



# Colorado Legislative Council Staff

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## MEMORANDUM

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**TO:** Members of the Transportation Legislation Review Committee

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**SUBJECT:** Central I-70 Project Overview

### Summary

This memorandum provides an overview of the Colorado Department of Transportation's Central I-70 project in Denver, scheduled to begin in 2018. Specifically, the memorandum covers the scope of the Central I-70 project, the federal approval process specific to this project, and funding for the project.

### Central I-70 Reconstruction Project

The ten miles of I-70 between I-25 and Chambers Road in Denver (Central I-70) is one of the most heavily traveled sections of highway in the state, carrying at least 200,000 vehicles per day. This section intersects the cities of Denver, Commerce City, and Aurora, including the neighborhoods of Globeville, Elyria-Swansea, Northeast Park Hill, Stapleton, Montbello, and Gateway. This section also contains a structurally deficient viaduct and is in need of additional lanes and surface improvements. The Colorado Department of Transportation's (CDOT) Central I-70 reconstruction project is scheduled to begin in 2018 to address these issues.

**Overview.** As shown in Figure 1, the Central I-70 project:

- constructs new high-occupancy tolled [express lanes](#) in each direction between Brighton Boulevard and Chambers Road;
- removes the deteriorated viaduct between Brighton and Colorado Boulevards and reconstructs a lowered portion of interstate in its place;
- constructs a [four-acre park](#) over a portion of the lowered section between Clayton and Columbine Streets;
- performs other surface treatments, such as restriping; and
- provides project mitigations, such as improvements to Swansea Elementary School.

**Figure 1**  
**Central I-70 Project Scope**



Source: Colorado Department of Transportation.

**Public-private partnership.** For the construction of Central I-70, the state will enter into a public-private partnership. A public-private partnership occurs when a government entity contracts with a private entity to design, finance, construct, operate, and/or maintain an infrastructure project. The type of public-private partnership for the Central I-70 project is called design-build-finance-operate-maintain. In this model, CDOT will maintain ownership over Central I-70, while the private contractor will manage the design and construction of Central I-70, and finance the operation and maintenance of the road as long as contractually obligated. On August 24, 2017, CDOT announced [Kiewit Meridiam Partners](#) (KMP) as the contractor for the Central I-70 project.

**Duration of and road accessibility during construction.** The Central I-70 project is expected to take between four to five years to complete, with completion expected in 2022 or 2023. CDOT is providing incentives for early completion to the contractor to expedite the project's completion. CDOT is requiring its contractor to maintain the current number of lanes during construction and is allowing limited lane closures, as detailed in this [CDOT brochure](#).

## Federal Approval Process for Large Transportation Projects

**Environmental Impact Statement.** Before CDOT begins construction on any interstate, it is required to follow the process outlined by the National Environmental Policy Act (NEPA). This process is designed to ensure that different transportation alternatives are considered, community input is solicited throughout the duration of the process, and any environmental and community effects are disclosed to the public. CDOT submitted the I-70 East [Final Environmental Impact Statement](#) to the Federal Highway Administration in January 2016. The Federal Highway Administration issued a [Record of Decision](#) in January 2017, which concluded a 14-year process and allowed CDOT to move to the construction phase of the Central I-70 project.

After the issuance of the Record of Decision, various groups argued that the Federal Highway Administration failed to comply with NEPA and the Clean Air Act when issuing the project's Environmental Impact Statement. Several groups, including the Sierra Club, have filed a lawsuit stating that the Environmental Impact Statement should be vacated due to violations of

NEPA, the Federal-Aid Highway Act, and the Clean Air Act.<sup>1</sup> Among its claims, the lawsuit alleges that the project did not adequately address or follow proper procedures when issuing the Record of Decision, which will lead to violations of the National Ambient Air Quality Standards. The lawsuit argues that in addition to relaxed air standards allowed during the construction of the project and that the NEPA process neglected to consider future air pollutant emissions and mitigation alternatives, such as a rerouted project. This lawsuit is currently pending in U.S. District Court.

**Mitigation efforts.** To address environmental and health concerns, CDOT engaged in various community and public outreach efforts. CDOT’s mitigation efforts include the areas of housing, construction, and employment related to this project. More information on mitigation efforts can be found [here](#).

