union Station and Lower Downtown when entering the historic district, and of the Central Platte Valley upon exiting it.
- Explore the reuse the southern historic tunnels at DUS. We are aware that the access to the new bus terminal will bisect the historic tunnel currently in use.

Response: Chapter 2 of the Final EIS describes the Mall Shuttle Route, pedestrian connections and parking structure access planned under the Build Alternative concept. The design has been completed to a preliminary engineering level. At this point the historic station renovation is not critical to pedestrian circulation and is not funded as part of the Propose Action. Specific access and circulation issues will be addressed as the City and County of Denver and RTD continue through final design.

23-2) Comment:

TRAFFIC AND PARKING

Parking demand and supply at Union Station are of the utmost concern to Lower Downtown, and particularly to its many thriving businesses and retailers. The revitalization and redevelopment of our neighborhood over the past two decades have brought many benefits to the city; these successes have been imperiled in recent years by a steady reduction in parking supply due to that very redevelopment. We estimate that a net of 900 parking spaces have been lost to public use in Lower Downtown since 1999, with 500 additional spaces anticipated to be lost based on proposed developments including Union Station. While we recognize that the Union Station project cannot single-handedly address these problems, we urge you to ensure that it does not exacerbate them. We have submitted more detailed comments on the parking situation in LoDo in a letter sent earlier this month. In particular, we suggest that you carefully evaluate the following options and strategies:

- 344 public spaces will be removed from the Union Station site, while only 150 replacement spaces are currently planned. An additional parking deck above the proposed garage could provide an additional 150 spaces.
- Additional publicly available parking might be incorporated into the designs for the below-grade parking of the two “wing” buildings, at 16th and 18th Streets at Wynkoop, possibly extending under the Wynkoop plaza areas.
- Structured parking dedicated to office users on the DUS site should be made available for short-term public use during the off hours.
- Consider parking issues carefully in developing the plan for construction staging, both with respect to maintaining or supplementing nearby surface parking available to LoDo businesses during the construction period, and by providing adequate parking for construction employees outside of existing LoDo parking reservoirs.

Response: The Build Alternative does not remove parking spaces from the site. It does add parking in the structure between 18th and 19th. The parking that may be removed from the Union Station site would be considered as part of the redevelopment for the site and should be recognized by that public review process.



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23-3) Comment:

Traffic congestion and circulation are major concerns, particularly given the changes necessitated by the revisions to the Master Plan. The flow of traffic along and intersecting with Wynkoop Street on the downtown side of the station is an especially sensitive issue for Lower Downtown as we attempt to maintain convenient street access to the District, along with ample pedestrian accommodation. We are eager to review and to provide comments on the traffic studies that have been commissioned as part of the EIS and by Union Station Neighborhood Company as part of their design efforts. Some specific concerns of Lower Downtown include:

- It is critical that the proposed parking structure be accessible from Wewatta Street in addition to 18th and Wynkoop. This will help defuse traffic and will give visitors arriving from I-25 a more intuitive way of arriving at the parking for the site.
- Traffic and pedestrian flows (and congestion) at the intersections of 16th and Wynkoop, 18th and Wynkoop and 16th and Wewatta.
- Traffic congestion along Wynkoop associated with both legitimate and illegal parking and with shuttle and taxi pick-up and drop-off.
- Identification and implementation timing of proposed traffic mitigation measures.

TRANSPORTATION

The Ski Train at DUS: We urge you to actively examine all strategies to facilitate the Ski Train's continued operations from Union Station. The Ski Train's historic associations with Denver and with Union Station go beyond its simple transportation functions; it is a unique part of Denver's history that should be preserved and cultivated.

Bicycle Access and Facilities: We support the Mayor's bicycle advisory committee in urging you to ensure adequate, safe, and understandable bicycle access to and through the site and to the below grade buses; to make space available for a bicycle station facility at a convenient and accessible location; and, to ensure ample bicycle parking throughout the site (and not only at the bike station).

The Mall Shuttle Stop at DUS: Consider staging Mall shuttle layovers at the CML LRT station rather than on 16th Street at DUS. This would relieve congestion on 16th between Wynkoop and Wewatta, as well as providing better service and pedestrian experience for those shuttle users who will be transferring to light rail.

Response: The Build Alternative does include some minor modifications to the mitigations for transportation modes served at this site. These are described in section 1.3 and 1.4 of the Record of Decision.

23-4) Comment:

PHASING AND CONSTRUCTION IMPACTS

Project Phasing and construction impacts: The LoDo District has an overriding interest in mitigating the construction impacts of what will be the largest project ever to be developed in our neighborhood. It is essential that Union Station Neighborhood Company, the City, and Kiewit work closely with us in this effort. In addition to the more usual concerns about noise, dirt, and street closures, we have a special interest in impacts on nearby businesses and retailers, and the walkable pedestrian environment. As we alluded above, we are particularly concerned about mitigating the impact on Tattered Cover and other nearby businesses of loss of parking during the period when the spaces in front of Union Station have been removed from the area supply, but before new public and other parking has been constructed at Union Station.

GOVERNANCE.

We look forward to working with you to help formulate an approach to long-term governance for the Union Station site. We feel strongly that the board of the new governing structure should include meaningful representation from the property owners and businesses in the immediate Lower Downtown neighborhood.

Please do not hesitate to contact me if you have questions. We look forward to working with you in the resolution of these issues and concerns.

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Response: As described in the FINAL EIS Table 5-21, which addressed construction impacts and mitigation, the project is committed to the following for economics impact mitigation: Coordinate temporary pedestrian walkways with neighboring retailers and property owners to minimize the perception of inaccessibility during construction; Work with neighboring property owners to minimize temporary reduction of parking availability during critical construction phases; Coordinate the timing of temporary road closures and use of roadway detours to minimize impacts on business activities, especially those related to seasonal or high sales periods, to the extent practicable; Increase public notification during construction to announce the status of area business operations.

24-1) Comment:

Tamara Door

This is a letter to re-affirm the Downtown Denver Partnership's support of the overall Denver Union Station Final Environmental Impact Statement (Final EIS) process as having been thorough, fair and transparent.

We support the project as it is reflected in the Final EIS and look forward to moving ahead to the Record of Decision and with the redevelopment project. Thank you and please feel free to contact me with any questions or concerns.

Response: Your comments supporting this project have been noted.

25-1) Comment:

Bob Brewster

PREFACE

The following comments and questions are being offered in the context of constructive criticism by an avid and active proponent of mass transit, particularly rail transit. I possess a lifelong interest in the subject and I've worked in the industry for 39 years.

Pertaining to Denver Union Station (DUS), I have served on the Union Station Advisory Committee (USAC) since the beginning. Attending the USAC meetings was often an exercise in futility, since criticism of the direction of the priorities was not welcome.

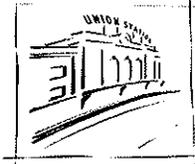
I also submitted a host of comments and questions to the DUS DEIS. While many of those comments were directed at the burial of the heavy rail tracks, now rendered moot, I request that those comments and questions still pertinent be part of the Final EIS record. The undergrounding issues, however, may still apply to the proposed below-grade bus facility.

EXECUTIVE SUMMARY

The re-activation of DUS is an exciting opportunity of a lifetime to alter the course of transportation options for the city, region, state, and nation. It has implications regarding energy, environment, pollution, land use, commerce, quality of life, and much more. The prospect of an actual transportation system is an amazing achievement in a state that has consistently failed to grapple with its myriad transportation obligations.

Taxpayer approval of RTD's FasTracks plan made this achievement possible. The voters led the way. Yet they are being short-changed by the failure of the DUS Master Plan to deliver the OPTIMUM facility that they demand and deserve. There are convenience and efficiency compromises. There will be capacity constraints because the station will open with virtually all tracks occupied during peak periods, leaving no room for the expanded services of the future. There will be no through-service - ALL passengers travelling beyond downtown will be forced to transfer - as much as a 3 block endeavor.

