



E **88TH** AVE  
8800 N

I-76 TO HIGHWAY 2

# FINDING OF NO SIGNIFICANT IMPACT

Project Number: STU M245-013  
Project Code: 22285  
Commerce City, Colorado

Lead Agencies:



**COLORADO**  
Department of Transportation



October 2021



### FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The Federal Highway Administration (FHWA) has determined that the Proposed Action described in the Environmental Assessment (EA) and this FONSI will have no significant impacts on the human or natural environment. This FONSI is based on the EA and the proposed mitigation, which FHWA has independently evaluated and determined to adequately and accurately discuss the need, environmental issues, and impact of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. FHWA takes full responsibility for the accuracy, scope, and content of the EA.

Submitted by:

*Paul Jesaitis*

Paul Jesaitis, P.E.  
Region 1 Transportation Director  
Colorado Department of Transportation

10/10/2021

Date

Concurred by:

**Stephen Harelson**

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Date

Approved by:

**JOHN MARTIN CATER**

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John M. Cater, P.E.  
Division Administrator, Colorado Division  
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Date

The Federal Highway Administration may publish a notice in the Federal Register, pursuant to 23 United States Code (USC) § 139(I), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

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- Appendix C. Supplemental Air Quality Analysis

## ACRONYMS AND ABBREVIATIONS

APCD	Air Pollution Control Division
BNSF	BNSF Railway
CDOT	Colorado Department of Transportation
CO <sub>2</sub>	carbon dioxide
CPW	Colorado Parks and Wildlife
DRCOG	Denver Regional Council of Governments
E. 86th Avenue	East 86th Avenue
E. 88th Avenue	East 88th Avenue
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
EA	Environmental Assessment
I-25	Interstate 25
I-76	Interstate 76
MS4	Municipal Separate Storm Sewer System
MSAT	mobile source air toxics
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
PM <sub>10</sub>	particulate matter 10 microns or less in diameter
PM <sub>2.5</sub>	particulate matter 2.5 microns or less in diameter
RTD	Regional Transportation District
UPRR	Union Pacific Railroad
VOC	volatile organic compound

## 1.0 INTRODUCTION

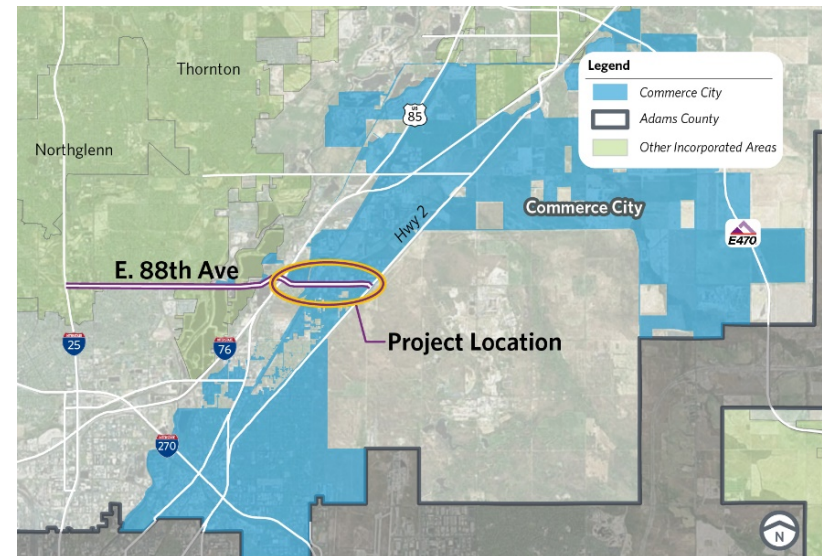
The City of Commerce City, in consultation with the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT), is proposing to improve approximately 1.6 miles of East 88th Avenue (E. 88th Avenue) between Interstate 76 (I-76) and Highway 2, and on Rosemary Street between E. 88th Avenue and East 86th Avenue (E. 86th Avenue). In 2018, an Environmental Assessment (EA) was initiated to evaluate roadway, bicycle, and pedestrian improvements to approximately 1.4 miles of E. 88th Avenue from I-76 to Highway 2, and approximately 1,300 feet on Rosemary Street from E. 88th Avenue to E. 86th Avenue (approximately 1.6 miles total). The EA and Finding of No Significant Impact (FONSI) describe the Purpose and Need, alternatives considered, the Proposed Action, environmental effects and mitigation, and the public and agency involvement process for the E. 88th Avenue (I-76 to Highway 2) Project (project). The Purpose of the E. 88th Avenue project is to improve traffic operations and accommodate current and future general vehicular traffic, heavy trucks, bicycles, and pedestrians on E. 88th Avenue between I-76 and Highway 2. The Needs for the project are to improve roadway operations and accommodate all users. The EA and associated technical reports are contained in Appendix A of this FONSI.

### 1.1 Project Context

E. 88th Avenue is a continuous east-west roadway that runs through Adams County, Colorado, from Interstate 25 (I-25) to Highway 2 (Figure 1). The land uses along the corridor are residential, commercial, and industrial. The residential land uses primarily occur at the east and west ends of the corridor. The Mile High Flea Market and 88 Drive-In Theatre commercial properties generate considerable event traffic, and the industrial properties generate heavy truck traffic. The project study area extends approximately north and south 200 to 700 feet from the center of E. 88th Avenue, and approximately east and west 230 feet from the center of Rosemary Street and 650 feet south of E. 86th Avenue (Figure 2). Within the project study area, E. 88th Avenue crosses over the O'Brien Canal on a bridge, crosses a Union Pacific Railroad (UPRR) track at grade west of Rosemary Street, and crosses BNSF Railway (BNSF) tracks at grade west of Highway 2.

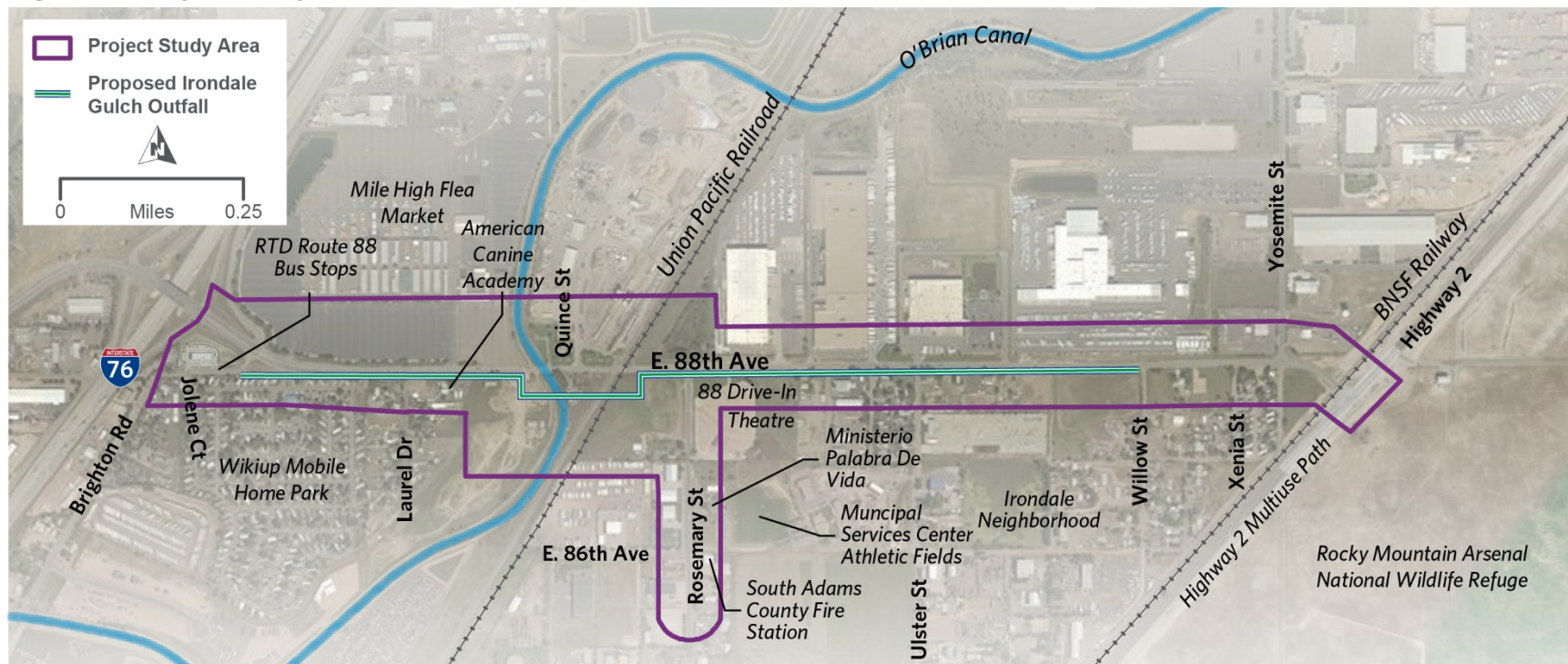
The E. 88th Avenue corridor has one travel lane in each direction with signalized intersections at the northbound I-76 on- and off-ramps, Brighton Road, Rosemary Street, and Highway 2. E. 88th Avenue provides access to adjacent industrial, commercial, and residential land uses. The project study area lacks pedestrian and bicycle facilities and has north- and southbound bus stops serving north-south Regional Transportation District (RTD) Route 88 on Brighton Road just south of E. 88th Avenue.

