

Jefferson Parkway Advisory Committee (JPAC)
November 10, 2018
Arvada Waste Water (5555 West 56th Ave, Arvada CO 80002)
Meeting Summary – FINAL

ATTENDANCE

Participants: Britta Nelson, Ian Owens, Brent Smith, Randy Stafford, Jill-Ellyn Straus, Bill Ray, Gerry Taylor, Brett Vernon, Marc Wills

Facilitation: Heather Bergman and Sam Haas

JPPHA UPDATE

- As an adjoining property owner to an area where there is proposed drilling, the Jefferson Parkway Public Highway Authority (JPPHA) received a notice about drilling permits. Bill Ray reached out to the applicant to get an understanding of the proposal. The proposal is to conduct fracking via directional drilling on five units and one single well site.
- One of the sites was on the western side of the dog park; one was on the west shore of Stanley Lake; two were on private property adjoining the Rocky Flats Refuge; and the last will be located in Superior, north of Highway 128. Many of the mineral rights under the wildlife refuge are not owned by the federal government. The proposal is to drill down about 7,000 feet and a mile horizontally.

REVISIONS TO RECOMMENDATIONS #1-12

JPAC members who were unable to attend the October 23 meeting provided feedback via an online survey about recommendations #1-12, on which the group had reached agreements.

Recommendation #3: The JPPHA Board should include bike paths designed to allow pedestrians to cross or travel along the Parkway. Those paths should link up at the north and south ends and with the Greenway Trail. Development of multimodal options should be included in Phase 1 of construction.

- One person recommended clarifying that “multi-modal” should be used instead of “bike paths,” and “pedestrians.”
- The group agreed to change this recommendation to *“JPPHA should include multi-modal paths designed to allow users to cross or travel along the Parkway. These paths should link up at the north and south ends and with the Greenway Trail. Development of multimodal options should be included in Phase 1 of construction.”*

Recommendation #4: Mitigation measures should be taken to insulate the residential neighborhoods from the negative impacts of the Jefferson Parkway during the construction phase and when operational, to reduce the impacts of the highway dividing the community, and to keep the residents living alongside the parkway safe. *(Specific bullets will be written out in the final version of the recommendation).*

- One person recommended changing any reference to Leyden Rock to “residential neighborhoods.”
- The group agreed to change the second bullet in the recommendation to: *“Another option could be to deepen the roadway in residential neighborhoods as appropriate and build several at-grade wide pedestrian walkways to partially cover the span to deflect noise and light pollution.”*

Recommendation #7: The JPPHA should state in the request for proposals (RFP) that evaluation criteria will include creativity, innovation, and aesthetics.

- One person suggested changing this recommendation to: *“The JPPHA should state in the RFP that evaluation criteria for the mitigation designs will include creativity, innovation, and aesthetics.”*

- *The group agreed to keep the original language.*

Recommendation #8: The JPPHA Board should install adequate air monitoring equipment and continuously monitor air quality in the Indiana Street corridor, to assess whether construction activity re-suspends Rocky Flats contaminants into the air. Monitoring should begin before construction to establish an air quality baseline. Prior to construction there should be a public process to: Design the air monitoring equipment, specify thresholds of airborne contamination that should not be exceeded, and specify consequences of exceedances of those thresholds.

- One person would like this recommendation to be withdrawn, and one person suggested rewording it so that it does not imply that members of the public are subject matter experts on air monitoring design.
- The group agreed to change “*design the air monitoring equipment*” to “*evaluate and comment on air monitoring equipment.*”

Recommendation #9: The Board should require testing of plutonium and other contaminants independent of the concessionaire before allowing any design and construction-related, surface-disturbing activities within the Indiana Street corridor of the Parkway and should require public posting of the testing results. Results showing elevated levels of contaminants should be reported to Colorado Department of Public Health and Environment (CDPHE) and any other relevant agencies. If contaminant levels exceed CDPHE's standards, construction should pause while mitigation measures are followed, then a resampling should be conducted.

- Three people suggested changes to this recommendation, emphasizing the need to specify an exact list of contaminants that an independent expert will sample.
- The group agreed to change the recommendation to: *JPPHA should require for testing of plutonium and also engage an expert independent of the concessionaire to identify any additional Rocky Flats contaminants to sample within the Parkway right-of-way and other impacted areas before allowing any construction-related, surface-disturbing activities, and the JPPHA should provide a public comment period to review the test results.*
 - *Results showing elevated levels of contaminants should be reported to CDPHE and any other relevant agencies.*
 - *If contaminant levels exceed CDPHE's standards, construction should pause in the area where contaminants are found while mitigation measures are followed, then a resampling should be conducted.*

RECOMMENDATIONS #13-24

JPAC members discussed recommendations #13-24 and reached agreement on final wording to submit to the JPPHA. The recommendations were discussed in order of which ones received the highest level of consensus in the pre-meeting survey to the ones that received the lowest level of consensus.

