

Jefferson Parkway Public Highway Authority
Regular Board Meeting Agenda
Thursday, September 20, 2018
Arvada City Hall
8101 Ralston Road, Arvada, CO 80002



Executive Session
3:00 p.m.
Council Conference Room, 3rd Floor

Executive session, pursuant to C.R.S., Section 24-6-402(4)(a), Section 24-6-402(4)(b) and Section 24-6-402(4)(e) for the purposes of discussing real property matters, receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations and instructing negotiators related to FAA matters, right-of-way agreements, potential concession matters and professional services agreements.

Regular Board Meeting immediately following Executive Session
Council Chambers, 2nd Floor

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Minutes
 - A. August 16, 2018 Regular Board Meeting
- IV. Consent Items
- V. Report from Executive Director
 - A. Status of Access Permits to SH 128, North Terminus of Parkway to be Relocated Outside the Airport RPZ
 - B. Release of Request for Qualifications
 - C. Budget Discussion – 2018 Estimated Year End and 2019 Calendar
- VI. Report of the General Counsel
 - A. Amendment to Reimbursement Agreements
- VII. New Business
- VIII. Report from the Board of Directors
- IX. Public Comment

- X. Informational Items
 - A. JPAC July 19, 2018 Meeting Summary
 - B. JPAC August 16, 2018 Meeting Summary and Recommendations

- XI. Adjournment

Jefferson Parkway Public Highway Authority Regular Board Meeting Minutes



Thursday, August 16, 2018
Arvada City Hall
8101 Ralston Road, Arvada, CO 80002

Executive Session
3:00 p.m.
Council Conference Room, 3rd Floor

Ed Icenogle requested matters for discussion that required an Executive Session, pursuant to C.R.S., Section 24-6-402(4)(a), Section 24-6-402(4)(b) and Section 24-6-402(4)(e) for the purposes of discussing real property matters, receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations and instructing negotiators related to FAA matters, right-of-way agreements, potential concession matters and professional services agreements.

Director Williams made a motion to go into Executive Session for the purposes stated above. Director Beacom seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Beacom, Szabo, Williams

Absent: Ahrens, Jones

Regular Board Meeting immediately following Executive Session
Council Chambers, 2nd Floor

Call to Order:

Vice-Chair Libby Szabo called the meeting of the Jefferson Parkway Public Highway Authority (JPPHA) to order at p.m. Present were Director David Beacom and Director Marc Williams. Also in attendance was Lorraine Anderson, RTD Representative; Bill Ray, Exec. Director; Ed Icenogle, JPPHA Counsel; Kevin Standbridge, Broomfield Deputy City and County Manager; Ellen Wakeman, Jeffco Counsel; Chris Daly, Arvada Counsel; and Steve Durian, Jeffco Transportation and Engineer Director

Pledge of Allegiance

Approval of Minutes:

Director Beacom made a motion to approve the July 19, 2018 board meeting minutes as presented. Director Williams seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Beacom, Szabo, Williams

Absent: Ahrens, Jones

Consent Items – None

Report from Executive Director:

A. Presentation of 2017 JPPHA Audit

Bill Ray introduced Christine McLeod with Haynie & Company, the independent auditors.

Ms. McLeod reviewed the 2017 JPPHA Annual Financial Report ending December 31, 2017. She reviewed the financial highlights of the General Fund, along with revenues and expenditures.

Report from the General Counsel - None

New Business:

A. Approval of Phase 2 Scope of Work - Ernst & Young – (Exhibit “A” Attached)

Bill Ray reviewed the Phase 2 Scope of Work.

Director Williams moved to approve the Phase 2 Scope of Work for Ernst & Young and authorized the Executive Director to execute the appropriate documents. Director Beacom seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Beacom, Szabo, Williams

Absent: Ahrens, Jones

B. Approval of Selection of Transaction Counsel

Bill Ray asked for approval of his selection of Ashurst LLP as the Transaction Counsel and authorization for him to enter into a Letter of Engagement with them.

Director Beacom moved to approve Ashurst LLP as the JPPHA Transaction Counsel. Director Williams seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Beacom, Szabo, Williams

Absent: Ahrens, Jones

- C. Authorization for Staff to Initiate a Request for Qualifications for a Private Partner to Finance, Design, Construct, Operate and Maintain the Jefferson Parkway

Bill Ray stated that staff is ready to initiate the Request for Qualifications (RFQ) for a Private Partner to Finance, Design, Construct, Operate and Maintain the Jefferson Parkway. Mr. Ray said after an extended period of informal conversation, on Monday the Northwest Parkway concessionaire group submitted an unsolicited proposal on August 13 to JPPHA seeking an exclusive ability to develop and operate Jefferson Parkway. The unsolicited proposal also included an intent to build and operate the Northwest Parkway Extension with the cooperation of the Northwest Parkway Public Highway Authority. After an evaluation of the proposal, the entire JPPHA Board has determined that it will NOT further consider the NWP concessionaire unsolicited proposal and intends to proceed with the competitive RFQ process which has the potential to create the best overall value for the Jefferson Parkway project. "

Director Williams moved to authorize staff to issue the Request for Qualifications for a Private Partner to Finance, Design, Construct, Operate and Maintain the Jefferson Parkway. Director Beacom seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Beacom, Szabo, Williams

Absent: Ahrens, Jones

Report from the Board of Directors - None

Public Comment - None

Jefferson Parkway Public Highway Authority
Board Meeting Minutes
August 16, 2018

Adjournment: Meeting was adjourned at 4:20 p.m.