**Figure 1. E. 88th Avenue Location Map**



The City of Commerce City's *C3 Vision Transportation Plan* (Commerce City, 2010a) describes E. 88th Avenue in the project study area as a minor arterial roadway designed to accommodate heavy trucks and other large vehicles. The *C3 Vision Comprehensive Plan* (Commerce City, 2010b) depicts future land use in the project study area as primarily industrial with some residential and a community commercial center located at the junction with I-76. The Comprehensive Plan describes future improvements at the I-76/E. 88th Avenue interchange, improved network connectivity with an extension of Yosemite Street, improved recreational trail connections, and improved water and sewer infrastructure. Widening E. 88th Avenue and improvements at the UPRR crossing were identified as priority improvements in the City of Commerce City's *Irondale Neighborhood and Infrastructure Plan* (Commerce City, 2018), with partial funding identified in the *City of Commerce City 2021 Adopted Budget* (Commerce City, 2021). The project is also included in the current Denver Regional Council of Governments (DRCOG) *2040 Metro Vision Plan* (DRCOG, 2020).

**Figure 2. Project Study Area**



The *Irondale Neighborhood and Infrastructure Plan* (Commerce City, 2018) also summarizes ongoing localized drainage issues and recommendations from the *2011 Irondale Gulch Outfall Systems Plan* (Moser & Associates), which includes a proposed outfall system (60-inch-diameter pipe) along E. 88th Avenue called the Irondale Gulch Outfall. A section of the Irondale Gulch Outfall is proposed along E. 88th Avenue within the project study area between

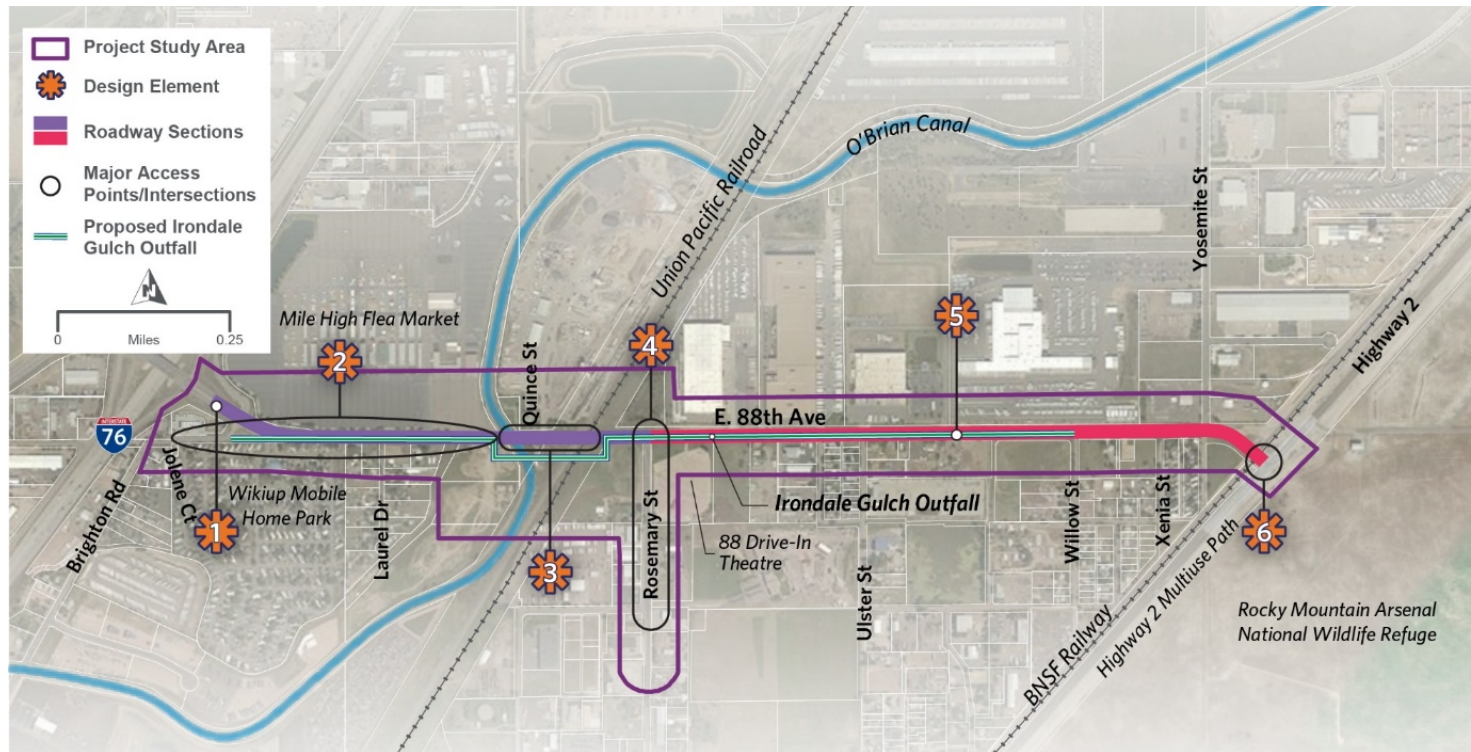


I-76 and Willow Street. When complete, the outfall system would begin east of the project study area, pass through the study area along E. 88th Avenue, and then continue across I-76 to the South Platte River.

## 2.0 WHAT IS THE PROPOSED ACTION?

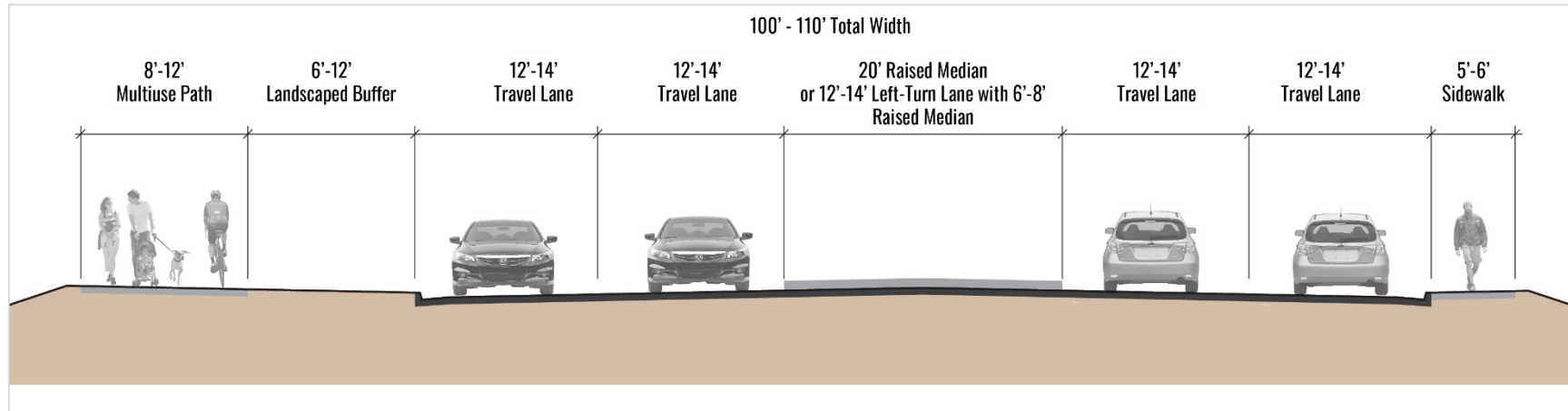
The Proposed Action would reconstruct E. 88th Avenue just east of the I-76 northbound ramps between Brighton Road and Highway 2 to improve traffic operations and accommodate all users. The locations of the major design elements that comprise the Proposed Action are numbered from west to east in Figure 3. A plan set showing the design for the Proposed Action described in the EA and FONSI is included in Appendix D of the 88th Avenue (I-76 to Highway 2) EA.