Regrettably, the DUS Master Plan prioritizes real estate development over efficient, customer-oriented transportation. That was apparent from the first presentation that offered an (**Inappropriate content**) of consultants and developers



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armed with a collage of charts, diagrams, and renderings. Indeed, the first USAC exercise instructed the participants: "Where do you want the buildings?" rather than "Where do you want the trains and buses?"

Part II

COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR DENVER UNION STATION

ANCILLARY COMMENTS AND QUESTIONS

I. PRIORITIES

Thirty-five years after its creation, RTD successfully petitioned area voters to authorize a sales tax increase in order to fund an ambitious and comprehensive rail transit expansion project, FasTracks. Those in favor liked what they saw with RTD's initial LRT offerings and validated the assertion that our community would benefit from alternatives to the gridlock, pollution, and other trappings generated by the single occupant vehicles dominating our transportation matrix.

Denver Union Station (DUS) was designated to be both the centerpiece of the transportation network as well as the centerpiece of a new neighborhood bearing its name. The taxpayer/voters entrusted their various government agencies to carry out their wishes.

Instead, the planning duties were bartered away to a private developer, who happened to own significant parcels of land adjacent to the DUS site. The developer promptly removed 2 of the 3 transit modes from the DUS site and placed them amidst his other land holdings. The result is that most of the planned "foot traffic" will be removed from DUS, the designated goal, and distributed to the developer's "neighborhood." And the taxpayers will pay for extending the "free" shuttle operations to service his "neighborhood."

The private sector should certainly play a role in developing the Union Station Neighborhood (USN). But that role should have been a supportive one rather than a dominant one. The priorities have been reversed: rather than integrating private development with a sound, expandable transit system, the transit system has become subservient to and altered for the development, making it more costly and less efficient. Does the obfuscation of the Vision Statement guarantee the need for private investment? Are we being delivered Development-Oriented Transit instead of Transit-Oriented Development? Many prominent observers have commented that DUS has become a real estate project rather than a transportation one. And a great many of them are uninspired by this plan.

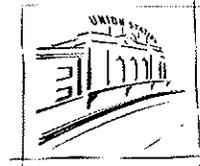
II. FAULTY PREMISES ?

- A. That DUS can't be a through-station for all modes.
- B. Opening the rail station at capacity prepares for the future.
- C. Wewatta St. should be a through arterial.
- D. Rail crossings "at grade" can't be tolerated.
- E. There will always be only one Amtrak train in Denver.
- F. There will never be any other rail services needing space at DUS.
- G. The private sector is needed to activate and fund transportation infrastructure at DUS.
- H. We can't learn from other transit systems.
- I. Commuter rail cars will be of the single-level, MU type requiring high-level, longer platforms.

III. ENVIRONMENT AND ENERGY:

A. These twin issues can be addressed simultaneously by rail expansion. Rail is the most fuel-efficient and productive form of transportation available. It is the "low-hanging fruit" in addressing our excessive energy consumption and our heavy carbon footprint. The role of rail must be acknowledged and advocated.

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- B. DUS must be prepared to handle rail services not yet imagined or funded. We must not ignore future potential: it is an important component of the Vision Statement.
- C. Front Range ozone levels and pollution add urgency for solutions. An OPTIMUM transit system will generate more effective public participation in the system.
- D. Will our region and nation be prepared to handle fuel supply interruptions or curtailment without effective alternatives?

IV. HISTORICAL PRESERVATION:

- A. DUS is a very significant building to Denver's history and heritage. For many decades it was the center of transportation and activity. With sound planning it can replicate its stature.
- B. No matter how much spin (or lipstick) is applied to the proposed "bookend" buildings, they do not belong on the DUS site. They block views of the historic edifice and its architecture and will cast long shadows on it and the celebrated plazas. There was much resistance to them at USAC meetings (and elsewhere) but the protests were largely ignored. The two historic stations in Salt Lake City were similarly despoiled with adjoining buildings and the evidence should be observed there.
- C. The pedestrian tunnel should be saved, modernized, and "daylighted" to Wewatta St. There is no need to change the grade of track level, which would destroy the tunnel. Save dollars and honor history!
- D. Is it possible and advantageous to re-open the two former baggage and mail tunnels for pedestrian and/or bike use? Historical assets re-used for the 21st Century? The highest compliment and tribute?
- E. History is not honored by hiding it. Or destroying it.
- F. There is every probability that DUS could shine better than ever, framed by open air, open space and sun-filled plazas. Don't desecrate that vision with superfluous structures.

V. THE STREET SCENE:

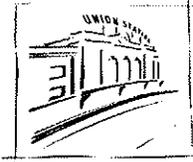
- A. In a May 1, 1994 Rocky Mountain News feature article, "Valley of Dreams," city planner Bar Chadwick commented that when Denver has a bad pollution day, the low-lying Central Platte Valley (home of DUS) has a REALLY bad day. She indicated that it would prudent to not encourage traffic in the area.
- B. Yet that appears to be the priority with massive amounts of construction activity near by. The USN development will only accentuate that activity, although a heavy reliance on mass transit could partially offset the effects of increased traffic.
- C. When I questioned Ms.Chadwick in early 2008, 14 years later, I asked what has changed that traffic is now being encouraged in the CPV. The response was that the creation of Wewatta St. as a major arterial would quickly "expedite" traffic through the area, reducing pollution and creating alternatives to the LoDo street gridlock. Well, the LoDo gridlock is worse than ever, Wewatta St. is often a racetrack and it will soon be decorated with traffic lights and more traffic headed to and from all the new buildings going up and planned. Then there is the through traffic on this so-called "arterial." Other well-publicized asphalt attractions in LoDo include car chases, car crashes, hit and runs, shootings over parking spaces, and the tragic slaughter of the Bingham family by a drunk driver. Is this what is meant by energizing DUS and the "neighborhood?"
- D. Can a case be made for discouraging non-essential traffic, diverting traffic toward the CML, and making parts of Wewatta into a pedestrian/transit mall? Why not replicate what has been so successful in Denver: the 16th St. Mall? That's a REAL neighborhood!

E. FASTRACKS BUDGET AND ECONOMY:

Transportation funding is already very elusive. Every dollar must count. The stupendous rise in RTD's FasTracks budget, coupled with great global economic uncertainty, is sufficient justification to re-evaluate all facets of the DUS plan. What can be done to decrease form and increase function? What must be done immediately and what can be phased in at later dates?

I am submitting some alternate concepts for DUS by mail.

END PART II.



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Response: Analysis completed as part of the DUS Final EIS process indicates that the project can provide adequate capacity for all future passenger rail operations that are funded or part of an adopted plan. Final EIS Chapter 4 pages 4-22 and 23 describe how the passenger rail operations will accommodate all services planned for the future (year 2030). Though there is additional capacity in the current design, this project is not intended to provide unlimited capacity for unplanned, unfunded, future rail services. No potential future unplanned or unfunded projects were purposely precluded from utilizing DUS. There are several opportunities for flexibility and expansion at the station. We are obligated to provide a package of improvements that accommodates all improvements planned for construction within the 2030 timeframe, however, we cannot build out or even preserve every opportunity because must be able to document that the proposed improvements are fiscally sound.

In regard to the comments on the “bookend” buildings, as stated on page P-1 of the Final EIS, the anticipated private redevelopment of the DUS property is independent of the Build Alternative recommended in this document because:

- it is governed by established zoning approved by the City of Denver for the property;
- its development does not depend on the transportation improvements;
- it does not affect the selection of the preferred transportation alternative;
- it will be paid for from private funds; and,
- it will not require federal approvals.

The removal of the tunnels, and alternatives explored, are documented in Section 6.2.1 of the Final EIS. These tunnels need to be removed because expansion of the passenger rail facilities requires horizontally shifting and lowering the grade of the existing tracks which will significantly destroy the tunnels. The proposed bus ramp extending from 18th Street at-grade to the below-grade bus facility would also cut off the central circulation tunnel in use today.

26-1) Comment:

George Scheuernstuhl

Having reviewed the document, I have identified a number of suggested minor revisions to the document. Please review the following and tell me how you propose to respond to them in the final document. DRCOG staff is currently reviewing some other items so we may have a few additional comments.

p. 1-2

Under Metro Vision 2030 and 2035, indicate that these plans were adopted by DRCOG so that the reader can identify the agency with the plans.

Response: Your comment has been noted and addressed in Appendix D, Final EIS of this document.

26-2) Comment:

p. 2-3 First paragraph Insert “fiscally constrained” before “DRCOG 2030 Regional Transportation Plan (RTP)”

Response: Your comment has been noted and addressed in Appendix D, Final EIS of this document.

26-3) Comment:

p. 2-3 Last paragraph under 2.3, first full paragraph on this page: Change “project team” to “Project Management Team”

Response: Your comments have been noted.

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26-4) Comment:

p. 4-13 Second paragraph under Build Alternative Impact Analysis Results: Table 4-5 should be referenced, not 4-3

Response: Your comment has been noted and addressed in Appendix D, Final EIS of this document.

26-5) Comment:

p. 4-13 and other locations in the document: Under the Phase 1 Alternative Impact Results the reader is told to go to Page 4-17 of the *Draft EIS*. This makes it very difficult for the public to obtain the information. At minimum the Draft report should be dated and the reader should be informed as to where to obtain this document. My suggestion is to summarize the results referred to in a short paragraph and then refer the reader to the full document and where it might be obtained.

Response: Comment noted, however, we believe we have made the Draft EIS accessible by providing it on the DUS website, at various public library's, and on a CD-Rom.

26-6) Comment:

p. 4-21 Under the No Action Alternative: The text should indicate that both Southeast Line E and Southwest Line c would be operating to Union Station.

Response: Your comments have been noted.

26-7) Comment:

p. 4-22 Second last bullet from the bottom of the page: A "Technical Advisory Group" is mentioned. What is this? Shouldn't this be labeled the "Transportation Breakout Group"? Or is it the Transportation Advisory Committee referenced in the document?

Response: The official title was Technical Advisory Group.

26-8) Comment:

p. 4-29 In the comments provided in April, I questioned the data regarding the peak hour and daily LRT Total Transit Trips. Both the SE and SW transit lines together have to have more than 600 daily trips. Reviewing this draft I find that the table has not been changed nor has an explanation of the validity of these figures been provided. Please check and provide a response to this issue.

Response: Though it seems counterintuitive, this is the data that was provided by the modeling analysis that was required. Separate analysis has been used to determine the platform sizing and emergency access/egress at the light rail station.

26-9) Comment:

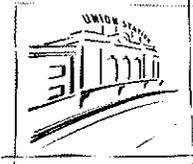
p. 4-32 last paragraph: Mention the fact that moving walkways will be provided to assist pedestrian movement in the bus concourse.

Response: Your comments have been noted.

26-10) Comment:

p. 5-32 last paragraph: It is stated that "Regional air toxic emission rates were not estimated due to lack of necessary traffic data". What data were not available? Was DRCOG requested to provide such data? I asked this same question regarding this same subject in the April comments provided to you and have not yet received a response.

Response: Air toxic emission rates could not be estimated accurately since RTD does not collect bus vehicle miles traveled at a regional level. Therefore, only private vehicles could be included in the analysis.



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However, the FasTracks plan predicts that future VMT will be reduced in the region with the implementation of FasTracks. Therefore, a net decrease in emissions is assumed.

26-11) Comment:

Illustrations in general and in particular on pages 2-9, 2-11, 2-15, 2-16: Many of the illustrations are difficult to read. While they are supposed to help the reader understand the statements in the text, this is not possible given their poor quality.

Response: Your comments have been noted.

26-12) Comment:

Volume 2: p. B-1: Under "Denver Regional Council of Governments" Change "Main" to "Metro Vision"

Response: Your comment has been noted and addressed in Appendix D, Final EIS of this document.

27-1) Comment:

U.S. Environmental Protection Agency

Air Quality and Construction Impacts

EPA commends FTA and RTD for the quantitative analysis of particulate matter (PM) and mobile source air toxics, and the quantification of CO₂ emissions included in the document. The air quality section in the FEIS states that the project will not violate the National Ambient Air Quality Standards (NAAQS). There are still, however, air quality impacts from construction of the project, and the document contains a very good list of mitigation measures for these air quality construction impacts (see section 5.19.11). EPA believes that these measures should be listed in the ROD as RTD construction specifications requirements for construction contracts.

Ozone: As you are aware, in November, 2007 the Denver metropolitan area was designated as nonattainment for the 8-hour ozone standard. Many parties are working on the revised State Implementation Plan, which will contain additional control measures to ensure that in the future the area meets the 8-hour ozone standard. Although the document did not analyze future ozone precursor trends, it states that NO_x and VOC emissions will decrease as a result of federal mandatory emissions reduction programs. The document did not provide evidence supporting this conclusion. Plans for this project should include measures that ensure that the development will not contribute to the ozone problem, i.e., that levels of NO_x and VOCs will be minimized.

As stated above, EPA believes the ROD should require mitigation measures to ensure low emissions of criteria pollutants and mobile source air toxic, including a requirement for locomotives to meet the most current emission standards at the time of purchase.

Response: The DUS project does not include any purchases of passenger rail vehicles. The request for RTD to commit itself to meet the most current emission standards at the time of vehicle purchase will be relayed to the appropriate corridor project managers and will be resolved during the NEPA processes for those corridors.

The Build Alternative includes a mitigation commitment to comply with any required SIP measures for ozone.

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27-2) Comment:

Stormwater Runoff

Section 5 21 16 states that the volume of runoff in the study area could affect the water quality of surface and groundwater resources. The mitigation measures specified in Table 5-20 for water quality impacts should be stated clearly in the ROD.

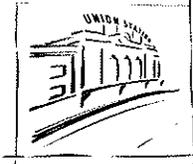
Response: The mitigation measures specified in Table 5-20 are incorporated directly into the ROD in Appendix A.

27-3) Comment:

Sustainability Goals

In our letter of April 23, 2008, EPA expressed interest in assisting with green building principles and sustainability. We understand that Union Station Neighborhood Company (USNC), Master Developer for this project, has as its goal, LEED Certification for all the new buildings. This effort is commendable, and we encourage you to proceed in the direction of gold or platinum certification. Regardless of the level of certification you pursue, we strongly encourage you to focus on energy efficiency and green construction principles. As you know, a thorough, integrated design process can greatly reduce the amount of energy needed. We note the sustainability principles built into the Master Plan for the various entities associated with the plan. There are many good concepts mentioned that we hope to see incorporated into development plans and contracts. Here are some additional suggestions:

- The EIS, ROD, or future documents on this project should recognize Denver's Climate Action Plan as it affects requirements for the DUS project. The Denver Climate Action Plan was signed on October 24, 2007, by Mayor Hickenlooper and requires the use of high-performing green concrete in all public and private construction projects in the city. At a 20% mix with concrete, the use of fly ash (a byproduct from coal-fired power plants) will save up to 25% of the carbon emissions associated with concrete, while making a highly durable, less expensive, and eco-efficient product. The product's environmental safety has been demonstrated and the Colorado Department of Transportation already mandates 10% fly ash in concrete for infrastructure. The Mayor's Greenprint Council conducted an inventory of sources of greenhouse gas emissions (GHG) in Denver, and found that materials have a significant contribution to that inventory. If the project team can incorporate the environmentally safe recycling of industrial materials, such as fly ash, into construction, the redevelopment project will be more sustainable and lessen its impact on city emissions contributing to climate change.
- Although the EIS recognizes impacts from the project from hazardous materials that might be present in the study area as well as hazardous materials that the project itself could generate, it does not recognize explicitly the large volume of solid waste materials that will be generated and need to be managed safely, efficiently, and sustainably as a result of demolition and removals of old infrastructure and new construction. Efficient materials management, such as waste reduction and materials recycling, will save energy and conserve natural resources, and in many cases lower project costs. The ROD should



