A Resolution of the Sierra Club to the State of Colorado
Regarding the I-70 Mountain
Final Programmatic Environmental Impact Statement

WHEREAS, the Colorado I-70 Mountain Corridor contains vital elements of natural resources; human development including resorts, the interstate highway and other roads; recreational and scenic resources; wildlife and important ecosystems including water needed by the State; and economic activity and investment. Further, this region and Corridor are of state and national importance, and

WHEREAS, growing travel demand and increasing congestion have necessitated the commencement of a major Programmatic Environmental Impact Statement project conducted by the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) consistent with the requirements of the National Environmental Policy Act (NEPA), and

WHEREAS, said project conducted under NEPA requirements involves a citizen-oriented conflict resolution committee known as the “Collaborative Effort” Committee, also known as the “stakeholder committee,” (the CE), in which the Sierra Club participates. CDOT and FHWA have agreed to honor and abide by the provisions of the final report of the CE, which governs the course of action for transportation development in the I-70 Mountain Corridor and is wholly incorporated into the Record of Decision (ROD) of the Final Programmatic Environmental Impact Statement, and

WHEREAS, the ROD issued June 16, 2011 contained the following guidance pursuant to a review in the year 2020:

“Future Stakeholder Engagement
Ongoing stakeholder engagement is necessary because the aforementioned improvements may or may not fully address the needs of the corridor beyond 2025, and the recommendation does not preclude nor commit to the additional multi-modal capacity improvements. As such, CDOT and FHWA will convene a committee that retains the Collaborative Effort member profile. The committee will establish its own meeting schedule based on progress made against the approved triggers, with check-ins at least every two years. Such meetings will review the current status of all projects and will consider the following triggers in evaluating the need for additional capacity improvements.
Triggers for Additional Highway and Non-AGS Transit Capacity Improvements

Additional highway and non-AGS transit capacity improvements may proceed if and when:

- The “Specific Highway Improvements” are complete, and an AGS is functioning from the front range to a destination beyond the Continental Divide, or
- The “Specific Highway Improvements” are complete, and AGS studies that answer questions regarding the feasibility, cost, ridership, governance, and land use are complete, and indicate that AGS cannot be funded or implemented by 2025 or is otherwise deemed unfeasible to implement, or
- Global, regional, or local trends or events have unexpected effects on travel needs, behaviors and patterns and demonstrate a need to consider other improvements, such as climate change, resource availability, and/or technological advancements.

In 2020, there will be a thorough assessment of the overall purpose and need and effectiveness of implementation of these decisions. At that time, CDOT and FHWA, in conjunction with the stakeholder committee, may consider the full range of improvement options.” and

WHEREAS, CDOT issued three reports addressing options for transit, referred to by the CE as the Advanced Guideway System Feasibility Study (AGS, 2014), the Interregional Connectivity Study (ICS, 2014) and the Rocky Mountain Rail Authority report (RMRA, 2011), all of which failed to meet the requirements of NEPA and the CE Agreement, and which contained specific significant defects in that they failed to examine all feasible rail and other alternatives such as to study Electric Multiple Unit (EMU) trains, and the costs and impacts associated with all alternatives, and failed to consider all aspects of climate change as stated in the CE Report, and

WHEREAS, the Advanced Guideway Study Project Leadership Team stated that the 2025 trigger in the ROD was a guide, not a strict deadline; that the Collaborative Effort did not intend for the highway Maximum Program of Improvements to be triggered if the AGS were deemed feasible before 2025 but not fully constructed and operational, and further, that if an industry team could not meet that goal, the Team should propose when and how the AGS could be completed, and

WHEREAS, new laws of the Colorado General Assembly; obligations, rules and regulations of Colorado state Departments and Agencies; and executive orders, positions and requirements of Colorado's Governor have created new conditions and future economics regarding transportation that were not considered in the 2011 Record of Decision,
Now, Therefore, Be It Resolved By The Sierra Club that the Federal Highway Administration, the Colorado Energy Office, the Governor of Colorado, and CDOT

1. Develop a course of action consistent with NEPA to rectify the deficiencies in the prior studies and reports, and to address relevant data and developments since the 2011 ROD,

2. Ensure that such further action be fully consistent with the requirements of a Programmatic Environmental Impact Statement, and ensure that the role and involvement of the CE Committee continue undiminished,

3. Ensure that, until fulfillment of the provisions of Resolution paragraphs 1 and 2, the 2020 assessment action maintains all options for future AGS development, and does not cause the exercise in 2020 of a “trigger” as described in a prior paragraph of this Resolution, inasmuch as the requirement of the CE Committee and the ROD are still not met due to noncompliance with provisions of the CE Report and ROD that “AGS studies that answer questions regarding the feasibility, cost, ridership, governance, and land use are complete” and “Global, regional, or local trends or events have unexpected effects on travel needs, behaviors and patterns and demonstrate a need to consider other improvements, such as climate change, resource availability, and/or technological advancements,” and inasmuch, further, due to the opinion of AGS Project Leadership as stated above regarding the triggers as not a strict deadline.

Be It Further Resolved that this Resolution shall be provided to all members of the CE Committee, to the Federal Highway Administration, and to all members of the CDOT Transportation Commission.

Rebecca English  
Chair  
Colorado Sierra Club  
Transportation Committee  
May 28, 2019

Albert G. Melcher  
Chair Emeritus, Colo Sierra Club  
Transportation Committee; Co-Chair I-70 Mountains to Plains Transportation Solutions Committee; member, I-70 Mountain Collaborative Effort 2007-2008, alternate 2019; former Commissioner, Colorado Department of Highways  
May 28, 2019