**Figure 3. Proposed Action Design Elements**



**Element 1: E. 88th Avenue between Brighton Road and Rosemary Street.** Existing E. 88th Avenue in this area has an approximately 40- to 50-foot-wide typical section consisting of a through lane in each direction. E. 88th Avenue would be reconstructed as an approximately 100- to 110-foot-wide modified four-lane minor arterial from Brighton Road to Rosemary Street. The four-lane minor arterial typical section is defined in the City of Commerce City's *Engineering Construction Standards, Roadway and Parking Details Typical Sections* (Commerce City, 2017). The modified four-lane arterial typical section uses the basic template of the four-lane arterial typical section but was modified to best meet the Purpose and Need for the project while reducing impacts along the corridor. The modified four-lane minor arterial has no buffer between the roadway and the sidewalk, and it may have a reduced buffer between the roadway and the multiuse path. The typical section would include an attached 5- to 6-foot-wide sidewalk on the south side of E. 88th Avenue, two 12- to 14-foot-wide travel lanes in each direction, an 8- to 20-foot-wide raised median (width narrows at left-turn bays), and a detached 8- to 12-foot-wide multiuse path on the north side of E. 88th Avenue separated from the roadway by a 6- to 12-foot-wide landscaped buffer (Figure 4). The centerline alignment of E. 88th Avenue would be shifted approximately 15 to 18 feet to the north between Brighton Road and Rosemary Street to accommodate the wider typical section. Improvements to E. 88th Avenue would tie into driveways and intersections to maintain access and drainage. 8-foot-tall and 10-foot-tall noise barriers are recommended as mitigation for traffic noise impacts along the south side of E. 88th Avenue in front of the Wikiup Mobile Home Park. The recommended noise barriers would not be built if the Benefitted Receptor Preference Survey results in 50 percent or less support for them. Benefitted receptor viewpoints must be considered in the reasonableness evaluation of noise abatement. This is done via a Benefitted Receptor Preference Survey. Per CDOT's Noise Analysis and Abatement Guidelines (CDOT, 2021), for abatement to be reasonable, it must be supported by a majority of those surveyed. The decision on whether a noise abatement measure is supported by the benefiting receptors is based on a simple majority of the responses. If more than 50 percent of the responding benefitted receptors support the proposed abatement, it will be determined to be reasonable. Texture and color associated with the noise barriers will be determined during final design by the City of Commerce City and CDOT.

**Figure 4. Typical Section for E. 88th Avenue between Brighton Road and Rosemary Street**

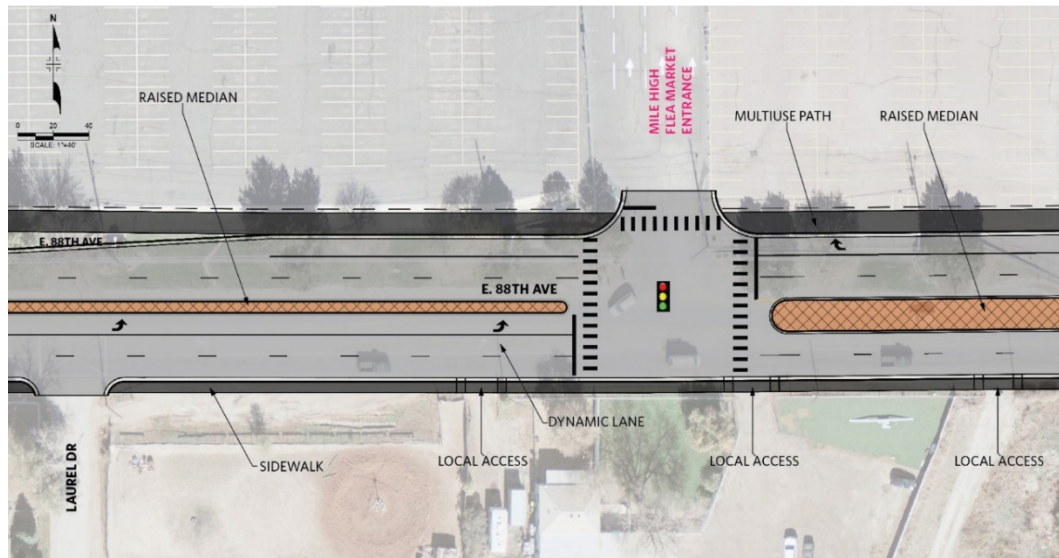


**Element 2: Access to E. 88th Avenue between Brighton Road and the O’Brian Canal.** Access to E. 88th Avenue from the Wikiup Mobile Home Park would be limited to right-in and right-out turn movements to and from eastbound E. 88th Avenue. The Jolene Court intersection at Brighton Road would be widened. Signage would be placed on northbound Brighton Road south of the Jolene Court and Brighton Road intersection to notify drivers of cars entering the roadway.

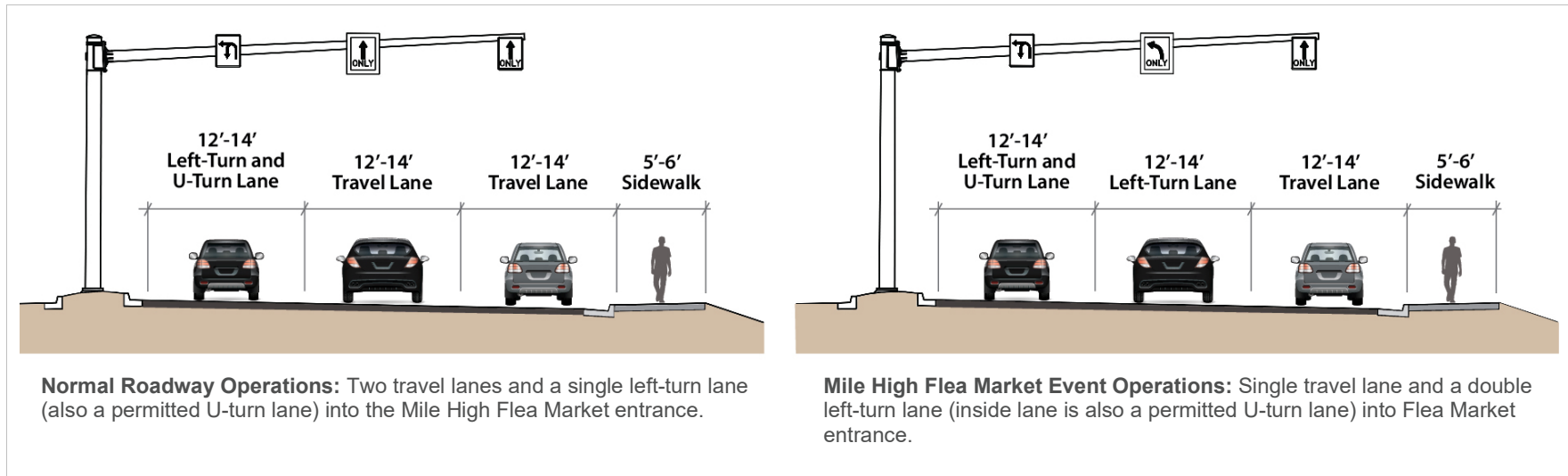
Access to Laurel Drive and the direct driveway connections on the south side of E. 88th Avenue would be improved to maintain access and drainage, and modified to only accommodate right-in and right-out movements. A permitted U-turn movement would be provided at the intersection of Brighton Road and E. 88th Avenue for westbound traffic to access properties on the south side of E. 88th Avenue. The existing exit-only access from the Mile High Flea Market onto E. 88th Avenue would be retained but changed to a right-out only.

The primary access to the Mile High Flea Market on the north side of E. 88th Avenue would be improved with traffic control signals (Figure 5). Access from eastbound E. 88th Avenue to the Mile High Flea Market would have a dedicated left-turn lane at the intersection, which would also allow a permitted U-turn movement. The eastbound travel lane next to the dedicated left-turn lane would be a dynamic lane, which is a type of lane that changes function in response to changes in demand. The dynamic lane would function as an additional left-turn lane for the Mile High Flea Market during events when there is additional traffic volume, and as a through travel lane during normal roadway operations. The dynamic lane would be controlled by a traffic signal or sign notifying users when the lane is a left-turn lane and when it’s a through travel lane. Figure 6 shows how the dynamic lane would function under normal roadway operations and during events at the Mile High Flea Market.

**Figure 5. E. 88th Avenue and Mile High Flea Market Entrance Intersection**

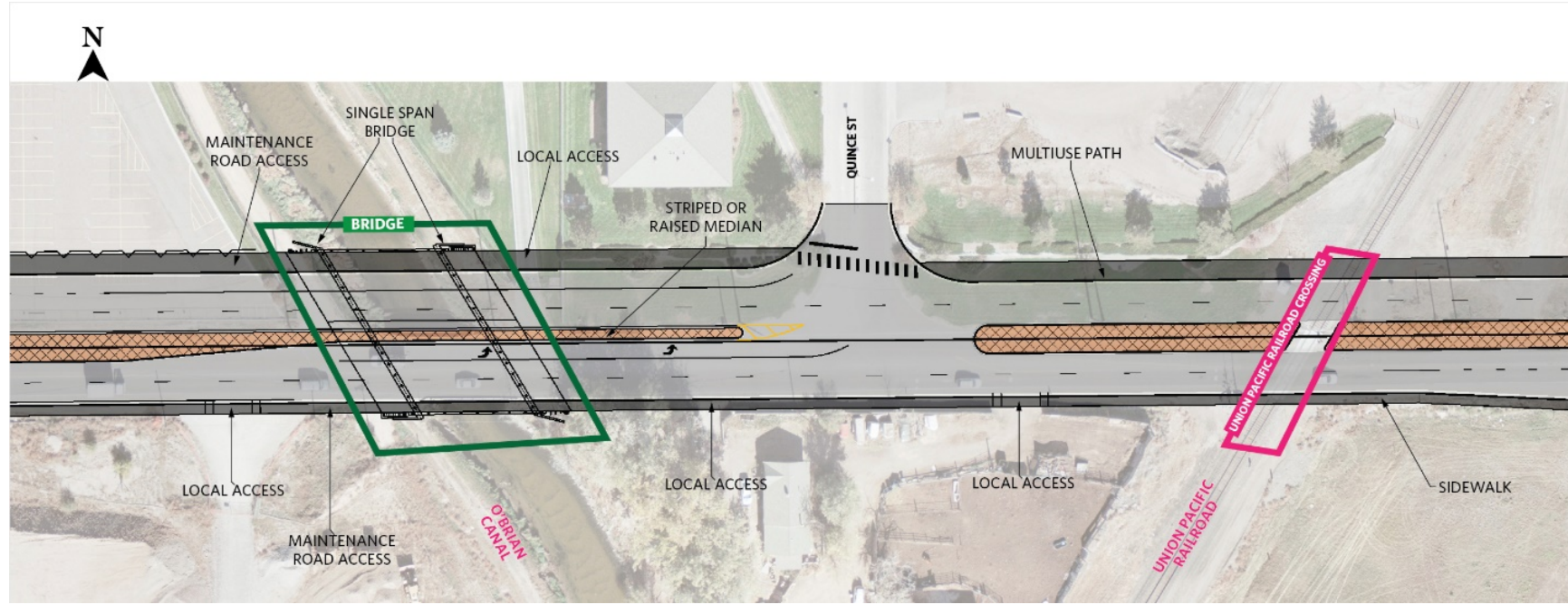


**Figure 6. Left-Turn Lane Assignments for Normal Roadway Operations and Mile High Flea Market Event Operations**



**Element 3: E. 88th Avenue bridge replacement, improvements at Quince Street, and UPRR crossing.** A new E. 88th Avenue single-span bridge with a widened typical section would replace the existing bridge over the O’Brian Canal. The typical-section would have two travel lanes in each direction and the sidewalk and multiuse path features described under Element 1 (the median may be striped or mountable instead of raised), an acceleration lane for westbound vehicles from existing Quince Street, and a left-turn lane for eastbound traffic entering Quince Street; there would be no buffer between the roadway and multiuse path. Improvements to E. 88th Avenue would tie into driveways and Quince Street to maintain access and drainage. The E. 88th Avenue crossing of the UPRR track would be reconstructed to incorporate the wider roadway, multiuse path, and sidewalk (Figure 7). The at-grade railroad crossing with the UPRR would be improved to current railroad standards and coordinated with the Public Utilities Commission. Specific design features, such as signing and striping, crossing arms, flashing-light signals, and bells or other audible devices, would be decided during final design.

Figure 7. E. 88th Avenue Bridge Replacement, Improvements at Quince Street, and UPRR Crossing



**Element 4: E. 88th Avenue and Rosemary Street intersection.** The intersection of Rosemary Street and E. 88th Avenue would remain a three-way “T” signalized intersection. The existing intersection E. 88th Avenue eastbound approach has a through lane and right-turn lane, the westbound approach has a through lane and a left-turn lane, and the Rosemary Street approach has a left-turn lane and right-turn lane. The E. 88th Avenue approaches will be widened to accommodate a double-right turn lane as part of the eastbound approach, and an additional through lane as part of the westbound approach. The Rosemary Street approach to E. 88th Avenue would be widened approximately 25 to 30 feet to the west for approximately 600 feet south of E. 88th Avenue to the 88 Drive-In Theatre entrance to accommodate two northbound left-turn lanes and a right-turn lane, two southbound lanes, 5- to 6-foot-wide sidewalks on each side of the roadway, and curb and gutter. A left-turn lane on southbound Rosemary Street would accommodate event traffic for the 88 Drive-In Theatre. Figure 8 shows the proposed intersection configuration at Rosemary Street and E. 88th Avenue. Between the 88 Drive-In Theatre entrance and E. 86th Avenue, the roadway would include two travel lanes in each direction and a two-way left-turn lane. South of E. 86th Avenue, the improvements would immediately tie into Rosemary Street at the South Adams County Fire Station. Improvements to Rosemary Street would tie into driveways and intersections to maintain access and drainage. The design between the 88 Drive-In Theatre entrance and E. 86th Avenue is shown in Figure 9.

**Figure 8. Intersection of Rosemary Street and E. 88th Avenue (E. 88th Avenue to 88 Drive-In Theatre Entrance)**

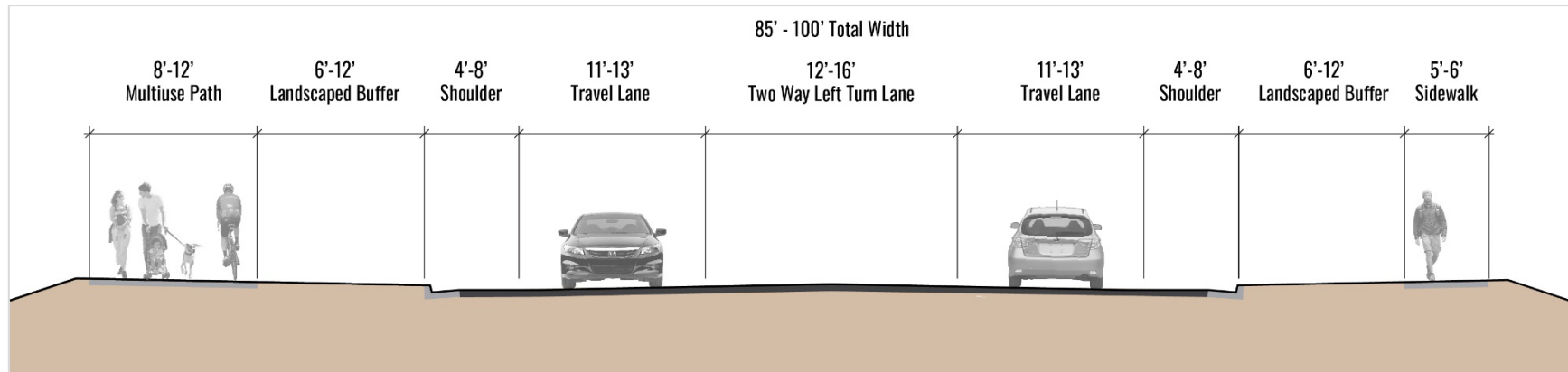


**Figure 9. Rosemary Street from 88 Drive-In Theatre Entrance South to 86th Avenue**



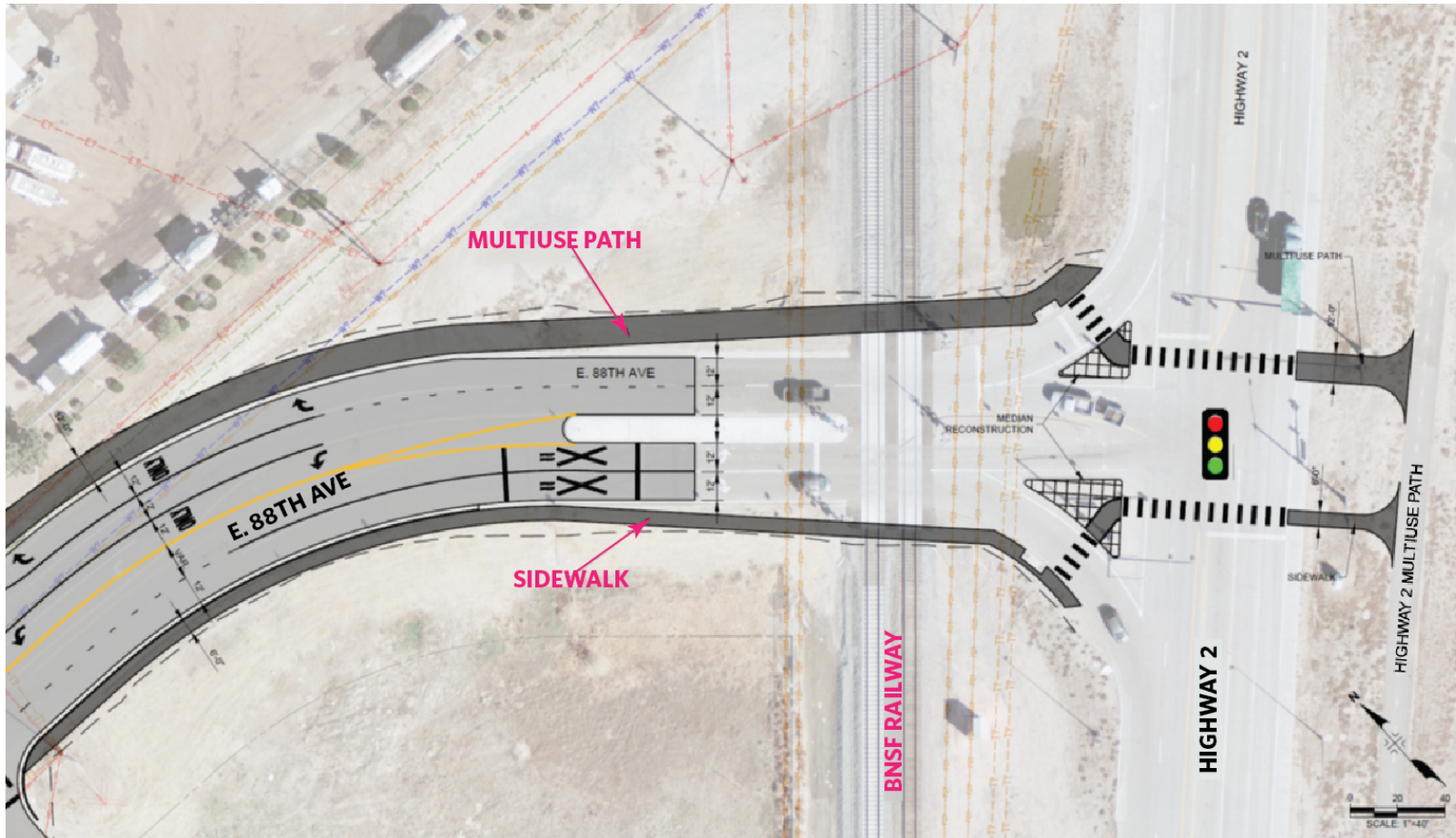
**Element 5: E. 88th Avenue between Rosemary Street and Highway 2.** E. 88th Avenue would be reconstructed as an approximately 85- to 100-foot-wide modified local industrial collector (Figure 10). The typical section would include one 11- to 13-foot-wide travel lane with an additional 4- to 8-foot-wide shoulder in each direction, a 12- to 16-foot-wide two-way left-turn lane at the center, a 5- to 6-foot-wide sidewalk on the south side of E. 88th Avenue, and an 8- to 12-foot-wide multiuse path on the north side of E. 88th Avenue. Both the sidewalk and multiuse path would be separated from the roadway by a 6- to 12-foot-wide buffer. The alignment of E. 88th Avenue would be shifted approximately 4 to 12 feet to the north to accommodate the wider typical section. Improvements to E. 88th Avenue would tie into driveways and intersections to maintain access and drainage and accommodate future improvements to local roads. Two noise barriers are recommended as mitigation for traffic noise impacts—a 12-foot-tall noise barrier along the south side of E. 88th Avenue east of Ulster Street, and a 12-foot-tall noise barrier along the south side of E. 88th Avenue between Xenia Street and Yosemite Street. The recommended noise barriers would not be built if the Benefitted Receptor Preference Survey results in 50 percent or less support for them. Benefitted receptor viewpoints must be considered in the reasonableness evaluation of noise abatement. This is done via a Benefitted Receptor Preference Survey. Per CDOT’s Noise Analysis and Abatement Guidelines (CDOT, 2021), for abatement to be reasonable, it must be supported by a majority of those surveyed. The decision on whether a noise abatement measure is supported by the benefiting receptors is based on a simple majority of the responses. If more than 50 percent of the responding benefitted receptors support the proposed abatement, it will be determined to be reasonable. Texture and color associated with the noise barriers will be determined during final design by the City of Commerce City and CDOT.

**Figure 10. Typical Section for E. 88th Avenue between Rosemary Street and Highway 2 (looking east)**



**Element 6: E. 88th Avenue, BNSF Railway tracks, and Highway 2 intersection.** The intersection of E. 88th Avenue, BNSF tracks, and Highway 2 was reconstructed in 2018. The Proposed Action would not reconstruct E. 88th Avenue at the intersection. The new multiuse path on the north side of E. 88th Avenue and the new sidewalk on the south side of E. 88th Avenue would be extended across the BNSF tracks and Highway 2 (Figure 11). The at-grade railroad crossing with the BNSF would be improved to current railroad standards and coordinated with the Public Utilities Commission. Specific design features, such as signing and striping, crossing arms, flashing-light signals, and bells or other audible devices, would be decided during final design.

**Figure 11. Intersection of E. 88th Avenue, BNSF Railway Tracks, and Highway 2**





**Stormwater Drainage and Water Quality Treatment.** The Proposed Action would include construction of a section of the Irondale Gulch Outfall to detain stormwater for E. 88th Avenue (Figure 2 and Figure 3). The Irondale Gulch Outfall is a regional drainage facility planned along E. 88th Avenue that will also serve as the storm sewer for the Proposed Action. The Irondale Gulch Outfall is described further in the *Irondale Gulch Outfall Systems Plan Conceptual Design Report* (Urban Drainage and Flood Control District, 2011), attached to the *Water Quality Report* located in Appendix A of the 88th Avenue (I-76 to Highway 2) EA. The outfall would be sized appropriately for regional and local stormwater runoff. Water quality treatment would be provided using structural best management practices within the proposed right-of-way before the runoff reaches the outfall system. Under the Proposed Action, water detained in the section of the Irondale Gulch Outfall pipe constructed as part of the Proposed Action would be pumped into the existing I-76 CDOT stormwater system at the west end of the project study area. After the Irondale Gulch Outfall is constructed in full, E. 88th Avenue would continue to drain into it and there would be no need to pump into the I-76 CDOT stormwater system.

### 3.0 WHAT IS THE STATUS OF FUNDING FOR THE PROJECT?

The City of Commerce City has funding for the project identified in the *Commerce City 2021 Adopted Budget* (Commerce City, 2020). These funds will be used to advance the design and right-of-way acquisition. The City of Commerce City is applying for grants to help fund construction of the project. Construction of the project is expected to begin in 2023 and be complete in 2024, pending funding for construction.

### 4.0 WHAT HAS BEEN DONE SINCE THE ENVIRONMENTAL ASSESSMENT (EA) WAS PUBLISHED?

#### 4.1 EA Review and Public Comment Period

The EA (Commerce City, 2021) was made available for a 30-day public and agency review and comment period following signature of the EA on May 20, 2021. The public comment period was from June 1, 2020, to July 1, 2020. An online public event was held during the public comment period. The online public event provided an overview of the Purpose and Need for the project, the Proposed Action description, and a summary of environmental impacts and mitigation. The online public event solicited comments via a comment form that users could access at any point during the event to provide their input. Users were also provided the opportunity to submit comments via email and mail.

A digital copy of the EA was made available through the online public event, and hard copies of the EA were made available to the public at the following locations:

- ◆ City of Commerce City Municipal Services Center (8602 Rosemary St, Commerce City, CO 80022)
- ◆ Anythink Library (7185 Monaco St, Commerce City, CO 80022)

The EA review and online public event were advertised in the following ways:

- ◆ Posting on the City of Commerce City project website: <https://capitalprojects.c3gov.com/roads-projects/88th-avenue-widening-project>

- ◆ Through an email blast to interested parties and stakeholders (745 recipients)
- ◆ Postcards sent to 1,465 recipients within and/or near the project study area
- ◆ Advertisement of the EA availability via:
  - Press release through City of Commerce City website on June 4, 2021
  - Social media outreach through the City of Commerce City social media outlets (Facebook, Twitter, and Nextdoor) on June 2, June 9, June 16, and June 24, 2021

Written comments were accepted in the following ways:

- ◆ Using the comment form as part of the online public event from June 1, 2021 to July 1, 2021
- ◆ Project email: info@88thaveimprovements.com
- ◆ Email and mail to CDOT
- ◆ Email and mail to FHWA
- ◆ Email and mail to City of Commerce City

Documentation related to notification of the EA availability and online public event are contained in Appendix B of this FONSI. The comments received during the comment period and responses to the comments are included in Section 0.

## 4.2 Supplemental Air Quality Analysis

In June 2021, Colorado Governor Polis signed Senate Bill 260, *Sustainability of The Transportation System*, into law. The legislation includes transportation-related air quality pollution and greenhouse gas emissions reduction strategies. In part, due to this legislation, CDOT completed an expanded air quality analysis to support project compliance moving forward. This analysis is supplemental to the air quality analysis required under National Environmental Policy Act (NEPA) and the Clean Air Act of 1970 (42 U.S.C. 7401 et seq). This type of analysis is not routine for CDOT projects, so a project methodology was developed for the supplemental analysis through consultations with CDOT and Air Pollution Control Division (APCD) staff. The expanded air quality analysis is an emissions inventory for several transportation-related air pollutants. The analysis modeled emissions at the project-level scale. The analysis examined emissions from baseline traffic conditions in 2023 used in the EA air quality analysis, the 2040 No Action Alternative, and the 2040 Proposed Action. The following pollutants were modeled:

- |   |  |                                 |
|---|--|---------------------------------|
| ◆ Carbon monoxide   | ◆ Nitrous Oxide  | ◆ Benzene                       |
| ◆ Nitrogen dioxide  | ◆ Carbon dioxide (CO <sub>2</sub> ) and CO <sub>2</sub> equivalent | ◆ Diesel PM                     |
| ◆ Particulate matter less than 10 microns in diameter (P <sub>10</sub> ); tailpipe and road dust    | ◆ Methane  | ◆ Ethylbenzene                  |
| ◆ Particulate matter less than 2.5 microns in diameter (PM <sub>2.5</sub> ); tailpipe and road dust | ◆ 1,3-Butadiene  | ◆ Formaldehyde                  |
| ◆ Volatile organic compounds (VOC)  | ◆ Acetaldehyde   | ◆ Naphthalene                   |
|   | ◆ Acrolein   | ◆ Polycyclic aromatic compounds |

The results of the supplemental air quality analysis are included in Section 5.0.

## 5.0 WHAT CHANGES HAVE BEEN MADE TO THE EA?

### 5.1 Proposed Action Description, Design Element 3

The EA included the following sentence describing Design Element 3 of the Proposed Action: “The typical-section would have two travel lanes in each direction and the sidewalk and multiuse path features described under Element 1 (the median may be striped instead of raised), an acceleration lane for westbound vehicles from existing Quince Street, and a left-turn lane for eastbound traffic entering Quince Street; there would be no buffer between the roadway and multiuse path. Improvements to E. 88th Avenue would tie into driveways and Quince Street to maintain access and drainage.”

The FONSI has been updated with the following underlined text to also consider a mountable curb in Design Element 3: “The typical-section would have two travel lanes in each direction and the sidewalk and multiuse path features described under Element 1 (the median may be striped or mountable instead of raised), an acceleration lane for westbound vehicles from existing Quince Street, and a left-turn lane for eastbound traffic entering Quince Street; there would be no buffer between the roadway and multiuse path. Improvements to E. 88th Avenue would tie into driveways and Quince Street to maintain access and drainage.”

The updated description does not change the project footprint or operations, and therefore no update to project impacts or mitigation commitments in Table 1 is required.

### 5.2 Supplemental Air Quality Analysis Results

The supplemental analysis did not revisit any of the topics or findings of the *Air Quality Hot-Spot Analysis and Mobile Source Air Toxics Assessment Technical Memorandum* included in the EA and located in Appendix A. The supplemental analysis examined 2023 existing conditions, 2040 No Action Alternative, and 2040 Proposed Action within the project study area. The supplemental analysis examined daily emission quantities for relevant National Ambient Air Quality Standards (NAAQS) pollutants, mobile source air toxics (MSAT) and greenhouse gas emissions using MOVES3 project-level modeling. More of the pollutants analyzed were calculated to have lower overall daily emission totals in 2040 than 2023. Between the two 2040 alternatives examined, the 2040 Proposed Action was calculated to have slightly lower total daily emission quantities than 2040 No Action Alternative, due to less congested peak-period traffic operations with the proposed improvements in place. Because the expected improvements in traffic operations were relatively modest, the differences between 2040 Proposed Action and 2040 No Action Alternative emissions also were found to be relatively modest. No update to project mitigation commitments in Table 1 is required. The full *Air Quality Hot-Spot Analysis and Mobile Source Air Toxics Assessment Technical Memorandum Addendum* (FHU, 2021) is included as Appendix C to this FONSI.

### 5.3 Water Quality

Appendix A13 of the EA, Water Quality Technical Report, stated in Section 4.2, Permanent Water Quality Control Measures Alternatives, that “Bioretention – Considered but right-of-way area requirements precluded this option and topography is not conducive to allow outfall.” Bioretention for water quality is typically implemented using a basin, which would require a large amount of right-of-way and area to treat the volume of runoff from the project study

area. Due to right-of-way constraints, bioretention was thought to not be a feasible alternative for the project. Further investigation of bioretention provided newer concepts of utilizing bioretention principles at individual inlets. These smaller space requirement concepts may be an option for E. 88th Avenue, especially east of Rosemary Street where there is a landscaped buffer area between the roadway and the multiuse path and sidewalk, so bioretention options will be considered during final design. The permanent water quality control measure selected during final design will adhere to the terms and conditions of the City of Commerce City Municipal Separate Storm Sewer System (MS4) permit, and therefore no update to project mitigation commitments in Table 1 is required.

### 5.4 Impacts and Mitigation Measures

Table 1 lists the environmental impacts and mitigation measures. After consideration of the public comments and the results of the Supplemental Air Quality Analysis, no substantive changes were made to the impacts or mitigation measures presented in the EA.

**Table 1. Summary of Impacts and Mitigation for the Proposed Action**

Note: This is a Local Agency project. Unless otherwise stated below, the City of Commerce City will be responsible for all mitigation requirements.

MITIGATION COMMITMENT #	MITIGATION CATEGORY	IMPACT	MITIGATION COMMITMENT FROM SOURCE DOCUMENT	RESPONSIBLE BRANCH	TIMING/PHASE THAT MITIGATION WILL BE IMPLEMENTED
1	Air Quality; Community Facilities, Parks, and Recreational Facilities, Environmental Justice; Section 4(f); Socioeconomic Resources	Temporary increase in particulate emissions from fugitive dust and increase in airborne pollution from construction vehicles.	An Air Pollution Emission Notice will be filed.  A fugitive dust control plan will be developed and implemented in accordance with Colorado Air Quality Control Commission Regulation No. 1.  Best management practices will be applied during construction, including: <ul style="list-style-type: none"> <li>Keep construction equipment well-maintained to ensure that exhaust systems are in good working order.</li> </ul>	City of Commerce City, Contractor	Pre-Construction, During Construction

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MITIGATION COMMITMENT #	MITIGATION CATEGORY	IMPACT	MITIGATION COMMITMENT FROM SOURCE DOCUMENT	RESPONSIBLE BRANCH	TIMING/PHASE THAT MITIGATION WILL BE IMPLEMENTED
2	Archaeological Resources	Potential for impacts if archaeological resources are uncovered during construction.	Should unidentified archaeological resources be discovered during construction, Colorado Department of Transportation (CDOT) Standard Specification 107.23 will be followed. Work will stop until the CDOT senior staff archaeologist is contacted and the resources have been evaluated to determine their significance.	City of Commerce City, Contractor	During Construction
3	Bicycle, Pedestrian, and Transit Resources; Community Facilities, Parks, and Recreational Facilities; Environmental Justice; Land Use; Section 4(f); Socioeconomic Resources, Traffic	<p>Construction disruptions affecting access, and parking at businesses and community facilities traffic flow, and access and continuity for, pedestrians and bicyclists, and transit.</p> <p>Community Facilities with direct access from E. 88th Avenue or Rosemary Street include the following:</p> <ul style="list-style-type: none"> <li>▪ Mile High Flea Market.</li> <li>▪ Ministerio Palabra De Vida.</li> </ul>	<p>A Traffic Management Plan will include a construction-related traffic control plan, work zone management strategies, and contingency plans.</p> <p>During construction, the existing number of through lanes will be maintained, except during some off-peak periods or as otherwise agreed with the City of Commerce City.</p> <p>Detour routes will be provided during construction to avoid overloading local streets with detour traffic.</p> <p>Roadway work zone conditions and detour information will be communicated to travelers and the local businesses and residents using the project website, social media, pre-recorded messages, variable message signage, and other similar mechanisms.</p> <p>Access to local streets, residences, mobile home parks, businesses,</p>	City of Commerce City, Contractor	Pre-Construction, During Construction

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		<ul style="list-style-type: none"> <li>▪ South Adams Fire Department.</li> <li>▪ Municipal Services Center and Athletic Fields [Section 4(f)].</li> <li>▪ Highway 2 Multiuse Path [Section 4(f)].</li> </ul>	<p>community facilities, and the Municipal Services Center Athletic Fields during business hours and residences will be maintained during construction.</p> <p>Pedestrian and bicyclist access along E. 88th Avenue will be maintained during construction to the extent practicable.</p> <p>Pedestrian and bicyclist access and continuity along the Highway 2 Multiuse Path will be maintained during construction. No more than half of the total width of the path will be restricted at any time.</p> <p>Following construction, the Highway 2 Multiuse Path will be fully restored, cleaned of debris from construction and replanted with grass in accordance with its previous condition and left as good as or better than it was before construction began.</p> <p>The City of Commerce City will coordinate with Regional Transportation District (RTD) so that Route 88 transit service is maintained at the two Brighton Road bus stops just south of E. 88th Avenue</p>		
4	Biological Resources	Construction-related disturbance to raptors that could result in	A pre-construction survey for nesting raptors will be completed within a half-mile buffer of the project study area prior to construction if construction is to occur	City of Commerce City, Contractor	Pre-Construction, During Construction

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		potential loss of eggs or young of nesting raptors.	between February 1 and August 31. If any nesting raptors occur within the buffer area, then Colorado Parks and Wildlife "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" guidelines will be followed (Colorado Parks and Wildlife, 2008).		
5	Biological Resources	Construction-related disturbance to migratory birds that could result in potential loss of eggs or young migratory birds.	Vegetation shall be cleared outside of the active nesting period of April 1 through August 31 for migratory birds. If construction is to commence between April 1 and August 31, to avoid impacts to nesting birds in accordance with the Migratory Bird Treaty Act, a qualified biologist will conduct a nest survey prior to construction, including under the existing E. 88th Avenue bridge over the O'Brian Canal. If active nests are found, coordination with Colorado Parks and Wildlife and United States Fish and Wildlife Service is required to determine an appropriate course of action, which may include, but is not limited to, a delay in construction to avoid the breeding season.	City of Commerce City, Contractor	Pre-Construction, During Construction
6	Biological Resources	Construction-related disturbance to swallow nests.	Surveys will comply with CDOT Section 240 - Protection of Migratory Birds During Structure Work. If swallow nests are present on the structure and work is planned for this time, nests should be removed before April 1. If swallows are trying to build nests between April 1 and August 31, the biologist should monitor the structure every three days and nests	City of Commerce City, Contractor	Pre-Construction, During Construction

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			should be removed before the nest is complete.		
7	Biological Resources	Vegetation disturbance and ground clearing during construction.	Reseed and protect temporary disturbance areas with CDOT-approved Control Measures and avoid disturbance to existing vegetation, to the maximum extent possible.	City of Commerce City, Contractor	During Construction
8	Biological Resources	Introduction of noxious weeds from vegetation and ground-disturbing activities.	An Integrated Noxious Weed Management Plan will be developed by the contractor and implemented during construction.	City of Commerce City, Contractor	Pre-Construction, During Construction
9	Biological Resources	Construction-related impact to Black-Tailed Prairie Dog towns and Western Burrowing Owl.	<p>Mitigation for impacts to black-tailed prairie dogs will follow the 2009 CDOT Impacted Black-tailed Prairie Dog Policy (CDOT, 2009). CDOT Impacted Prairie Dog Policy prohibits earth-moving activities that result in the burying of living prairie dogs and requires management of prairie dogs to avoid and/or minimize impacts to the species.</p> <p>If construction will occur between March 15 and October 31 the following survey protocol applies:</p> <ul style="list-style-type: none"> <li>▪ Surveys will be conducted based on CPW's Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls (Colorado Parks and Wildlife, 2021).</li> <li>▪ Surveys should be conducted for any activities occurring between March 15th and October 31st of the construction year to determine the</li> </ul>	City of Commerce City, Contractor	Pre-Construction, During Construction



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			<p>presence of burrowing owls and the locations of occupied nests.</p> <p>If burrowing owls are confirmed to be present in a prairie dog town, the CDOT biologist in consultation with Colorado Parks and Wildlife will determine the course of action (avoid activity until after Nov. 1 or monitoring activity in areas greater than 660 feet from the burrows with little danger to the owls. Activity closer than 660 feet may endanger the owls.)</p> <p>The project shall develop a Prairie Dog Management Plan that details management methods. If prairie dogs are to be euthanized (which is not recommended) the 240 spec needs to be followed regarding contacting the following programs prior to trapping to determine final acceptance of the prairie dog management plan:</p> <ul style="list-style-type: none"> <li>▪ U.S. Fish and Wildlife Service Black Footed Ferret Recovery Program in Wellington, Colorado.</li> <li>▪ Birds of Prey Foundation in Broomfield, Colorado</li> <li>▪ Rocky Mountain Raptor Program in Fort Collins, Colorado.</li> </ul>		

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10	Biological Resources	Water depletions due to construction activities that require water use, including compaction, cement mixing, and dust control.	Mitigation for impacts caused by water depletions on federally listed species will be addressed by Federal Highway Administration (FHWA) and CDOT participation in the Platte River Recovery Implementation Program and South Platte Water Related Activities Program. Water used for this project will be reported to the U.S. Fish and Wildlife Service at the completion of the project. (U.S. Fish and Wildlife Service, 2012).	CDOT, City of Commerce City, Contractor	During Construction
11	Biological, Visual	Impact of existing tree removals as a result of roadway widening and paths.	Any disturbance to existing vegetation will be avoided and/or minimized to the maximum extent possible. Due to a lack of available space and lack of irrigation, 1:1 tree replacement within the project study area is not practical. Plantings with a vertical element, such as shrubs, will be included in the final design. Replacement tree planting will be provided through five means: (1) replanting within public right-of-way along the corridor, (2) replanting trees on private property as committed to for historic properties, (3) furnishing fruit trees for the Community Garden at Anythink Library, (4) furnishing trees for the City of Commerce City Parks Department for use throughout the City, and (5) furnishing trees to private property owners who will lose a tree as a result of the project. These methods will provide a minimum of 0.33:1 tree replacement.	City of Commerce City, Contractor	Pre-Construction, During Construction

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12	Community Facilities, Parks, and Recreational Facilities; Environmental Justice; Land Use; Right-of-Way; Socioeconomic Resources	Permanent partial right-of-way acquisition from 7 properties, permanent utility easement acquisition from 13 properties, and partial temporary construction easement acquisitions from 31 properties with residential, commercial, industrial, and agricultural land uses.	<p>For any person(s) whose real property interests may be impacted by this project, the acquisition of those property interests will comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act).</p> <p>The Uniform Act is a federally mandated program that applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted programs or projects. It was created to provide for and ensure the fair and equitable treatment of all such persons. To further ensure that the provisions contained within this act are applied “uniformly,” CDOT requires Uniform Act compliance on any project for which it has oversight responsibility regardless of the funding source. Additionally, the Fifth Amendment of the U.S. Constitution provides that private property may not be taken for a public use without payment of “just compensation.”</p> <p>All impacted owners will be provided notification of the acquiring agency’s intent to acquire an interest in their property including a written offer letter of just compensation specifically describing those property interests. A right-of-way specialist will be assigned to each</p>	City of Commerce City, CDOT Right-of-Way	Pre-construction

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			property owner to assist them with this process.		
13	Community Facilities, Parks, and Recreational Facilities; Environmental Justice; Right-of-Way; Socioeconomic Resources	Approximately 1 acre (3 percent of existing capacity) of parking at the Mile High Flea Market would be removed.	Parking mitigation will be determined during the right-of-way acquisition process and may include: <ul style="list-style-type: none"> <li>▪ Restriping or reconfiguring portions of the parking lot.</li> <li>▪ Compensation.</li> </ul>	City of Commerce City, CDOT Right-of-Way	Pre-Construction
14	Community Facilities, Parks, and Recreational Facilities; Section 4(f); Historic Resources; Visual	Temporary impacts to visual quality due to material stockpiles, high visibility fencing, dust and debris, and staging areas, including at historic properties.	Stockpile areas will be in containers or neatly organized, cleaned and located in less visibly sensitive areas, and whenever possible, not visible from recreational areas or historic properties. Dust mitigation is addressed by mitigation for air quality.	City of Commerce City, Contractor	During Construction
15	Community Facilities, Parks, and Recreational Facilities; Environmental Justice; Historic Resources; Noise; Section 4(f), Socioeconomic Resources	Noise increases during construction.	Typical best management practices will be incorporated into construction contracts where it is appropriate to do so. These may include: <ul style="list-style-type: none"> <li>▪ Notify neighbors in advance when construction noise may occur.</li> <li>▪ Keep noisy activities as far from sensitive receptors as possible.</li> <li>▪ Use properly designed engine enclosures and intake silencers if appropriate.</li> <li>▪ Place stationary equipment as far from sensitive receptors as possible.</li> </ul>	City of Commerce City, Contractor	During Construction

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			<ul style="list-style-type: none"> <li>▪ Perform construction activities in noise-sensitive areas during hours that are least disturbing to nearby residents.</li> </ul>		
16	Environmental Justice, Land Use, Socioeconomic Resources, Traffic	Out-of-direction travel for access to businesses and residential areas due to construction of a raised median.	U-turns will be permitted at E. 88th Avenue at Brighton Road and the new Mile High Flea Market/Quince Street entrance intersection.	City of Commerce City	Pre-Construction
17	Environmental Justice, Noise, Visual	Permanent increases in noise levels from increased traffic volumes.	<p>Noise barriers are recommended at four locations to reduce noise where they were found to be feasible and reasonable. Feasibility and reasonableness determinations may change if there are changes in final design after approval of the National Environmental Policy Act (NEPA) documentation. The recommended noise barriers would not be built if the Benefitted Receptor Preference Survey results in 50 percent or less support for the abatement (CDOT, 2021).</p> <p>Colors, textures, and other aesthetic treatments for the recommended noise barriers will be selected during final design.</p>	City of Commerce City	Pre-Construction
18	Hazardous Materials	Potential of exposure to hazardous materials.	The Modified Environmental Site Assessment document will be updated with a recent GeoSearch report when design for the Proposed Action reaches the 30 percent phase.	City of Commerce City, Contractor	During Construction

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			<p>The following environmental notes shall be added to the project plans:</p> <p>“Contractors and workers shall comply with the CDOT’s latest Revision of Section 250 – Environmental, Health and Safety Management of the Standard Specifications for Road and Bridge Construction (CDOT, 2019).</p> <p>Workers shall be alert during excavations for any visual or olfactory signs of contamination. If gas, soil and/or groundwater contamination is encountered, work will stop immediately, and the procedures outlined in the CDOT Specification 250 and subsection 107.25.8 shall be followed.</p> <p>Structural excavation, such as caisson and retaining wall construction, may require the dewatering of contaminated groundwater. If dewatering is necessary, groundwater brought to the surface will be managed according to Section 107.25 of the CDOT Standard Specifications for Road and Bridge Construction (CDOT, 2019) and permitted by the Colorado Department of Public Health and Environment Water Quality Control Division, in accordance with Section 402 of the Clean Water Act.</p>		

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			<p>If any drinking water and groundwater monitoring wells are located within the proposed construction area, the wells will be abandoned and plugged according to CDOT Section 202.02 in Standard Specifications for Road and Bridge Construction (CDOT, 2019) and in conformance with the Colorado Department of Natural Resources Division of Water Resources State Engineer Water Well Construction Rules, specifically Rule 16, ‘Standards for Plugging, Sealing, and Abandoning Wells and Boreholes’ (Colorado Department of Natural Resources, 2006).”</p> <p>Any costs associated with cleanup or remediation of acquired properties will be the responsibility of the City of Commerce City.</p> <p>Paint from traffic signal poles at E. 88th Avenue and Rosemary Street was sampled and classified as non-lead containing. Should lead-containing paint be encountered in other locations within the project study area, such as guard rails or other traffic signals, metal components painted with lead-containing paint should be removed components painted with lead-containing paint should be removed and recycled in accordance with CDOT Specification 250.04 and</p>		

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			<p>Occupational Safety and Health Administration Regulation 1926.62. The selected contractor and recycling center should be notified of the presence of lead-containing paint on these metal structures. Further, the contractor should avoid sanding, cutting, burning, or otherwise causing the release of lead from paint on structures or bridge components. These should be removed carefully and properly recycled. Occupational Safety and Health Administration Regulation 1926.62 should be consulted for worker protection before removing painted components.</p> <p>In addition, in the unlikely event that suspected asbestos-containing materials is encountered, including with buried utilities, workers must follow CDOT Specification 250.07—Asbestos-Containing Material Management and CDOT Asbestos-Contaminated Soil Management Standard Operating Procedure. Additionally, depending on the type of asbestos-containing materials, this material must also be abated in accordance with either Section 5.5 of the Solid Waste Regulations, or Regulation No. 8 of the Air Quality Control Commission Regulations. If structures are disturbed, they must be tested for asbestos-containing materials for worker protection and disposal</p>		



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			purposes. If the structures are to be demolished, they must be properly abated, and the materials properly disposed of.		
19	Historic Resources, Section 4(f)	A finding of <i>No Adverse Effect</i> for the 11 eligible properties.	In locations where permanent improvements require the removal of landscaping and/or mature vegetation, the landscaping and/or mature vegetation will be replaced at another location on the property. Coordination with landowners will occur during final design.	City of Commerce City, Contractor	Pre-Construction, During Construction
20	Historic Resources	Construction activities within temporary easements.	In locations where temporary easements are required, the historic property will be returned to pre-construction conditions. Historic properties, and their character-defining features, will be protected by temporary fencing and other measures, during construction.	City of Commerce City, Contractor	Pre-Construction, During Construction
21	Historic Resources, Section 4(f)	Construction activities near the 88 Drive-In Theatre.	Construction will not coincide with the hours that the 88 Drive-In Theatre is open for showing movies (typically at dusk or night), and the construction contractor will be required through a construction provision to coordinate with the property owner to determine the theatre's schedule. The provision will further state that the contractor will avoid work within a quarter of a mile of the theatre property during the hours of operation. Access to the theatre will be maintained during construction, regardless of the season.	City of Commerce City, Contractor	Pre-Construction, During Construction

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22	Paleontological Resources	Potential for impacts if paleontological resources are uncovered during construction.	Should unidentified paleontological resources be discovered during construction, CDOT Standard Specification 107.23 will be followed. Work will stop until the CDOT Paleontologist Dr. Peavey (nicole.peavey@state.co.us or 303-757-9632) is contacted and the resources have been evaluated to determine their significance.	City of Commerce City, Contractor	Pre-construction, During Construction
23	Utilities	Displacement of several utility lines and permanent utility easements.	Existing utilities will be relocated and upgraded in accordance with existing utility asset management plans. