

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Region Four

Traffic Unit
1420 2nd Street
Greeley, CO 80631
(970) 350-2146 Fax (970) 350-2198



April 13, 2009

Mr. Keith Reester
City of Loveland Director of Public Works
410 East 5th Street
Loveland, CO 80537

Dear Keith,

Based on the results of the April 7, 2009 City of Loveland Counsel meeting regarding US 34/ I 25 interchange interim safety improvement project I would like to alert you to the potential consequences of delaying this project.

1. Work by the City of Loveland, Centerra and CDOT to improve the safety of the US 34/ I-25 interchange has been ongoing since at least 2004. Because of the federally mandated NEPA process, prior to funding new projects with federal dollars, an appropriate environmental clearance must take place. When Centerra improvements were initially proposed at I-25, CDOT was just beginning the NEPA process for the entire northern Colorado I-25 corridor as part of North I-25 EIS.

At the request of City of Loveland, the interchange was taken out of the EIS and approved by FHWA as a Separate Action on June 20, 2006. That allowed City of Loveland in partnership with Centerra Metropolitan District to proceed with a System Level Study and NEPA clearance for the project as part of a 1601 Type 2 Improvement process that was approved by the CDOT Chief Engineer on October 17, 2006. The System Level Study and Interchange Access Request (IAR) were approved by FHWA on November 8, 2006. These actions allowed City of Loveland to initiate interim interchange improvements to be completed separately from the EIS while the rest of the corridor was being studied.

If the City of Loveland decides to postpone the project now, the approval conditions of the 1601 process will expire on October 17, 2009. The City may request a one year extension from the Chief Engineer, with a limit of two extensions. If two extensions are granted, the approval will expire on October 17, 2011.

If funding for the interim improvements of the interchange becomes available in the future, System Level Study, 1601 process and IAR will have to be reviewed and revised as required.

2. Due to the fact that there were no Federal funds involved for the interim US 34 /I 25 interchange safety improvements, the project wasn't required to be developed using Federal rules and regulations. As a result, the plans were not developed using the Federal process and as such the end product is not eligible for Federal or State funding as it stands now.

If in the future private funds are used in accordance with the original URA, the work will be able proceed in its current condition. However, if State or Federal funding is sought for this project, it will be prioritized and scheduled using the normal planning process through the North Front Range Metropolitan Planning Organization (NFRMPO.) The US 34/ I 25 interim improvements project will then compete for as yet unidentified State and Federal dollars with other projects in other communities. As it stands right now, all potential Region 4 RPP funds are already prioritized and allocated through FY 13. If State or Federal funds are obtained, the project will have to meet all pertinent Federal requirements.

3. If the project is delayed, other issues will come up that will complicate the design and schedule. When the project was initiated, its location was outside MS4 area. However, this has changed and it is now within the MS4 boundaries. The MS4 requires substantial water quality treatment above what was required by the standards existing at the time the project was initiated. CDPHE allowed for a transition period that will end in March, 2010. Because the US 34/ I 25 interchange construction would have been substantially completed by this deadline, CDOT was able waive these new MS4 requirements. Delaying the project now will negate this waiver and the project will need to be redesigned to fully meet new MS4 requirements, which may include obtaining additional land in the south east quadrant of the interchange to construct water quality ponds. This will add substantial time to the schedule.
4. The original conditions of the Centerra Parkway access permit identified the traffic authorized for Centerra Parkway with construction of the Lifestyle Center only. No additional volumes of traffic affecting US 34 by the future Centerra development will be approved beyond that presently identified in the permit.
5. CDOT presently has a fully executed intergovernmental agreement with City of Loveland to perform the construction and maintenance with private funding. This agreement will have to be modified in the future to reflect actual sources of funding and any resulting contractual requirements.
6. If the project is postponed, the conditions for which a CDOT Policy Memo 23 waiver was approved by the CDOT Chief Engineer will have changed. Therefore, the waiver that allows the design consultant Wilson and Company to perform construction engineering services will be voided.

Please let me know if you have any questions or require any additional clarifications.

Sincerely,

Ina Zisman, P.E.
CDOT Region 4 Traffic Engineer.

Cc: Bob Garcia
Doug Pearson
Pete Graham
Myron Hora
Carol Parr
File

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