Libby Szabo, Vice-Chair

Christine Koch
Recording Secretary

Jefferson Parkway Advisory Committee (JPAC)
July 19, 2018
Westwoods Police Department Station Community Room
6644 Kendrick Drive, Arvada CO, 80007
Meeting Summary – FINAL

ATTENDANCE

Participants: Bini Abbott, Rebecca Kallio, Britta Nelson, Ian Owens, Bill Ray, Brent Smith, Randy Stafford, Jill Strauss, Jerry Taylor, Brett Vernon, and Marc Wills

Facilitation: Heather Bergman, Sam Haas

UPDATE ON JPPHA BOARD JUNE AND JULY MEETINGS

- During the Jefferson Parkway Public Highway Authority (JPPHA) Board of Directors' April 2018 meeting, CDM Smith presented the results of their traffic and revenue study.
- During the JPPHA Board's July meeting, the Board decided to move forward with hiring a transactional attorney, a highly-specialized firm to develop documents related to the procurement of a long-term concession. The Board has received 11 responses to its request for qualifications and has narrowed down the list to two finalists. The Board decided to hire a transactional attorney because the Board authorized the development of a private partner request for qualifications (RFQ) last month, which is the first step in selecting a private partner for the Jefferson Parkway project. There is a lot of interest among potential private partners, as the Jefferson Parkway is currently the only greenfield risk-transfer project in North America.
- JPPHA plans to release the RFQ at the end of July. The process typically takes 90 days: there will be time for proposers to ask questions, and JPPHA may choose to issue an addendum based on these discussions. At the end of the process, the goal is to have up to three qualified respondents who will move forward through the request for proposals (RFP) process. It takes a lot of time and money for proposers to develop a response to the RFP (RFP responders could spend between \$3-5 million on their response). The RFP process will take eight or nine months, after which the Board will review proposers' best and final offers and select a proposal. The process will likely wrap up by the end of 2019.

Clarifying Questions

Participants asked clarifying questions about the update on JPPHA Board decisions regarding cost feasibility and traffic. Questions are indicated in italics, followed by the response.

Will the Jefferson Parkway be a highway with the option to take a toll road or will it strictly be a toll road?

It will strictly be a toll road.

Will recommendations from the JPAC be integrated into the RFQ or RFP process?
JPPHA will likely integrate the JPAC's recommendations into the RFP process.

UPDATE ON JPPHA BOARD DECISIONS REGARDING COST FEASIBILITY AND TRAFFIC

- During the April Board Meeting, Ernst and Young (EY) provided financial analysis to demonstrate the feasibility of a public private partnership (P3) procurement for the Jefferson Parkway, presented key opportunities and challenges related to advancing the project, identified a process for efficiently transferring risk to the private partner, and provided strategies for advancing the project through a P3 procurement.

- Over the past few months, EY's feasibility analysis approach consisted of three steps: 1) A survey of key transaction precedents to evaluate approaches to project risk allocation; 2) A solicitation of industry feedback from active P3 market participants; 3) Preparation of feasibility scenarios.
- Different delivery alternatives were considered, including a public-design-bid-build option, a public-design-build option, and a P3-design-build-finance-operate-maintain option. With public-design-bid-build projects, the public holds the risk for everything from design and construction, roadway operation and maintenance, tolling, and financing. With public-design-build options, the private partner holds the risk for design and construction and the public holds the risk for the rest. With the P3 option, the private partner holds risk for all the components. Examples of P3 projects in Colorado include US 36 and Central 70.
- The P3 delivery introduces private equity as a source of financing for construction. The private equity can offset the required upfront public contribution, which may be required if the project is delivered via a design-build or other publicly-financed delivery method.
- The JPPHA Board and financial advisors will consider several factors when selecting a P3 option, including project size and complexity, project risks, schedule, market appetite, public control, and financial feasibility. Private partners will be selected through an RFQ then RFP process and screened based on their experience, technical approach, financial capacity, and financial proposal.
- CDM Smith estimated that the per-mile cost of the Jefferson Parkway would be 29 cents for 40 years. They did not factor in the length of the term and interest rates. E-470 is charging about 36 cents per mile. The JPPHA Board concluded that the Parkway could transfer 100% of the revenue risk to the private sector.

What happens if there is a miscalculation and shortfall in the private partner's funding? If there is a disaster, will the state have to come up with the subsidy?

There is not a subsidy agreement. The private partner will bear the risk. The public partner supplies the right of way and owns the project. When contractors for the Northwest Parkway were concerned that their revenue forecast did not meet expectations, the risk fell to the public until they negotiated an agreement with Brisa (the private partner) to transfer the risk to the private operator. E-470 quarterly reports now indicate that the tollway received \$170 million in transactions last year, and its revenue and projected utilization are projected to keep growing. The JPPHA Board will make decisions about private partners based on best and final offers and negotiate the terms of the project. JPPHA believes it reasonable that will not be a need for public subsidies on this project.

Are there any examples of similar projects that have gone wrong?

A toll road in Indiana had a concessionaire who got into so much debt that the State had to step in and restart while it was still in the construction phase. In Virginia, anybody could call their project a "public-private partnership" which created a lot of confusion and the development of some projects that should not have gotten off the ground. In Maryland, there was a change in administration, and the new governor decided to abandon a project that was well underway. Problems arise when the project is not thought-out.

Do potential proposers know about the risks associated with radioactive materials from Rocky Flats? They have had access to the body of literature about Rocky Flats and will have to determine whether they are willing to bear the risks associated with developing the area.

Does the cost estimate for the Jefferson Parkway include additional structures, such as detention structures, bridges, etc., or is just the cost of the proposed roadway?