Recommendation #16 (Q5): JPPHA should provide clarity for the public on how the Jefferson Parkway helps achieve current Front Range transportation objectives and why the JPPHA chose the Indiana Street alignment over other alternative alignments (e.g., Highway 93).

- *The group agreed to submit this recommendation as written.*

Recommendation #14 (Q3): Measures to maintain the continuity of the Leyden Rock neighborhood should be a priority. The city of Arvada embraces community connectivity and has invested significant time and resources to bring neighborhoods together. The Leyden Rock subdivision has organically become a strong community, with 15 community events in 2017 which drew over 5,200 total participants. *(Specific bullets will be written out in the final version of the recommendation).*

- One of the bullets in the recommendation says that “the City of Arvada and the Leyden Rock Metro District may need to partner with JPPHA to maintain the character of the Leyden Rock neighborhood.”
- The group agreed to change the previous bullet to: *“JPPHA should pursue partnerships with Arvada and the Leyden Rock Metro District.”*

Recommendation #13 (Q2): JPPHA should ensure that the objectives of all the master plans for the counties and municipalities adjacent to the Parkway are included in the final design.

The group agreed to submit this recommendation as written.

Recommendation #17 (Q6): The public (residents, City of Arvada, Jefferson County, etc.), should not be financially responsible for the Jefferson Parkway. The RFP should require the private investment firm to cover the shortfall if the revenue does not cover operations costs.

- The group discussed the relevancy of this recommendation. Bill stated that JPPHA has had conversations about the possibility of a compensation event, which is unlikely but would be catastrophic. They have talked about who would be responsible for such an event. If there was a continued shortfall in revenue, the public would not be responsible. JPPHA’s intent is that there would be a 100% risk transfer to the private partner.
- The private partner will constantly be looking for opportunities for revenue optimization. It is not in their interest to charge a lot of money for cars to travel on the Parkway.
- The group discussed the need to include the timeframe in this recommendation.
- The group agreed to change this recommendation to: *“The JPPHA should ensure in perpetuity that local communities do not subsidize the operation and maintenance of the Parkway.”*

Recommendation #18 (Q7): The design should include provisions for an access road from the northwest corner of the Leyden Rock neighborhood to the Candelas Parkway. The access road could: Be slaved to the parkway, or a separate roadway. Additionally, it could be tolled or un-tolled. Increase utilization of the parkway by giving Leyden Rock Residents access they would not otherwise have. The increase in tollway utilization could be significant. Reduce traffic on Indiana and delay the need for expansion on that roadway. Provide an alternative route for access by first responders if 82nd Street is blocked by flood, fire, or accident. Provide residents with an additional escape route if the area was threatened by a natural or human-made disaster, Reduce local opposition to the Parkway. The City of Arvada may need to consider partnering with the Authority in this effort since the access road would work towards many of the City’s priorities.

- Implementing this recommendation would likely cost between \$30-40 million. The Arvada Fire Protection District asked for a similar access road.
- *The group agreed to move the points about safety higher up in the recommendation, insert bullet points, and submit the recommendation as written.*

Recommendation #21 (Q10): JPPHA should seek to open the records of the Special Grand Jury 89-2.

- Some JPAC members did not support this recommendation as written because of legal issues. Any entity who files a motion must have standing. The author of the recommendation emphasized the importance of revealing information that has not been publicly released and shared the concern that construction could unearth a nuclear dump site. They would like the JPPHA to develop a response plan for this unlikely but potentially catastrophic scenario.
- The group agreed to rewrite this recommendation to: *“The JPPHA should have a contingency plan for the unlikely but potentially disastrous event that a buried nuclear dump site is unearthed during construction of the Parkway.”*

Recommendation #22 (Q11): JPPHA should change the alignment of the Jefferson Parkway to go up Highway 93 instead of Indiana Street to avoid conflict regarding public health and contaminants from Rocky Flats; the west side of Rocky Flats is less contaminated than the east side.

- JPAC members who did not support this recommendation shared their concern that it is outside the charter/scope of the group.
- The group agreed to present the recommendation as written but specify that: *“A majority of the JPAC does not support this recommendation because it is outside the scope of the group’s mandate and alignment decisions have already been made. Other members of the JPAC support this recommendation because it would avoid any controversy surrounding Rocky Flats contaminants.”*

Recommendation #24 (Q13): Use Indiana Street as the northbound lanes of the Parkway and construct the new southbound lanes in the Rocky Flats right-of-way (from west 96th Avenue north to Highway 128). A Parkway entrance/exit could be provided at 96th Avenue onto Indiana Street.

- JPAC members who did not support this recommendation stated that it would take away opportunities for local residents and that taking away access to a public road should not be an option.
- The author of this recommendation emphasized that travelers would likely not use the Parkway if they had the option to use Indiana Street. Also, re-using an existing right-of-way would make it necessary to only build two additional lanes instead of four, thereby decreasing the overall construction costs.
- The group agreed to present the recommendation as written but specify that: *“The majority of JPAC members did not support this recommendation because they believe away transportation opportunities from local residents. These members oppose the idea of taking away access to a public road. Additionally, people traveling from east of Indiana Street would not have access. A minority of the JPAC supports this recommendation because they believe that few people will use the Parkway if they have the option to use Indiana Street. Additionally, they believe that the re-use of an existing right-of-way and the necessity of only adding two lanes to Indiana Street would substantially decrease the cost of construction.”*

Recommendation #15 (Q4): JPAC should send the following material from the May JPAC meeting to the JPPHA Board to consider and review and specify what they would like the JPPHA Board to do with this information: Randy Stafford's position paper, Jon Lipsky's presentation, the video recording and transcript of Kristen Iversen's talk, the presentation material from Colorado Department of Public Health and Environment (CDPHE).

- The JPPHA Board has already received all these materials. When Peak Facilitation writes their final report, all the meeting summaries will be attached.
- *The group agreed that all the materials referenced above will be attached to the final report submitted to the JPPHA and that it was unnecessary to present the recommendation above to the Board.*

Recommendation #23 (Q12): JPPHA should take steps to promote the utilization of the Parkway. They should minimize or eliminate tolls (or offer other funding mechanisms), and they should solicit state or federal funding for the project.

- Those in support of this recommendation shared that people would be unlikely to use the Parkway if the toll was expensive. They were also skeptical that the Parkway would be fully developed as the contiguous link for the beltway. Those in opposition to this recommendation stated that it is the job of the JPPHA to promote use of the Parkway and emphasized that the deadline to make decisions about how the Parkway will be funded have passed.
- The group agreed to revise this recommendation to: *“During the period of time when the Parkway is not contiguously connected to the rest of the beltway, JPPHA should promote utilization of the Parkway by using financial incentives or other methods.”*

Recommendation #19 (Q8): JPPHA should sponsor an independent review of all the past studies of both soil contamination and public health impacts by a qualified national institution that is independent

of the Department of Energy (e.g., the National Academy of Sciences). The independent reviewer should assess risks and conclusions surrounding public health impacts and review sampling techniques.

- The purpose of this recommendation is to reach a conclusion about the accuracy of past studies. The recommendation pertaining to the soil study does not cover issues related to public health impacts, which has been a topic of debate. There are different perceptions and levels of comfort with risk.
- Public health analyses are typically done as part of an after-action review or literature review that the independent expert would conduct with the soil study. Those who do not support this recommendation stated that it is redundant and that they did not see much value in doing a retrospective review of past studies.
- The JPPHA did an environmental review of places where the Parkway would interchange with state highways, so it did not cover issue of public health because no interchanges are proposed in the areas where there is concern about contaminants. Indiana Street will not connect to the Parkway.
- The group agreed to submit the recommendation as written but take out the part about the independent expert reviewing sampling techniques and specify that: *"A majority of the JPAC does not support this recommendation because they question the necessity of conducting a retrospective review and believe it would be redundant. Others support this recommendation, emphasizing the importance of clarifying the public health impacts associated with Rocky Flats."*

Recommendation #20 (Q9): To alleviate Federal Aviation Administration (FAA) concerns and reduce the cost of their proposal to lower the Parkway 20 feet and construct a tunnel, the JPPHA should change the alignment of the Parkway to "joint use" of the current right-of-way of CO Highway 128 from its intersection with the end of the Northwest Parkway extension. From this point to where the Parkway turns south at Indiana Street, the CO 128 right-of-way could be a shared road which could be tolled or not tolled.

- This recommendation is moot because the alignment has been changed so that the Parkway does not go through the runway protection zone.
- The group agreed to withdraw this recommendation.

NEXT STEPS

- Peak Facilitation will prepare a summary of this meeting and a final report that outlines the JPAC's recommendations and process. It will include all the meeting summaries as an attachment. Peak Facilitation will also prepare a PowerPoint that presents all the group's recommendations for Brett Vernon, Ian Owens, and Randy Stafford to present at the JPAC meeting on Thursday, November 15.
- There will be 30 minutes provided for JPAC's presentation to JPPHA, including time for questions and discussion.
- The group agreed that the final report will also include Randy Stafford's rebuttal to CDPHE's presentation sent to the group on July 16. It will specify that this was a correspondence sent by one JPAC member after a meeting.
- Bill Ray will keep JPAC members up-to-date on what the Board discusses and which recommendations they approve.