**Alternative routes.** The NEPA process encourages departments to study alternative routes to any project. Precedent for creating modern boulevards out of existing highways exists in the United States. In 2002, Milwaukee, WI, removed a freeway spur that was originally planned to connect I-43 to North Milwaukee Street. The spur was replaced with an at-grade boulevard. The Lakefront West project in Cleveland, OH, is currently under construction to turn a 50-mph highway into a multimodal, 35-mph boulevard along Lake Erie. However, neither of these projects involve turning a section of a national interstate highway into a boulevard. CDOT concluded that proposed reroute options would increase the project’s construction costs and result in a substantial increase in traffic volumes. However, several groups have voiced opposition to CDOT’s decision to continue the project on I-70’s current route. Reroute proponents primarily suggest rerouting I-70 along I-270 and portions of I-76 and turning the site of the Central I-70 project into a boulevard. Central I-70 reroute proponents suggest a boulevard concept would provide access to industrial areas and downtown Denver and include a greenway. A video highlighting the proposed reroute can be found [here](#).

## Funding

The Central I-70 project is estimated to cost \$1.117 billion. The majority of these funds will come from the Statewide Bridge Enterprise’s Bridge Special Fund, as well as the state’s General Fund and local sources, as shown in Table 1 and discussed further below.

**Table 1  
Central I-70 Project Funding Sources**

Funding Source	Amount
Bridge Special Fund	\$850 million
General Fund	180 million
Denver Regional Council of Governments	50 million
City and County of Denver	37 million
<b>TOTAL</b>	<b>\$1,117 million</b>

Source: Colorado Department of Transportation.

<sup>1</sup>Sierra Club, et.al. v. Elaine Chao, et.al., 17-cv-01679, U.S. Dist. Ct. D. Colo, 2017.

**Statewide Bridge Enterprise.** The Statewide Bridge Enterprise, created under Senate Bill 09-108 (the Funding Advancements for Surface Treatment and Economic Recovery Act, or FASTER Act), finances the repair and replacement of bridges statewide that have been designated as structurally deficient. The Central I-70 viaduct is the last of the original list of critical bridges addressed. As such, the majority of the funding for the project will come from the Bridge Special Fund. This fund receives the bridge safety surcharge levied on vehicle registrations.

The members of the Colorado Transportation Commission serve as the Bridge Enterprise Board. For more information on the Statewide Bridge Enterprise, visit [CDOT's website](#). For additional information on state enterprises, please see Legislative Council Staff's Interested Persons Memo on [State Government Enterprises](#).

**General Fund.** CDOT will use money from General Fund transfers to the Highway Users Tax Fund (HUTF) originally authorized by Senate Bill 09-228 and modified by subsequent legislation. The bill created a five-year block of General Fund transfers equivalent to 2.0 percent of General Fund revenue to finance transportation that triggered in FY 2015-16 when certain economic conditions were met in the prior year. The SB 09-228 transfer formula was replaced with specific dollar amounts under House Bill 16-1416 and Senate Bill 17-262. Finally, Senate Bill 17-267 further modified the provisions of SB 17-262 by eliminating the FY 2018-19 and FY 2019-20 transfers of \$160 million in each fiscal year. These modified transfers to the HUTF from the General Fund are shown in Table 2 for informational purposes.

**Table 2**  
**Modified General Fund Transfers to the HUTF Pursuant to 2017 Legislation**

Transfer	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
General Fund to HUTF	\$199 million	\$79 million	\$79 million	\$0	\$0

Source: Section 24-75-219 (2)(a)(I), C.R.S.

**Local funding.** The Denver Regional Council of Governments (DRCOG), which serves as the Denver metropolitan area's transportation planning region, and the City and County of Denver are committing \$50 million and \$37 million, respectively, to the Central I-70 project. DRCOG's contribution comes from federal Congestion Mitigation and Air Quality Improvement Program funds. The City and County of Denver funds will be paid over several years as part of an annual appropriation from its Capital Improvement Projects budget in the city's General Fund. This contribution relates to features such as cover amenities, ramps, and bridge widening at two locations that Denver requested be added to the project.

**Additional Resources**

CDOT's clearinghouse for Central I-70 information is located online at [central70.codot.gov](http://central70.codot.gov).