The estimated cost of the Jefferson Parkway is \$250 million. The cost estimate was for a 10% design for the entire Parkway and did consider bridges and drainage structures. The estimate included over 100 items and was independently checked. The bridges were estimated by square footage. However, structures such as a multi-modal path were not included in the estimate. The estimate did not include a provision of special mitigation beyond that required by the State; the estimate included a placeholder price for standard mitigation practices. The contractor will determine the final budget and design.

Have any consultants taken geologic borings (soil samples) to determine if there is a stable soil foundation?

PB Americas took soil samples as part of their analysis in 2010, and this information was used to inform the expected high-level bridge types. Some groundwater samples were taken at the Hotchkiss property.

Will the private partner be aware of previous historical issues in the area (e.g., the Flatirons Mall, which had to be rebuilt because the contractor had little experience working with expansive soils)?
Historical issues may be a part of the risk proposition wherein the concessionaire spells out what it is willing to take on. The concessionaire would benefit from learning about the potential challenges.

There was some controversy during the final design process of Highway 36 with the contractor and a lack of transparency about the recent expansion. Has the JPPHA Board examined ways to ensure that there will be transparency throughout the project?

The biggest issue with Highway 36 was that there was a perceived lack of transparency about the toll rates (i.e., how tolls would be charged and who set the rates). The JPPHA Board is committed to being transparent, with the understanding that in public-private partnerships there are certain aspects of the project that the private partner considers to be proprietary.

Will the final contract include mechanisms for the private contractor to increase the toll cost?
That is not yet determined.

What is the JPPHA Board's vision for the future of the JPAC?
The JPAC should recommend what it would like its function to be in the future.

Will there be an independent review of the design?
The JPPHA will analyze and respond to various aspects of the project design.

FEDERAL AVIATION ADMINISTRATION (FAA) UPDATE

- On July 19, the JPPHA Board took a tour of Rocky Mountain Metro Airport to understand the physical distance between the runway and the proposed Parkway.
- The FAA has two independent issues with the Jefferson Parkway: 1) The scope of the environmental review (they started from the position that the environmental review should encompass the entire Jefferson Parkway alignment from SH 128 to SH 93, then refined the scope to within the confines of the airport property); 2) Their concerns about safety. The FAA is concerned that a plane may have to land too soon and could fall on the Parkway. They would like for the Jefferson Parkway to adopt an alternative that lowers the road another 20 feet and places a concrete lid on top of the roadway.

PRELIMINARY THOUGHTS ON POTENTIAL RECOMMENDATIONS TO THE JPPHA BOARD

JPAC members suggested and discussed potential recommendations to be presented to the JPPHA Board. The group did not make any decisions about the recommendations.

Recommendation #1

- JPAC should send the following material from the May JPAC meeting to the JPPHA Board to consider and review:
 - Randy Stafford's position paper
 - Jon Lipsky's presentation (PowerPoint and the meeting summary)
 - The video tape recording and transcript of Kristen Iversen's talk.
- The JPAC should specify what they would like the JPPHA Board to do with this information. It is important that the JPAC send the information that it has learned to the JPPHA Board.

Group Discussion

- Other speakers at the May meeting (from the Colorado Department of Public Health and the Environment) should send their presentations to the Board.
- The recommendation should clearly state the action that the JPAC would like the Board to take. The JPAC would like the Board to carefully consider the materials that JPAC sends to it and respond with a statement about how it will incorporate the information into future decisions.
- JPAC may want to consider recommending that a subset of JPAC members present the package of recommendations to the Board. Peak Facilitation will prepare a final report that summarizes the JPAC's process and recommendations.

Recommendation #2

- The Board should require independent testing for plutonium and other contaminants before allowing any design and construction-related, surface-disturbing activities within the Indiana corridor of the Parkway and should require public posting of the testing 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 while mitigation measures are followed, then a resampling should be conducted.
- Resampling is important because there are unknown factors and conflicting reports about the adequacy of the clean-up and remediation of contaminants at the former Rocky Flats nuclear weapons plant site and surrounding areas, including Indiana Street. Publicly sharing test results would improve the community's understanding of the issue, help build trust, and improve transparency. Reporting elevated levels of contaminants to CDPHE would allow for a proper response and would improve CDPHE's monitoring data of the site.

Group Discussion

- Several independent entities could conduct independent testing. One is Michael Ketterer, who is a retired analytical chemist and has made a career of studying plutonium; he used to work for the Environmental Protection Agency and is retired from academia. Another potential option is Marco Kaltofen, who has done many independent studies and recently published a paper about nuclear workers tracking contaminants outside of nuclear facilities. Six local governments applied for a federal land access grant program to fund construction of trail crossings on the Rocky Mountain Greenway Trail, and some of the governments made their approval contingent on future testing, which will be conducted by a contractor called Engineering Analytics. As part of this recommendation, the JPPHA Board may choose to issue an RFP to find a suitable independent contractor for this work.

- During preparation for construction of the Parkway, the contractor will have to make borings more than a foot deep to find suitable bedrock. There may be an opportunity to take soil samplings at the same time, which would increase efficiency and decrease costs. However, the sampling concentration may vary for a structural concern versus an environmental concern.
- The independent testing is unlikely to find more or less plutonium than the existing studies; however, there are questions about the significance of the existing plutonium levels and about how much contamination is safe.

Recommendation #3

- 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.

Group Discussion

- The Department of Energy retained the area in the middle of Rocky Flats, and all of the land outside the central operating unit was not cleaned up. Within the central operating unit, a lot of contaminated soil was dug up, boxed up, and moved.
- Moving the Jefferson Parkway to the east of Indiana Street would not alleviate the concerns related to contamination.

Recommendation #4

- 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).
- Providing this information to the public would increase transparency around the project and build goodwill with the community.