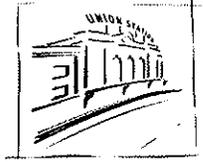
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require minimization and sustainable management of hazardous materials generated by this project

- Section 5.11 and other sections on energy consider direct energy demands of the project such as electricity and fuel consumption, but the connection of materials use to energy consumption and GHG mitigation is not established. When considering cumulative environmental impacts, it is helpful to take a lifecycle view of the "embodied" energy of materials, accounting for the sum total of the energy necessary to produce a product to its final end-point -- from the raw material extraction, to transport, manufacturing, assembly, and finally its ultimate management/disposition. This is helpful when weighing the benefits of material choices. For example, using high-performing green concrete that uses fly ash in place of Portland cement has the potential to significantly reduce the quantity of greenhouse gases emitted and the amount of fuel and energy used. Typically, between 15% to 30% of Portland cement in concrete can be replaced with fly ash. Using one ton of fly ash as a replacement for cement (1) conserves enough landfill space to hold about 1,200 pounds of waste, or the amount of solid waste produced by one American over 270 days, (2) reduces the equivalent of 2 months of an automobile's carbon dioxide emissions, (3) saves enough energy to provide electricity to an average American home for 19 days, and (4) reduces the need for 1 ton of virgin resources (U.S. EPA, Using Coal Ash in Highway Construction: A Guide to Benefits and Impacts, April 2005, EPA-530-K-05-002).
- Although the EIS recognizes the intent to use recycled or recycled materials in construction of the transportation components to the extent possible and make accommodations for recycling, specific practices for doing so are not described nor included in the mitigation sections for the various alternatives. Please include requirements for the use of recycled materials in the ROD wherever you are able.
- RTD, FTA, and other participating parties should integrate industrial materials recycling and construction and demolition materials recycling into the design and construction of the project to the greatest extent possible. Coal combustion products can be used in concrete, road base, embankments, flowable fill, and other beneficial applications. Other materials such as reclaimed asphalt, slags, and tires can be used in beneficial roadway applications.
- A resource that may be helpful to the project team is the Colorado Department of Transportation's (CDOT) study on the use of alternative materials in roadway applications at <http://www.dot.state.co.us/Publications/PDFFiles/epagrant.pdf>. The project examines successful applications of materials and recommends specification changes to enable greater materials recycling. The research manager for this project was Pat Martinek of CDOT at (303) 757-9787 or patricia.martinek@dot.state.co.us.
- The EIS states that accommodations will be made for recycling. It is unclear what this is specifically referring to (space for accumulation and storage, local markets, or public recycling). If this refers to public recycling, the project team may want to consider the information, tools, and resources that EPA's Recycle On The Go (ROGO) initiative offers. ROGO encourages recycling in public places such as parks, stadiums, convention centers, airports and other transportation hubs, shopping centers, and at special events. The ROGO website has information on how to set up a program, and specific tips for transportation hubs.

Other resources for helpful information on green building and recycling are included in the enclosure to this letter. We appreciate the consideration you have given EPA's comments in the past, and welcome an opportunity to review the ROD before it is final, if possible. If you have any questions on these comments, please contact Deborah Lebow Aal of my staff at 303 312-6223, and for sustainability issues, please contact Cynthia Cody at 303 312-6228.

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Response: Reference to the sustainability goals of the partner agencies has been incorporated in the Record of Decision. Sustainable goals will be conveyed to the Design Team and will be considered in the final design.

28-1) Comment:

Alan Canter

I am writing to indicate my strong support of and my unqualified agreement with the above comments [submitted by Bert Melcher], dated September 29th, 2008. Please inform me of any further actions, hearings or activities regarding this Final EIS or the comments of OSIG.

Response: Your comments have been noted. See response to comments in #20-1 above.

29-1) Comment:

Harry Peters

I have been watching the proposed DUS development with much concern.

1. I feel it is totally inappropriate to sell off public land (open space) for commercial development. The open space adjacent to DUS will be vitally important to the future of lower downtown as more development takes place and the transportation hub matures. Once the space has been used for buildings, the public will NEVER get it back. I don't think the public would stand for selling a corner of Washington Park or City Park in exchange for tax revenues. Where and when will this opportunity present itself again?
2. There are feasible alternatives to the "bookend" buildings through transfer of density.. I know of no proper study to address this issue.
3. The proposed "bookend" buildings will have a lasting adverse effect on the setting, view and use of this historic site.
4. I strongly support the OSIG comments on the Final EIS.

Response: See responses to comments 3, 6 and 20 above.

30-1) Comment:

Joanne and Emanuel Salzman

We support the Open Space Initiative Group comments on the Denver Union Station Final EIS.

The proposed two new buildings on the Station Plaza will have serious adverse effects on views to and from the Historic Station and the nearby historic buildings. The settings of these buildings will be destroyed. These new proposed buildings are not necessary and alternatives have not been studied.

The best use of the Station Plaza is a full open plaza designed for public use and not for commercial purposes.

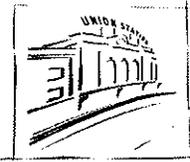
Response: Preservation of the historic character and setting are described in Chapter 6 of the Final EIS. Also, see response to 10-1.

31-1) Comment:

John C. Bennett, Amtrak

Amtrak's Current Operations at DUS

Amtrak's current service at DUS is provided by the *California Zephyr*, which operates daily in each direction between Chicago and Emeryville (Oakland/San Francisco), California. During fiscal year 2007, 123,273 Amtrak passengers boarded or deboarded at Denver, an average of 338 per day. That number has grown during the past year: ridership



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on the Zephyr is up by 12.5% during the first 11 months (October 2007-August 2008) of FY2008.⁷ The current average daily ridership of nearly 400 passengers means an *average* of almost 100 passengers getting off *and* 100 passengers getting on each train. The number of passengers getting off/on individual trains is often much higher than the average because (unlike commuter trains) ridership on Amtrak's long distance trains varies significantly from day to day due to group travel and increased demand during weekends and the peak summer/holiday periods.

As indicated in the Final EIS (p. 3-27), DUS's current track configuration provides five at-grade tracks for use by Amtrak, the Ski Train, and occasional special trains. Amtrak's *California Zephyr* uses track 1, which passengers access via a short walk through the pedestrian tunnel that extends beneath the station tracks. Ramps connect the station building (where ticketing/baggage services and the waiting room are located) and the train platform to the tunnel. The current configuration of the tunnel and ramps provides sufficient capacity for the large volumes of passengers, most with one or two suitcases, who get off the train simultaneously upon its arrival, or board the train during the brief period between the completion of servicing and its departure.

In addition to providing Amtrak with access rights to railroad and regional transportation authority-owned facilities like DUS, the federal Rail Passenger Service Act directs Amtrak to operate in the most cost efficient manner possible, and to enter into agreements with private entities to maximize revenues in order to minimize federal subsidies.⁸ In accordance with this directive, Amtrak has, since 1971, used DUS as a location for setoff/layover of Amtrak cars and privately operated rail cars carried on Amtrak trains,⁹ and as a boarding location or intermediate stop for special trains.

Impact of the Project on Amtrak

While the Final EIS recognizes the need to provide Amtrak with facilities "similar to their current operations and consistent with all federal requirements" (Final EIS, p. 4-24), the extent to which the project will do so is largely undefined and clearly falls well short of the mark in several respects.

The central issues for Amtrak are track/platform length, train servicing, and passenger handling/customer service. Following discussions among Amtrak, the Federal Railroad Administration ("FRA") and the Regional Transportation District ("RTD"), the Final EIS acknowledges the necessity of providing a station track for Amtrak that is at least 1585 feet long and has a canopy for protection from the elements; to provide a stub track near the station for Amtrak locomotive storage; and to provide facilities for the fueling, watering, servicing, federally mandated inspections and other activities that Amtrak currently performs at DUS during the *California Zephyr's* station stop. (Final EIS, pp. 2-10, 4-24.)

As the Final EIS acknowledges, the major unresolved issue is which of the eight station tracks will be assigned for Amtrak use. The Final EIS identifies two options. "Option 1" -- RTD's preferred option -- would require Amtrak to use track 4 in the middle of the 8-track "train room." "Option 2" would enable Amtrak to continue to use track 1, which will be adjacent to the train station building where the Amtrak waiting room, ticket office, baggage room and other station services will continue to be located.

⁷ The Final EIS (p. 4-29) erroneously states that Amtrak ridership at DUS is just 200 passengers per day, and it assumes that ridership will not increase. The assumption of static ridership is at odds with current ridership trends, and Amtrak ridership projections which indicate that an average of 690 passengers a day will entrain or detrain from the *California Zephyr* in Denver in 2030. In addition, the pending Amtrak reauthorization bill -- which the U.S. House of Representatives approved this week, and the Senate is expected to act upon shortly -- requires Amtrak to study reinstatement of service on the Denver-Seattle *Pioneer* route.

⁸ See 49 U.S.C. 24101.

⁹ In addition to its usual equipment consist, during the peak summer season the *California Zephyr* carries an additional Chicago-Denver passenger car that is operated as the last car on the train and detached from the westbound train at Denver each morning. This car lays over on the station track during the day (utilizing 480 volt ground power for which the track is equipped to maintain lighting and climate control) and is picked up by the eastbound train in the evening.

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Amtrak is surprised by the assertion in the Final EIS (p. 2-10) that fueling of Amtrak trains could be provided only if RTD's preferred Option 2 (track 4) is chosen. It appears that the reason for this conclusion is that the Amtrak track is assumed to be 140 feet longer in Option 1 than in Option 2. The same track length (a minimum of 1585 feet) will be required regardless of which option is chosen. In correspondence with Amtrak, RTD has stated that fueling could be provided under either option.

Amtrak recognizes that its usage of track 4 (Option 1) could provide some operational benefits by eliminating most conflicts from commuter train crossover moves.¹⁰ Nevertheless, based upon the description in the Final EIS, and other information RTD has provided to Amtrak, Amtrak believes that Option 1, by requiring its trains to use track 4, would constitute a significant downgrading of the facilities for Amtrak's services at DUS. Placing Amtrak trains on track 4 in the reconfigured station would impair Amtrak's ability to continue to provide acceptable levels of service to its passengers, particularly those who are disabled, elderly, and/or have limited mobility.

The tunnel beneath the tracks that Amtrak passengers currently use to get from the station building to the platform will be eliminated by the Project. (Final EIS, p. 4-31.)¹¹ Amtrak passengers would have three ways to get from the station building to track 4, which are depicted in Figures 4-6 (p. 4-32) and 6-2 (p. 4-35) of the Final EIS:

1. go left out of the station building and walk to the end of the track area; turn right onto the planned pedestrian corridor parallel to 16th Street at the south end of the tracks; and turn right onto the platform adjacent to track 4;
2. go right out of the station building; ascend to the planned pedestrian deck that will cross the tracks; and descend down onto the platform next to track 4;¹² or
3. go down (via an escalator or elevator) to the new busway; walk through the busway to the area below track 4; and then go up (via elevator or stairs) onto the platform.

The fact that there are three alternatives is problematic in itself. It precludes orderly queuing of passengers, and the gate controls and ticket checks that, for security and other reasons, Amtrak conducts before passengers are permitted to enter the platform area.

An even larger issue, however, is that the first two alternatives require Amtrak passengers to walk considerable distances in areas outside of the station building that are not climate controlled and may not provide protection from the elements (e.g., snow). Amtrak's understanding is that passengers using the first alternative -- which the Final EIS characterizes as "the easiest and most direct connection" between the station building and track 4 (Final EIS, p. 4-39)¹³ -- will have to walk approximately a quarter of a mile outdoors. While this may not be a problem for most commuters, these alternatives will not be useable by many Amtrak passengers, most of whom will have one or two suitcases¹⁴ and many of whom will have mobility limitations.

What this means is that a large number of Amtrak's passengers will have to use the busway -- the only direct and climate controlled alternative -- to get to/from their train. Passengers getting off or on the westbound *Zephyr* will be

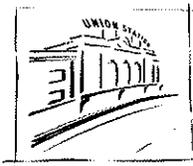
¹⁰ Under Option 1, commuter trains using tracks 6-8 would still have to cross over Amtrak's track 4 to operate to/from the planned maintenance facility located on the opposite side of the right-of-way. (Final EIS, p. 2-10.)

¹¹ The Final EIS includes a black and white picture of the current tunnel (p. 6-8) that makes it appear dark and decrepit, a depiction that is not accurate.

¹² The DEIS does not indicate the specific options passengers will have to ascend to and descend from the pedestrian deck. Amtrak's understanding from discussions with RTD is that the only access from the deck to the track 4 platform will be via stairs and a single elevator.

¹³ That characterization presumably is based upon the fact that the first alternative is the only one that does not require two vertical movements, the second of which will require passengers to carry their bags up/down stairs or crowd into a single elevator shared with bus and commuter rail passengers.

¹⁴ Because many Amtrak stations (including 22 of the 34 stations served from Denver on the California *Zephyr* route) do not offer checked baggage service, many Amtrak passengers bring the maximum of two carry-on suitcases (each weighing up to 50 pounds) that Amtrak allows.



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making their way through the busway in the midst of the morning commuter rush hour, since the *Zephyr* arrives in Denver at 7:15am and departs at 8:05am.

The busway will not include tunnel-platform ramps like those Amtrak's passengers use today to get from the current pedestrian tunnel to the train platform. Neither will there be an escalator to the platform. Instead, in order to get from the busway to the platform, Amtrak passengers boarding the train at Denver will either have to climb up the stairs with their suitcases (a feat few will be able to accomplish) or crowd into a single elevator. They will have to share that elevator with commuters getting off the buses who are heading for the street level, and with other commuters heading for the commuter trains that will be departing every 15 minutes from the two tracks (2 and 3) that will share the platform with Amtrak. The somewhat longer, non-climate controlled, route via the pedestrian deck has the similar access/congestion issues

The final design of the Project must enable Amtrak to continue to provide acceptable levels of access and service to its passengers, particularly those who are mobility limited. While Amtrak is currently working with RTD on a simulation of passenger movements within the station, with Amtrak trains utilizing either track 1 or track 4, we do not believe that is possible to provide acceptable levels of access to Amtrak trains on track 4 absent significant changes in current plans for pedestrian access, including the installation of a ramp from the busway to the platform.

Amtrak recognizes that future special train operations at Denver Union Station referenced in the Final EIS will have to be accommodated within the limits of the reduced station track capacity (i.e., on the two tracks designated for Amtrak and Ski Train operations). However, within the planned limits of station and stub track capacity, provision must be made (e.g., availability of 480 volt ground power) for accommodating Amtrak's longstanding use of DUS for layover of "setoff" Amtrak cars and privately-owned rail cars operated on Amtrak trains that is discussed above.

Response The Final EIS describes the 8-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 which places Amtrak operations on Track 4, described on page 4-23 of the Final EIS, provides the most efficient and safe train and passenger movements and will be implemented. This location provides Amtrak with a track with a minimum length of 1585 feet 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. RTD is continuing productive conversations with Amtrak and FRA to resolve any specific design details which includes 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.

31-2) Comment:

The Tail Tracks

As indicated in the Final EIS, the current track configuration at DUS includes four "tail tracks": extensions of the station tracks that continue south of the station platform area, cross the 16th Street mall shuttle turnaround, and consolidate into a single track at 15th Street that continues to Cherry Creek. These tail tracks are the only remaining remnant of the rail trackage that extended south from the station that was used by trains traveling to and beyond Pueblo, Colorado. The Final EIS states that the tail tracks must be removed to accommodate the project because their retention "would require infeasible compromises" in plans for street/sidewalk reconstruction. (Final EIS, p. 6-13.)

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In a 1992 agreement among Amtrak, RTD and the City of Denver ("City"), RTD and the City agreed that the tail tracks would be retained in perpetuity for Amtrak's use; that the City and RTD would not pursue any development plans that would require their removal; and that Amtrak would be entitled to a judicial order of specific performance in the event that RTD or the City breached this obligation. While Amtrak does not currently use the tail tracks, those tracks may need to be retained for future use if the final track configuration of the project does not provide adequate facilities for all of the Amtrak operations and activities at DUS (e.g., layover of Amtrak equipment, and of privately-owned cars carried on Amtrak trains) that are accommodated on the current five station tracks at DUS.

Response: Amtrak has 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, RTD reviewed a series of sites and proposed likely locations that met Amtrak's storage and layover needs. A preferred site was selected by Amtrak and placement 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, posted on the project website, and its impacts are documented in the ROD. 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.

31-3) Comment:

Accommodation for Future Intercity Rail Service

The potential for future intercity rail service from DUS to Colorado Springs/Pueblo is addressed in the Final EIS and in the comments included in the Appendix. Most of the discussion is focused upon the feasibility of restoring a connection from the south end of the station to the Consolidated Main Line ("CML"), currently used only by freight trains, that connects with the rail lines to Pueblo.

The Final EIS suggests that "the most direct route for future intercity rail" to points south of Denver would be the construction of a platform along the CML to the west of the station, adjacent to the planned new light rail line station. (Final EIS, p. 2-21) This alternative has not been studied, and Amtrak believes that it is not likely to be viable. It would Balkanize intercity passenger rail operations at the station by placing the boarding location for north-south intercity trains several blocks away from the station building where ticketing and other passenger facilities will continue to be located, and almost as far away from the station tracks that will be utilized by connecting intercity and commuter trains.

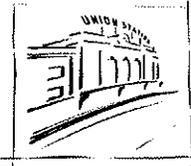
Another alternative that would preserve the option of operating trains from the DUS station tracks to Colorado Springs/Pueblo would be the construction of a connection to the CML from the tracks that lead north from DUS. A connection could be built northwest of DUS, in the vicinity of 23rd Street, that would allow trains departing from the north end of the station to swing towards the west and then head south on the CML. Such a connection would permit push-pull trains or diesel multiple unit cars to, for example, operate from Cheyenne to the DUS station tracks, change ends at the station (as commuter trains will do), and proceed to Pueblo.

Given that the project will create additional obstacles to the reconstruction of tracks south from DUS, it is important to ensure that the option of constructing a new connection at 23rd Street that exists today is preserved so that the restoration of service from the DUS station tracks to Pueblo is not precluded. Amtrak recommends that the Record of Decision require RTD to take such actions as are necessary (e.g., acquisition of property and/or easement rights) to ensure that the ability to build a new connection in the vicinity of 23rd Street is not precluded by future development.

Response: There are two option for future passenger rail connections at DUS to the CML.

The first option is for a future passenger rail platform to be built adjacent to the light rail station at the CML. This platform and track would be entirely within the railroad owned right of way of the CML. This platform and track could provide easy north/south access for passengers with an adjacent connection to DUS via the Mall Shuttle or the regional bus facility. While this option exists, preserving or buying the land is outside the scope of this project.

The second option for passenger rail service would be a future at-grade rail connection from Denver Union Station to the CML to provide passenger rail connections to the south. This connection would occur north and west of the track



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throat. A portion of the right of way for this connection is being negotiated between RTD and the BNSF railroad. This right of way coincides with the future right of way needs for the Gold Line/Northwest corridors flyover structure and could occur at-grade under the future flyover. This area could be preserved as the location for a future at-grade passenger rail connection to the CML from Denver Union Station, allowing access to and from the south to DUS. While this option exists, preserving or buying the land is outside the scope of this project.

31-4) Comment:

Construction Issues

The Final EIS contemplates that, during the reconstruction of the track area (the planned duration of which is not specified in the Final EIS), Amtrak trains will be relocated to a temporary 900 ft. platform situated north of the current track area where fueling, servicing and inspection currently performed on Amtrak trains can continue to be provided. (Final EIS, p. 2-14.) While this relocation will significantly impact Amtrak's operations, Amtrak recognizes that it is necessary. The ROD should require that disruption to Amtrak passengers and services during the construction period is minimized; that the temporary facilities are ADA-compliant and include provision for all existing train servicing operations and essential passenger needs (e.g., covered station platforms and adequate access).

Response: As stated in the Record of Decision, Section 1.4 Construction, 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. In addition, all facilities will be designed to be accessible and compliant with the American's with Disabilities Act.

31-5) Comment:

Amtrak supports RTD's plans to convert the current track area at DUS into a multimodal transportation terminal. However, those plans must be designed so as to ensure that facilities and services for Amtrak trains and passengers are not downgraded, and that the needs of Amtrak passengers – particularly those with mobility impairments – are accommodated. Accordingly, the Record of Decision should require that:

- The facilities provided for Amtrak include both a track with a minimum length of 1585 feet that is protected from the elements and a stub track;
- The facilities include provision for all of the servicing and operational uses that Amtrak currently performs at DUS, including but not limited to fueling, watering, toilet servicing, inspections, 480 volt ground power and (within the limits of planned track capacity) the layover of setoff cars;
- Track 1 is designated for Amtrak use unless modifications acceptable to Amtrak are made in the Project design to provide access for Amtrak passengers from the station building to track 4 that is at least equivalent to the current level of access from the station building to the current track 1 (i.e., capable of accommodating, in a climate controlled environment, the same volume of Amtrak passengers not able to utilize stairs as can be accommodated in the current path via the existing pedestrian tunnel);
- Amtrak is provided with an adequate temporary track/platform during construction; and
- RTD is required to take actions to preserve the option of constructing a track connection from the station tracks to the south in the vicinity of 23rd Street.

Response: See 31-1 through 31-4 for response to comments.

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32-1) Comment:

Jay Jones

Gentlepeople

I very disappointed with the final design of DUS. It has become a developers development. The sole purpose of a transit oriented development, aka: Transit center, is for the convenience of the transit user. To eliminate the the hassles of transfers and have all modes of transit in close proximity. The design for DUS loses the point entirely. They have designed the whole Union Station footprint in selling condo's and marketing their retail. The transit element seemed to get lost somewhere. The light rail station is out on the main line 1/4 of a mile from Union Station. As the developer said:" a nice healthy walk". Sure, the mall shuttle will extend out this 1/4 of a mile (2 city blocks), and the funnel of commuters into their retail , by a moving side walk. Just like DIA. I do not find DIA a particular shopping destination for me. Labor and equipment are again driving up the cost. The rail situation will be a disaster. Commuter trains need to come in and go out. The backing will be time consuming and quite tedious. Amtrak trains will increase over time, not stay the same, nor decrease. There is no concession for that expansion A thru track, right of way needs to be maintained. The pepsi center has been built right in the middle of the sensible route. Parking lots surround the pepsi center. Whoops, there goes that right of way. All of these modes are a long way from each other. Wheres the ease of transfers?? Doesn't look like a lot of thought went into any of this: Just, "How do we extract as many \$\$\$ from this as possible" We have a golden opportunity to be a showcase of a transit oriented development. Lets not squander this.

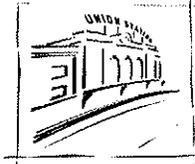
Response: See response 11-1.

33-1) Comment:

H. Alan Zeigel

I strongly urge you to consider the great historical value of Denver Union Station when reviewing the construction of any new permanent buildings within the historic 19 acre site. Preservation of off-site views of the station is paramount to its protection for the benefit of future generations of all people and their enjoyment and understanding of our transportation history.

Response: Your comments have been noted.



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34-1) Comment:

Peter Park, City and County of Denver

The City and County of Denver is pleased to support the Final Environmental Impact Statement (FEIS) for Denver Union Station. Completing the FEIS is a significant milestone in accomplishing this project.

Denver's support of the FEIS is based on the thorough environmental analysis of the DUS project, its identification of suitable mitigation measures for a project in a highly urbanized downtown area, and the extensive public process that underlies the final document. We are particularly supportive of the Union Station project because it does so much to accomplish city plans including the Denver Comprehensive Plan, Blueprint Denver, the Downtown Multimodal Access Plan, and the Downtown Area Plan, as well as the Union Station Master Plan and Supplement. The project provides positive cumulative impacts within the downtown area by incorporating preservation of a significant historic building, enhancing its historical use, and adding multiple modes of transportation to connect the entire region.

The Denver Union Station project has accomplished the FEIS and other milestones because of the thorough and effective public process that underlies it. Components of this process have included:

- 96-member Union Station Advisory Committee that has been meeting regularly for 6 years; and,
- Break-out groups that have been formed as needed to examine specific issues including transportation, traffic, zoning, historic preservation, urban design, public space, and environment.

It is through the hard work of the break-out groups and the advisory committee that resolution has been reached on tough issues such as arrangement of transportation elements, urban design, and historic preservation.

Again Denver is pleased to support the FEIS and looks forward to working with the project team to realize this most important project.

Response: Your comments in support of the project have been noted.

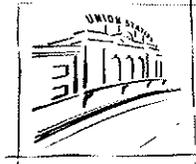
35-1) Comment:

Pamela Fischhaber, Public Utilities Commission

Staff of the Colorado Public Utilities Commission (PUC) has reviewed the Denver Union Station Final Environmental Impact Statement (FEIS) and has the following comments:

- 1) Under Chapter 4 -- Transportation, there are discussions regarding public highway-rail crossings. Specific statements are made in FEIS that give the impression that a final decision has been made regarding whether these public crossings will be at-grade or grade separated. This is not the case. The Colorado PUC has the statutory safety responsibility of all public highway-rail crossings in the state. A decision on the proper level of safety at a public highway-rail crossing would not occur until an application for a highway-rail crossing is brought before the Colorado PUC for a decision. To date, no such applications have been filed with the Colorado PUC. There is no discussion in the FEIS of the Colorado PUC's responsibility and decision making authority regarding public highway-rail crossings. The FEIS should be revised to indicate that any discussion of public highway-rail crossings are recommendations in the FEIS, but that the decision on what will actually happen at any public highway-rail crossing will ultimately be the decision of the Colorado PUC.
- 2) Under Appendix E -- Technical Advisory Committee Members, the last name for one of the Colorado PUC TAC members is incorrect. Please change Jack Baker to Jack Baier.

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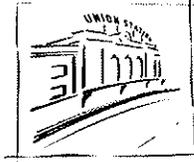


Response: Discussions with Amtrak, Federal Rail Administration (FRA) and the Public Utilities Commission regarding design and operation details for passenger rail, as well as construction staging are currently ongoing and will be resolved prior to construction.

The correct spelling of Jack Baier's name is included in Appendix D, Final EIS of this document.

Appendix D:
Final EIS Errata

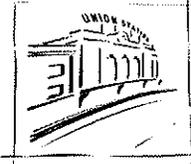
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1. Final EIS Vol. 1, Page 1-2, Section 1.1.1, Metro Vision 2030 Regional Transportation Plan (Financially Constrained Element)—January 2005: the first sentence should read, “The *Metro Vision 2030 Regional Transportation Plan* adopted by DRCOG includes long-range multimodal policies, services, and facilities to be provided through the year 2030, based on reasonably expected revenues.
2. Final EIS Vol. 1, Page 1-2, Section 1.1.1, Metro Vision 2035 Regional Transportation Plan (Financially Constrained Element)—December 2007: the first sentence should read, “The *Metro Vision 2035 Regional Transportation Plan* adopted by DRCOG updates the 2030 long-range multimodal policies, services, and facilities to be provided through the year 2035, based on reasonably expected revenues.
3. Final EIS Vol. 1, Page 2-3, Section 2.3.1, No Action Alternative, first paragraph, first sentence: Should read as follows: “...contained in the fiscally constrained DRCOG 2030 Regional Transportation Plan (RTP).
4. Final EIS Vol. 1, Page 3-4, Section 3.1.2: Future Land Use, Table 3-1, Central Platte Valley Housing Developments: Failed to include information on the Ice House. The following row should be added to bottom of table:

#	Development Name	Address/ Intersection	Sale/ Rental/ # of Units	Affordable Housing Units	Status/ Timeframe
26	Ice House	1801 Wynkoop Street	S—X	0	Complete

5. Final EIS Vol. 1, Page 3-5, Section 3.1.2: Future Land Use, Figure 3-2 Public and Private Development: Failed to include the Ice House as a residential marker on the graphic.
6. Final EIS Vol. 1, Page 3-49, Section 3.10.6, Table 3-13: Replace entire table with new table which corrects values for PM₁₀, PM_{2.5}, and NO₂.



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**Table 3-13
Representative Background Data**

Pollutant	Averaging Time	Background Value
CO	1-hour	5.9 ppm
	8-Hour	3.1 ppm
PM ₁₀	24-Hour	64.0 µg/m ³
PM _{2.5}	24-Hour	25.0 µg/m ³
	Annual	9.2 µg/m ³
NO ₂	Annual	0.029 ppm

Source: EPA AirData Database at 2105 Broadway monitor.

Notes:

1. CO level — highest second highest of the latest three year concentrations.
 2. 24-hour PM₁₀ level — highest 3rd highest level over latest 3 years.
 3. 24-hour PM_{2.5} level — average of 98 percentile level for the latest 3 years.
 4. Annual PM_{2.5} level — average of three latest year means
 5. Annual NO₂ level — highest annual mean for the latest three years.
7. Final EIS Vol. 1, Page 4-13, Section 4.14 Traffic Impacts/Build Alternative Impact Analysis Results, second paragraph: Replace "Table 4-3" with "Table 4-5."
 8. Final EIS Vol. 1, Page 4-29, states that Amtrak ridership at DUS is 200 passengers per day and it assumes that ridership will not increase. In a September 29, 2008 letter, Amtrak officials clarified that "the assumption of static ridership is at odds with current ridership trends, and Amtrak ridership projections which indicate that an average of 690 passengers a day will entrain or detrain from the California Zephyr in Denver in 2030. In addition, the pending Amtrak reauthorization bill – which the U.S. House of Representatives approved this week, and the Senate is expected to act upon shortly – requires Amtrak to study reinstatement of service on the Denver-Seattle Pioneer route." However, an additional of several hundred Amtrak passengers would not significantly effect the analysis of total boardings, alightings and through trips in the No Action Alternative (42,800 in Table 4-11) or the Build Alternative (205,800 in Table 4-12).
 9. Final EIS Vol. 1, Page 5-20, Section 5.12.1 No Action Alternative: The last sentence should read, "In some cases, the air quality impacts cases may be higher than the impacts under the Build Alternative as described in Section 5.12.2."
 10. Final EIS Vol. 1, Page 5-22, Section 5.12.2, third sentence under Motor Vehicle Intersection Analysis/Results: Replace "Table 3-12" with "Table 3-13."
 11. Final EIS Vol. 1, Page 5-22, Section 5.12.2: Motor Vehicle Intersection Analysis/Vehicular Emission Factors: The last sentence in paragraph two is reversed. It should state the following, "This analysis assumed traffic without mitigation measures

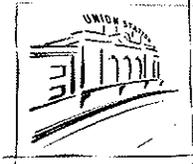
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- described in Section 4.1.5. RTD or FHWA recommended that conservative traffic scenario was used.”
12. Final EIS Vol. 1, Page 5-24, Section 5.12.2, first sentence under Stationary Source Analysis/Results: Replace “Table 3-12” with “Table 3-13.”
 13. Final EIS Vol. 1, Page 5-24, Section 5.12.2: Stationary Source Analysis/Results, Tables 5-3: Remove the units (mg/m³) in the heading.
 14. Final EIS Vol. 1, Page 5-29, Section 5.12.4: Phase 1 Alternative/Mobile Source Intersection Analysis Results: The first sentence should read, “Table 5-6 shows the CAL3QHC and CAL3QHCR modeling results for all intersections for CO and PM₁₀.”
 15. Final EIS Vol. 1, Page 5-31, Section 5.12.4: Phase I Alternative Stationary Source Analysis Results: Remove the reference note for Table 5-7.
 16. Final EIS Vol. 1, Page 5-31, Section 5.12.2: Stationary Source Analysis/Results, Tables 5-7: Remove the units (mg/m³) in the heading.
 17. Final EIS Vol. 1, Page 5-31, Section 5.12.4: Stationary Source Intersection Analysis Results: The last sentence before Table 5-7 should read, “Therefore, the potential stationary source air quality impacts of the Phase I Alternative were not considered to be significant.”
 18. Final EIS Vol. 1, Page 5-34, Section 5.13.3, Table 5-9: replace entire table with new table.

**Table 5-9
Noise Impact Assessment Results – Build Alternative**

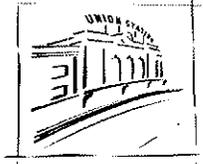
Location	Distance to Loudest Source	Existing Level L _{dn} (dBA)	Project Noise Exposure L _{dn} (dBA)	Total Project Noise Level L _{dn} (dBA)	Impact per FTA Guidelines?
Location 1 Denver Union Station	144 ft to Passenger rail	67	66	70	No*
Location 2 IceHouse Lofts	115 ft to Regional Buses - HOV	67	54 - 64	67 – 69	Moderate Impact
Location 3 One Wynkoop Plaza	95 ft to Regional Buses - HOV	67	57 - 61	67 - 68	No
Location 4 Residential	1553 ft to Regional Buses - HOV	67	45	67	No
Location 5 SteelBridge Lofts	172 ft to 16th Street Shuttle	67	55	67	No
Location 6 Residential	65 ft to 16th Street Shuttle	67	59	68	No
Location 7 Residential	171 ft to 16th Street Shuttle	67	55	67	No
Location 8 Residential	702 ft to Regional Buses - HOV	67	55	67	No



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Location	Distance to Loudest Source	Existing Level L _{dn} (dBA)	Project Noise Exposure L _{dn} (dBA)	Total Project Noise Level L _{dn} (dBA)	Impact per FTA Guidelines?
Location 9 Residential	513 ft to Regional Buses - HOV	67	55	67	No
Location 10 Residential	137 ft to Regional Buses - 18th Street	67	59	68	No
Location 11 Residential	150 ft to Regional Buses - 18th Street	67	58	68	No
Location 12 Residential	323 ft to Regional Buses - HOV	67	56	67	No
Location 13 Residential	338 ft to 16th Street Shuttle	67	47	67	No
Location 14 Residential	242 ft to 16th Street Shuttle	67	51	67	No
Location 16 S.H. Supply Lofts	117 ft to Regional Buses - 18th Street	67	58	67	No
Location 17 Residential	447 ft to Regional Buses - HOV	67	54	67	No
Location 18 Residential	206 ft to 16th Street Shuttle	67	49	67	No
Location 19 Residential	234 ft to 16th Street Shuttle	67	50	67	No
Location 20 Titanium Lofts	195 ft to Regional Buses - 18th Street	67	53	67	No
Location 15 Residential	210 ft to Regional Buses - 18th Street	67	54	67	No
Location 21 The Metro	96 ft to Regional Buses - HOV	67	60	68	No
Location 22 Reserve at Prospect	484 ft to Passenger rail	67	57	67	No
Location 23 Ajax Lofts	218 ft to Regional Buses - HOV	67	55	67	No
Location 24 Flour Mill Lofts	245 ft to Regional Buses - HOV	67	57	67	No
Location 25 The Manhattan	122 ft to LRT tracks	67	56	67	No
Location 26 Parkside	657 ft to Regional Buses - HOV	67	52	67	No
Location 27 Brownstones at	972 ft to Regional Buses - HOV	67	47	67	No

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Location	Distance to Loudest Source	Existing Level L _{dn} (dBA)	Project Noise Exposure L _{dn} (dBA)	Total Project Noise Level L _{dn} (dBA)	Impact per FTA Guidelines?
Riverfront Park					
Location 28 Glass House	146 ft to LRT tracks	67	56	67	No
Location 29 St. Charles Place	236 ft to 16th Street Shuttle	67	55	67	No
Location 30 Park Place	147 ft to 16th Street Shuttle	67	58	67	No
Location 31 Promenade Lofts	227 ft to 16th Street Shuttle	67	58	67	No
Location 32 Riverfront Tower	326 ft to 16th Street Shuttle	67	49	67	No
Location 33 Archstone Riverfront Park	135 ft to LRT tracks	67	56	67	No
Location 34 Creekside Lofts	125 ft to LRT tracks	67	55	67	No
Location 35 Delgany Lofts	50 ft to LRT tracks	67	60	68	No
Location 36 Arthouse Townhomes	47 ft to LRT tracks	67	61	68	No
Location 37 Waterside Lofts	950 ft to Passenger rail	67	50	67	No

19. Final EIS Vol. 1, Page 5-38, Section 5.13.3: Noise Prediction Input Data and Assumptions, Table 5-10: replace entire table with new table. The old table left out the 16th Street Mall Shuttle.



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**Table 5-10
Predicted 50 Foot Reference Noise Levels – Build Alternative**

Source	Input Data							Predicted Noise Levels (dBA)		
	SEL	N _{cars}	C _s	K	S	V _d	V _n	L _{eqd}	L _{eqn}	L _{dn}
	(dBA)	(#)	(speed constant)	(dl)	(mph)	(veh/hr)	(veh/hr)	(dBA)	(dBA)	(dBA)
LRT - SE	82	3	---	20	15	8	4	50	47	54
LRT - SW	82	3	---	20	15	8	4	50	47	54
LRT - W Fed Center	82	3	---	20	15	6	2	48	43	51
LRT - W Jeff Co	82	3	---	20	15	8	6	50	48	55
LRT – Total										60
PR – East Corridor	83	2-5	---	10	15	8	4	58	55	62
PR – Gold Line	83	2	---	10	15	10	6	55	53	60
PR - NM 124th	85	4	---	0	15	2	0.2	57	52	60
PR - NM SH7	85	4	---	0	15	6	4	63	61	68
PR - NWR Boulder	85	4	---	0	15	2	0.2	60	55	63
PR - NWR Longmont	85	4	---	0	15	2	2	60	58	65
PR - Amtrak Loco	92	2	---	-10	15	0.1	0.2	56	58	64
PR - Amtrak Cars	82	10	---	20	15	0.1	0.2	37	39	45
PR - Ski Train Loco	92	2	---	-10	15	0.1	0.2	56	58	64
PR - Ski Train Cars	82	12	---	20	15	0.1	0.2	38	40	46
PR – Total								68	66	73
Buses - HOV Access/18th	88	---	15	---	25	0.1	0.2	45	41	48
Buses – HOV	88	---	15	---	45	20	5	65	59	67
Buses – HOV (ramp)	88	---	15	---	35	20	5	63	57	65
Buses – CML/Wewatta	88	---	15	---	25	38	10	64	58	66
16th Street Shuttle	83	---	22	---	20	22	8	56	52	59
Downtown Circulator	87	---	22	---	20	70	34	57	54	61
Parking Garage	92	---	---	---	---	400	200	52	49	56

20. Final EIS Vol. 2, Appendix B, Page B-1: Under Denver Regional Council of Governments, replace “Main” with “Metro.”
21. Final EIS Vol. 2, Appendix E, Page E-3: Under Public Utilities Commission, correct the last name of Jack Baker to Jack Baier.