



Legislation Text

File #: 21-725, **Version:** 1

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works and Development

Prepared By:

Jim Katzer, Transportation Division Manager, Public Works and Development

Subject:

C17-17, I25/Bellevue - First Amendment to the IGA between Arapahoe County, Greenwood Village, and the City and County of Denver, with no additional cost to Arapahoe County

Purpose and Request:

Staff requests the signature on the First Amendment to the Intergovernmental Agreement Amendment (IGA) between Greenwood Village, the City and County of Denver (CCD) and Arapahoe County for the I25 and Bellevue Avenue NEPA Study next steps and to and to support the Director of Public Works and Development in the signing of the amendment.

1. Support in the signing of the First Amendment to the IGA with Greenwood Village and the City and County of Denver by the Director of Public works and Development per the Authority Granted by Commissioner Resolution 21-062.

Background and Discussion:

Greenwood Village, the City and County of Denver (CCD), and Arapahoe County entered into an Intergovernmental Agreement for Interstate 25 and Bellevue Avenue NEPA Study (IGA) dated February 8, 2018. The IGA's purpose (Project) was to jointly work with a consultant to obtain an approved Interstate Access Request (IAR) by Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) that identifies a recommended "build" alternative for the I-25 and Bellevue Avenue interchange, as well as prepare a preliminary design for the preferred alternative and a phasing plan for its construction. The evaluation process is funded by the Southeast Public Metropolitan Improvement District (SPIMD) - \$250,000, City of Greenwood Village - \$250,000, CCD - \$250,000, and Arapahoe County - \$250,000. This Project was to be completed in 18 months, including reviews. The current I-25 and Bellevue interchange study has now been

in process for over 38 months and is a follow-on to a similar study which commenced in 2012. That study ended with no decision and was subsequently restarted. There was a recommendation from the 2012 study, but this study is a more detailed evaluation of alternatives to take into the CDOT interchange approval process.

On November of 2019, the Project's technical committee recommended the Split Diamond Solution at Union, and, at that time, CCD requested additional time for further study of an alternative that was screened out in past studies. After several months of discussion, it was agreed upon by the project partners to afford CCD the time to evaluate the alternative as long as CCD funded the work. To expedite the process, a MOU between Arapahoe County, Greenwood Village, and CCD was drafted but was never executed. Instead the MOU was used to draft the IGA which states that the work scope will include additional analysis of the "Diamond Plus" alternative and the work will be concluded by July 1, 2022. The analysis is estimated to cost CCD \$200,000. The analysis covered under this IGA Amendment will be entirely funded by Denver and the City of Greenwood Village and Arapahoe County will not have any funding responsibility for this IGA Amendment.

CCD has had several conversations with FHWA and CDOT, in which FHWA and CDOT have expressed concerns about the Diamond Plus alternative as the alternative does not provide full access to I25 at the Union Ave interchange. The Diamond Plus allows access to Union Ave. from southbound I25 and provides access from Union to northbound I25. The alternative does allow full access from I25 to Belleview in a tight diamond configuration. FHWA and CDOT require the construction of interchanges that provide access to both directions to the facility they are serving and the Diamond Plus alternative does not meet this requirement.

CCD continues to pursue the Diamond Plus alternative which has cost the project 10 months of project time and some project expenses. The project partners have worked to push CCD to make a decision. CCD met with FHWA and CDOT on May 7th to further discuss the Diamond Plus alternative. At this meeting, FHWA and CDOT communicated that the viability of the Diamond Plus alternative is still fatally flawed. CCD communicated that they still desire to pursue the Diamond Plus alternative.

The Transportation Division met with the BOCC on May 10 to discuss the project and obtain direction on the signing of the MOU. The BOCC approved the MOU and supported the signing of the MOU by the Director of Public Works and Development pursuant to authority Granted by Commissioner Resolution 21-062.

Since the signing of the MOU, the First Amendment of the IGA between Greenwood Village, Denver, and Arapahoe County was created. The Amendment defines the budget amount of \$200,000 to be paid by CCD along with a general scope of work to be completed July 1, 2022.

The Executive Committee on October 8, 2021, supported the additional work that is defined and funded by CCD in the Amendment and encouraged the work to be completed by the project team quickly.

This project is extremely important to the safety of the traveling public, the economy of the Denver Tech Center, regional air quality, efficient operation the I25/Belleview interchange, and multimodal connectivity.

Alternatives:

The alternative to signing this IGA Amendment would be not sign it and therefore, could jeopardize CCD being able to move forward with paying for the analysis of the Diamond Plus Alternative they propose.

Fiscal Impact: The Amendment does not commit the County to additional funding, however, the date the

project enters into the National Environmental Protection Act (NEPA) process will be pushed into the future which could impact future project costs. The pushing out of this date could also impact the opportunities to obtain funding from sources outside of the County.

Alignment with Strategic Plan:

- ☒ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☒ Be community focused

Concurrence: The County Attorney's Office has reviewed this document.

Resolution:

RESOLUTION NO. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to support the signing of the First Amendment to the IGA Arapahoe County, Greenwood Village, and the City and County of Denver by the Director of Public Works per the authority granted by Commissioner Resolution 21-062.

The vote was:

Commissioner Baker, ____; Commissioner Holen, ____; Commissioner Jackson, ____; Commissioner Sharpe, ____; Commissioner Warren-Gully ____.