Group Discussion

- CDOT conducted an environmental Impact statement (EIS) process between 2003 and 2008 and the draft EIS identified what is now the Jefferson Parkway alignment as the preferred alignment CDOT considered 73 alternatives and went through a five-year analysis before agreeing to the current alternative. CDOT did consider contamination issues in their process.
- During the decision-making process that determined the current alignment, CDOT did not choose many alternative alignments for various reasons. It may be possible to better describe the considerations that informed the conclusions and how the conclusions meet the Front Range objectives.

Recommendation #5

- JPPHA should find an alternative alignment for the Jefferson Parkway that goes along Highway 93.
- The proposed Parkway would increase traffic along Indiana Street because it is strictly a toll road. Not many locals will want to get onto a tollway.

Recommendation #6

- JPPHA should sponsor an independent review of all the past studies of both soil contamination and public health impact 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 impact, and review sampling techniques.

- The soil contamination studies have caused conflict because they all used different sampling techniques, so an independent review may be informative. There have been five epidemiological studies, and all but one (CDPHE's study) indicate that there is an increased cancer occurrence surrounding Rocky Flats.

Recommendation #7

- JPPHA should require dust control and mitigation during the construction of the Jefferson Parkway to deal with high winds.
- Additionally, air pollution control measures and strategies are required under Colorado's State Implementation Plan for the Denver Metro/North Front Range non-attainment area under the Clean Air Act. Dust control measures should be taken along the entire length of the Jefferson Parkway.

Recommendation #8

- JPPHA should mitigate noise associated with the project.
- Other JPAC members will propose an additional recommendation about noise mitigation.

Recommendation #9

- JPPHA should carefully consider the site and design of the Greenway Trail.
- JPPHA should consult with the Colorado Department of Transportation (CDOT) about options for wildlife crossings. JPPHA could consider examples of successful wildlife crossings in Salida and Kremmling.

Recommendation #10

- JPPHA should seek to open the records of the Special Grand Jury 89-2.
- The records of the Grand Jury may contain previously undisclosed information about the Rocky Flats contamination. The local governments that make up the JPPHA Board may be able to invoke some of their privileges to access this information.

Group Discussion

- The Federal Grand Jury requested that the records be released, and the Federal District Court of Colorado had a hearing and denied the request. It does make a difference who requests access. Grand Jury proceedings are confidential; the only people who attend are the prosecution, the witnesses, and the grand jurors.

Recommendation #11

- JPPHA should require the incorporation of design features into the Jefferson Parkway that help to achieve objectives from Arvada's community plans, including the Arvada Arts and Culture Master Plan, the Arvada's Bicycle Master Plan, and the Parks Plan. These objectives include expanding the arts and culture throughout Arvada and improving bicycle and pedestrian access (i.e., reducing barriers to access). Putting bike paths along the Parkway would maximize multi-modal travel opportunities.
- Including these features in the design will 1) reduce the need to retrofit Jefferson Parkway to meet other City objectives, 2) help to achieve the City of Arvada's objectives, and 3) help to build good will in the community toward the Parkway.

Group Discussion

- There is a lack of north-to-south bike paths in the area.
- The trail should connect to neighborhoods and parks, which is an objective in the Arvada Bicycle Master Plan.

NEXT STEPS

- At the next meeting, which is on August 16, members of the JPAC will continue to present recommendations. Marc, Jerry, and Brent all indicated that they will present ideas.
- JPAC members should consider making a recommendation regarding the future of the JPAC committee. If no one plans to present an idea on this topic, Peak will add a specific agenda item to discuss the future of the JPAC committee.

Jefferson Parkway Advisory Committee (JPAC)
Recommendations from Members for August 16 Meeting

Recommendation #1

The public (residents, city, county, etc.) should not be on the hook financially for the Parkway. The JPAC should request that the RFP include as a requirement that even in the event that the revenue does not cover operations cost, the private investment firm must still have to cover the shortfall. The public should not have to pay.

Recommendation #2

Light and sound mitigation measures should be considered very carefully, especially for areas which have close borders with homes. Additionally, sound mitigation should not necessarily be just walls but should account for visual appeal for those homeowners where possible. Something like recessing the roadway as it goes through Leyden Rock and provide a pedestrian crossover close to grade would help with sound and at the same time make the neighborhood feel less cut in half.

Recommendation #3

Bike/Walk pathways should be included in the design as mandatory to allow pedestrian use across the parkway and eventually link up to trails at the north and south ends.

Recommendation #4

Include in the RFP that all NEPA-like standards be followed for the environmental review process even though no federal funds are used.

Recommendation #5

If the current parkway alignment up Indiana Street is not changed, the JPPHA BoD should install ample air monitoring equipment downwind of the construction to monitor for airborne contamination caused by construction activity, with a public comment period on the design of the air monitoring equipment, and on the consequences of exceedances of specified airborne contamination thresholds (and what those thresholds should be).

**Jefferson Parkway Advisory Committee (JPAC)
August 16, 2018
Meeting Summary - FINAL
Apex Field House**

ATTENDANCE

Participants: Bini Abbott, Bill Branyan, Rebecca Kallio, Vera Ladkow, Britta Nelson, Ian Owens, Bill Ray, Brent Smith, Jill Strauss, Gerry Taylor, Brett Vernon

Facilitation: Heather Bergman, Sam Haas

ACTION ITEMS

Bill Ray	<ul style="list-style-type: none">• Send JPAC members the request for qualifications after it has been finalized.• Provide the final report of West Connect to JPAC members.
Peak Facilitation Group	<ul style="list-style-type: none">• Create a document with all the recommendations grouped into themes and send the recommendation sheet to all JPAC members with the agenda a week before the next meeting.• Coordinate with Bill Branyan to ensure he has an opportunity to provide thoughts on his level of approval for each recommendation.

UPDATE ON JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY (JPPHA) BOARD MEETING

Bill Ray provided a brief update on the August JPPHA meeting

- The JPPHA Board was presented with the 2017 audit, and it was clean. The Board extended the contract of the financial advisory firm of Ernst and Young. Finally, the Board moved to authorize the request for qualifications (RFQ) for a private partner to construct and maintain the Jefferson Parkway. The RFQ will be released after Labor Day and responses will be due after Thanksgiving. Bill Ray will send JPAC members the final request for qualifications (RFQ).
- The qualification process will require proposers to put together a statement about the team that they plan to use. There will be three finalists at most. If there are enough qualified teams, the next step would be the release of a RFP.
- The investors of the Northwest Parkway submitted an unsolicited proposal. The JPPHA Board has declined this proposal, but has encouraged the investors to submit an RFQ response. The investors have the exclusive right to complete the Northwest Parkway extension, which is not related to the Jefferson Parkway.
- The Board would like to drive the RFQ process forward because they believe there is a small window of opportunity (the rates are low, construction costs are low (yet rising), and market interest is high).

Clarifying Questions

JPAC members asked clarifying questions regarding the JPPHA Board meeting. Questions are indicated in italics.

Who are the Jefferson Parkway staff?

There are technically no Jefferson Parkway staff; the JPPHA Board decided at the inception of the Authority that they would not have any personnel. However, they have employed general counsel, several project engineers (PB America, Isolux, then HDR Consulting), a strategic advisor (Don Hunt), and now a transactional attorney (Ashurst). Bill Ray is on the payroll for the City of Arvada part time and is on permanent assignment to the JPPHA.

Are there any updates regarding the Federal Aviation Administration (FAA)?

Not at the moment.

JPAC MEMBER RECOMMENDATIONS TO THE JPPHA BOARD

JPAC members discussed and suggested potential recommendations to be presented to the JPPHA Board.

Recommendation #1: Adopt the following mitigation measures from the 2008 Northwest Corridor Transportation Study Environmental Impact Statement (EIS).

Construction Mitigation Measures (EIS Ch. 4-27)

- **Public Awareness:** Implement and maintain a construction hotline to inform the public and receive complaints regarding construction activities. Information could be sent to affected members of the public before construction, using advertising/public relations. Work activities could be coordinated to ensure they do not coincide with sporting, school or special events.
- **Noise:** Methods include the use of temporary noise walls/screens, noise blankets on equipment, and quiet generators. Scheduling construction during less noise-sensitive times and combining noisy operations to occur during the same period may also be beneficial.
- **Vibration:** Perform vibration studies for sensitive structures within 50 feet of the roadway or construction activities.
- **Access:** Use enhanced signing and alternate access, and do not close multiple interchanges concurrently.
- **Traffic:** Limit detours and construction traffic, utilizing major arterials where possible. Schedule construction during periods of least traffic. Use intelligent management systems and variable message signs to advise/redirect traffic. Enforce speed restrictions and provide adequate space for enforcement. Use a Courtesy Patrol and enhanced signing. Work with Regional Transportation District to offer enhanced operations during peak construction. Develop traffic management plans to maintain access to local businesses/residences and coordinate with emergency service providers to minimize delay and ensure access to properties.
- **Modified Pedestrian/Bike Mobility:** Provide well-defined detours with adequate signing, fencing, and lighting for pedestrians/bicyclists. Comply with American Disability Act requirements. Construct a new bike/pedestrian overpass as a detour before the old one is demolished.

- Environmental: Use wetting/chemical inhibitors for dust control. Provide early investigation of subsurface conditions and prepare a well-defined materials handling plan. Require prompt and safe disposal of waste products. Prepare a well-defined stormwater management plan and implement water quality best management practices early in the project. Minimize off-site tracking of mud and debris by washing construction equipment in contained areas and via temporary access stabilization. Control and prevent concrete washout and construction wastewater. Recycle materials and use recycled materials as possible.

Hazardous Materials Mitigation Measures (EIS Ch. 4-27)

- Discussions will be conducted with CDPHE to define activities necessary to protect public health and the environment from potential soil contamination near the Rocky Flats Wildlife Refuge resulting from construction activities. NOTE: The EIS contains maps identifying Sites of Concern and Sites with Recognized Environmental Conditions Central Portion (Figure 4.15-2), Plutonium IsoContours in the Northwest Corridor Study Area (Figure 4.15-3), and Americium IsoContours in the Northwest Corridor Study Area (Figure 4.15-4).
- A materials management plan and health and safety plan may be necessary for the proposed actions in the Rocky Flats Environmental Technology Site (RFETS) area where actinides are present in soil and possibly surface water. Site-specific health and safety plans would also be necessary for landfill and mine sites where methane gas is a potential concern. (4.27-5)
- Modified Pedestrian/Bike Mobility: Provide well-defined detours with adequate signing, fencing, and lighting for pedestrians/bicyclists.
- Comply with American Disability Act requirements.
- Construct a new bike/pedestrian overpass as a detour before the old one is demolished.
- Environmental: Use wetting/chemical inhibitors for dust control.
- Provide early investigation of subsurface conditions and prepare a well-defined materials handling plan.
- Require prompt and safe disposal of waste products.
- Prepare a well-defined stormwater management plan and implement water quality best management practices early in the project.
- Minimize off-site tracking of mud and debris by washing construction equipment in contained areas and via temporary access stabilization.
- Control and prevent concrete washout and construction wastewater.
- Recycle materials and use recycled materials as possible. (p. 4-27.6 and 7).

Hazardous Materials Impacts Analysis (EIS at 4.15-30 through 32)

- The materials handling plan should describe any required permitting, waste profiling, and manifesting for off-site disposal of contaminated soil.
- Sites with existing remedial measures such as environmental media monitoring stations (i.e., sediment, surface water, groundwater, and air) and engineered controls (i.e., capped waste facilities) may require coordination with applicable regulatory agencies to avoid, minimize, or mitigate impacts from the project.

- RFETS A site-specific risk assessment may be needed to document that the project would not pose an unacceptable risk to human health and the environment during and after construction.
- In addition, a site-specific materials management plan and health and safety plan may be required for construction in the RFETS area where impacted surface water and sediment may be present in Woman Creek and Walnut Creek crossings and where soils contain low concentrations of actinides. Such plans typically include a description of engineering controls needed to prevent contaminant mobilization and cross contamination within and outside the alternative footprint during construction, personal protective equipment and protocols needed for worker health and safety, and monitoring requirements needed to demonstrate that activities are protective of human health and the environment.

Rationale: The EIS, the environmental review document for the transportation study, recommends adopting the mitigation measures because of “radionuclide contamination of surface soils within the Industrial Area, Buffer Zone, and properties to the east of Indiana Street,” with Plutonium-239/240 and americium 241 identified as the primary contaminants in surface soil in the vicinity of the Northwest Corridor study area (EIS Hazardous Materials 4.15-6). These measures should be adopted to address impacts identified by the EIS and because no other analysis indicates these measures are no longer needed. The EIS’s Hazardous Materials Impacts Analysis provides further detail for the associated mitigation measures. The mitigation requirements for the Parkway should specify these details.

Link to 2008 Northwest Corridor Transportation Study Environmental Impact Statement:
<https://www.codot.gov/library/studies/northwest-corridor-eis>

Group Discussion

The JPAC discussed recommendation #1.

- Some JPAC members suggested that trucks should be required to turn off their reverse beepers, or the trucks that have reverse beepers should only operate during specific times of the day. Other members raised the concern that the use of reverse beepers on construction vehicles is mandated by law and should not be turned off.
- Notification and communication with neighborhoods will be critical.
- The JPPHA Board should consider installing sound buffer corridors (1,000 feet from houses).
- It is difficult to strike a balance between keeping roads open during busy travelling times while also attempting to reduce noise during less busy travelling times. It may be necessary to prioritize one over the other.
- The EIS language includes a lot of “mays,” and the JPAC could consider replacing this language with more firm words such as “shall” or “will.”
- The JPAC had questions about what would happen if the initial site survey of the right of way along Indiana Street does not show contamination. The recommendation could include built-in thresholds for the amount of allowable contamination or how far east the mitigation measures are pursued. Since the

Colorado Department of Public Health and the Environment (CDPHE) is the regulatory agency, the JPAC should not recommend thresholds that are stricter than CDPHE's.

Recommendation #2: The public (residents, city, county, etc.) should not 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.

Group Discussion

The JPAC discussed recommendation #2.

- The RFP process will provide resolution to most of the questions implied in this recommendation. The traffic and revenue study provided clarity about this topic, and the JPPHA Board believes that the Parkway can be built with a 100% risk transfer to the private sector. However, that is not a guarantee. Jurisdictions will have the ultimate decision-making power. JPPHA cannot collect taxes; JPPHA can only collect fees. Member entities do not have an established cost-share agreement. However, if the proposal requires some public participation, member entities will have to discuss that. Bill Ray's salary from Arvada is an advance. Every member entity pays an equal amount to pay the other consultants as a cash advance.
- The Northwest Parkway is not governed by any language guaranteeing that the public will not be financially responsible for it but it was built as a traditional public finance project, so the situation is different. The Northwest Parkway's financial model unraveled as a result of the recession and its creators decided to privatize the operations. Brisa (the private investor) assumed the liability for operating the Northwest Parkway and any operational shortfall is their responsibility.
- The money collected from the Jefferson Parkway's tolls will reimburse the advances that the member entities contributed. The revenue will also be used to maintain the Parkway.

Recommendation #3: Light and sound mitigation measures should be considered very carefully, especially for areas close to homes. Additionally, sound mitigation measures other than walls should be considered to account for the views from those homes where possible. One option could be to recess the roadway as it goes through Leyden Rock and provides a pedestrian crossover close to grade. A recess would help with sound and make the neighborhood feel less divided.

Recommendation #4: Bike/Walk pathways should be included in the design to allow pedestrian use across the parkway and eventually link up to trails at the north and south ends.

Group Discussion

JPAC members discussed recommendation #4.

- JPAC members had questions about why the recommendation only specifies north and south ends. There should be crossings at all trail connections.

Recommendation #5: The RFP should state that all NEPA-like standards be followed for the environmental review process even though no federal funds are used.

Recommendation #6: If the current parkway alignment up Indiana Street remains the same, the JPPHA Board should install adequate air monitoring equipment downwind of the construction to monitor for airborne contamination caused by construction activity. Monitoring should be accompanied by a public comment period on the design of the air monitoring equipment and on the consequences of exceedances of specified airborne contamination thresholds (and what those thresholds should be).

Group Discussion

JPAC members discussed recommendation #6.

- Both the equipment and the sampling locations should be monitored.
- The thresholds are not yet clear. The public or health experts could define thresholds.
- The “public comment period” should be a clearly defined process during a set timeframe.
- Qualified experts should provide input on the equipment, and the public should also have the opportunity to comment. The equipment used will be designed by scientists to fit the specific area.
- The Occupational Safety and Health Administration (OSHA) has standards and requirements for the types of equipment that can be used on certain types of sampling units.
- Sampling should not stop when construction begins; both soil and air sampling should continue throughout construction.

Recommendation #7: The committee should continue meeting during the RFP process and construction of the Jefferson Parkway.

- JPAC members discussed recommending that the JPAC not actively meet during construction, but that the JPPHA Board consult with the JPAC about communication with communities (e.g., “how much notice should be provided for road closures?”). JPAC members could gather information from neighbors about communication preferences.
- Community members should have direct access to an entity that can answer questions and respond to concerns during construction.

Recommendation #8: Mitigation measures should be taken to insulate the neighborhood of Leyden Rock from the negative impacts of the Jefferson Parkway construction, prevent the highway from dividing the community, and keep the residents safe.

- The 2018 community development budget for the City of Arvada is over \$1 million. The City has several grants that are aimed to create a sense of community. The 2018 Arvada budget describes the City as a beautiful suburb with a rich history, a robust mix of businesses, and a high quality of life. Leyden Rock embraces this commitment

to community and is a strong, integrated, vibrant neighborhood. The Leyden Rock Social Committee hosted 15 events in 2017, drawing over 250 attendees. The community is centered around a clubhouse and a main park, which will be split by the construction of the Jefferson Parkway. The Parkway will physically divide the community into two. Most people walk through the community, so the Parkway will impact communication between neighbors.

- There is no community along the beltway that is bisected by the highway like Leyden Rock will be. Anthem is the only community that is right next to the highway. Using a rangefinder, a JPAC member determined the distance from houses in Anthem to the highway. On the east end of Anthem, some homes are 205 yards away from the shoulder of the highway. By the tollbooth, some homes are 185 yards away. On the other end of Anthem, some homes are 113 yards from the shoulder of the highway. Using a map of the proposed Jefferson Parkway construction through Leyden Rock, the JPAC member went to the area where the cut is graded to its final estimate. The JPAC member stood in the middle of the proposed travel lane and determined the distance to the houses. The first reading indicated that there are houses 65 yards from the travel lane; further east one house was 58 yards; other readings along Leyden Rock showed that there were homes 69 yards and 65 yards from the travel lane. There would be approximately 19 yards from the edge of the parkway to the berm. Berms are roughly 20 yards high and are typically 12 yards from the backyard fences. If a car is going 65 miles per hour, it covers 100 yards in three seconds. Residents are concerned that if there are accidents, the cars will end up in their backyard.

Recommendation #9: There should not be any sound walls to mitigate noise near Leyden Rock.

Recommendation #10: There should be wide, clear pedestrian walkways that connect one end of the Leyden Rock community to the other.

- The best examples of similar pathways are on Highway 93, on 19th street in Golden, or the new I-70 pathway.
- There should be at least two pathways.

Recommendation #11: The design should integrate forested areas in empty spaces between pathways to improve safety, provide sound mitigation, create green space, and increase neighborhood connectivity.

Group Discussion

- The JPAC member proposing this recommendation emphasized that they believed in a win-win solution, as JPPHA has invested a lot into the project and has secured the right of way. Leyden Rock would not exist without JPPHA, but it is important to mitigate the impacts effectively (to the maximum extent possible) and make it as safe as possible.

- The three most important components are light, sound, and safety. It is important to pursue the most comprehensive mitigation for all three of these components, which will mean balancing and prioritizing them.
- There are 1,700 homes in Leyden Rock (there are projected to be 2,200 total).
- Leyden Rock could potentially have a community fundraiser to support the mitigation measures.

Recommendation #12: Reach out to Leyden Rock Metro District and/or Candelas Metro District to determine if and how they could contribute.

Recommendation #13: Add an access road onto the highway from 82nd Street to the Jefferson Parkway to facilitate Leyden Rock access to the Jefferson Parkway and provide additional egress options.

- Leyden Rock does not have any connecting roads to the north. Adding an access road will reduce traffic on Indiana Street and decrease the objections to the Parkway from community members.
- Ideally, the access road should connect to Candelas Parkway Highway 72.

Recommendation #14: There should be multimodal options along the access road. The pathway should connect to all the trailheads (the Greenway Trail, etc.). Development of the multimodal options should be included in phase 1 of construction.

Recommendation #15: Consider innovative approaches to pursuing the recommendations.

Recommendation #16: JPPHA Board 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.

- There should be the option for one or two-stop subscriptions for people who will only use on a portion of the Parkway.

Recommendation #17: The FAA has objected to the alignment of the Parkway at its Northern end, as it is close to the Jefferson County Airport. The FAA has proposed that the Parkway be lowered 20 feet in this area and that that tunnels be constructed, as the FAA believes this would protect users of the Parkway in the event that an aircraft crashes onto the parkway. To alleviate the FAA concerns as well as the cost, 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.

- When the Northwest Parkway was being developed (starting at 96th Street through Interlocken) the developers thought it may be possible to have an urbanized, un-tolled section of the road, but the toll companies did not approve. Continuity of tolling is important.

- JPAC members discussed the possibility of putting the tollway through the middle of the Highway. There was a study done for the Northwest Parkway extension about putting continuous toll lanes down the middle of the road and providing accessibility to existing intersections. The cost of constructing the frontage roads and developing interchanges at each location was \$150 million six years ago.

Recommendation #18: Utilize 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.

- Pursuing this recommendation would mean that, from west 96th Avenue, Indiana Street would continue to be a public road, to the north Indiana Street would be part of the Parkway.
- The benefit of this option would be to reduce the overall Parkway construction cost and create additional revenue for the Parkway.
- There were questions about whether it would be possible to remove an existing public road for the development of a tollway. It was stated that the City has committed to keeping Indiana Street as it is. Currently, part of Indiana Street is a City street, and part of it is a County road.

Recommendation #19: Offer a subscription for bike access to the new bike route.

NEXT STEPS

- At the next meeting, the JPAC will start discussing what they would like to submit to the JPPHA Board. The JPAC protocols specify that “on a case-by-case basis, JPAC members will decide how their agreements, or lack thereof, will be described to the JPPHA Board of Directors. Possible choices for those descriptions are unanimity, consensus (from a consensus-building process), or a report of the different perspectives of JPAC members.
- Bill Ray will send out the final West Connect report to JPAC members.
- Peak Facilitation Group will create a document with all the recommendations grouped into themes (e.g., noise, Rocky Flats, community continuity, etc.). At the beginning of the meeting, JPAC members will be given red, yellow, and orange dots, and will place a dot on each recommendation (written on large sheets of paper) to indicate their level of approval. Any recommendations with mixed dot colors will be discussed further.
- Peak Facilitation will send the recommendation sheet to all JPAC members with the agenda a week before the next meeting.
- There will likely be an October meeting to finish the discussion and make decisions regarding recommended proposals.
- Bill Branyan will not be at the September meeting. Peak Facilitation will coordinate with him to ensure he has an opportunity to provide thoughts on his level of approval for each recommendation.

Jefferson Parkway Advisory Committee (JPAC)
Recommendations to the Jefferson Parkway Public Highway Authority (JPPHA) Board

Recommendations Pertaining to Rocky Flats and Environmental Impacts

- Adopt the mitigation measures from the 2008 Northwest Corridor Transportation Study Environmental Impact Statement (EIS).
- The RFP should state that all NEPA-like standards be followed for the environmental review process even though no federal funds are used.
- If the current parkway alignment up Indiana Street remains the same, the JPPHA Board should install adequate air monitoring equipment downwind of the construction to monitor for airborne contamination caused by construction activity. Monitoring should be accompanied by a public comment period on the design of the air monitoring equipment and on the consequences of exceedances of specified airborne contamination thresholds (and what those thresholds should be).
- The Board should require independent testing for plutonium and other contaminants before allowing any design and construction-related, surface-disturbing activities within the Indiana corridor of the Parkway and should require public posting of the testing 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 while mitigation measures are followed, then a resampling should be conducted.
- JPPHA should sponsor an independent review of all the past studies of both soil contamination and public health impact 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 impact, and review sampling techniques.
- JPPHA should require dust control and mitigation during the construction of the Jefferson Parkway to deal with high winds. Additionally, air pollution control measures and strategies are required under Colorado's State Implementation Plan for the Denver Metro/North Front Range non-attainment area under the Clean Air Act. Dust control measures should be taken along the entire length of the Jefferson Parkway.
- JPPHA should seek to open the records of the Special Grand Jury 89-2.

Recommendations Pertaining to Multi-Modal Transportation

- Bike/walk pathways should be included in the design to allow pedestrian use across the parkway and eventually link up to trails at the north and south ends.
- There should be multimodal options along the proposed access road by Leyden Rock. The pathway should connect to all the trailheads (the Greenway Trail, etc.). Development of the multimodal options should be included in phase 1 of construction.
- JPPHA should offer a subscription for bike access to the new bike route.
- JPPHA should carefully consider the site and design of the Greenway Trail.

Recommendations Pertaining to Community Safety, Connectivity, and Wellbeing

- Mitigation measures should be taken to insulate the neighborhood of Leyden Rock from the negative impacts of the Jefferson Parkway construction, prevent the highway from dividing the community, and keep the residents safe.
- There should not be any sound walls to mitigate noise near Leyden Rock.
- There should be wide, clear pedestrian walkways that connect one end of the Leyden Rock community to the other.
- The design should integrate forested areas in empty spaces between pathways to improve safety, provide sound mitigation, create green space, and increase neighborhood connectivity.
- Reach out to Leyden Rock Metro District and/or Candelas Metro District to determine if and how they could contribute.
- The design should include an access road onto the highway from 82nd Street to the Jefferson Parkway to facilitate Leyden Rock access to the Parkway and provide additional egress options.

- JPPHA should require the incorporation of design features into the Jefferson Parkway that help to achieve objectives from Arvada's community plans, including the Arvada Arts and Culture Master Plan, the Arvada's Bicycle Master Plan, and the Parks Plan. These objectives include expanding the arts and culture throughout Arvada and improving bicycle and pedestrian access (i.e., reducing barriers to access).
- Light and sound mitigation measures should be considered carefully, especially for areas close to homes. Additionally, sound mitigation measures other than walls should be considered to account for the views from those homes where possible. One option could be to recess the roadway as it goes through Leyden Rock and provides a pedestrian crossover close to grade. A recess would help with sound and make the neighborhood feel less divided.

Recommendations Pertaining to the Alignment and/or Operation of the Jefferson Parkway

- JPPHA Board 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.
- Utilize 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.
- 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.
- JPPHA should find an alternative alignment for the Jefferson Parkway that goes along Highway 93. The proposed Parkway would increase traffic along Indiana Street because it is strictly a toll road. Not many locals will want to get onto a tollway.
- 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).
- JPPHA should consult with the Colorado Department of Transportation (CDOT) about options for wildlife crossings. JPPHA could consider examples of successful wildlife crossings in Salida and Kremmling.
- To alleviate FAA concerns and reduce the cost of their proposal to lower the Parkway 20 feet and construct a tunnel, 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.

Recommendations Pertaining to Future Processes

- The public (residents, city, county, etc.) should not 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 committee should continue meeting during the RFP process and construction of the Jefferson Parkway.
- Consider innovative approaches to pursuing the recommendations.
- 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 (PowerPoint and the meeting summary)
 - The video tape recording and transcript of Kristen Iversen's talk.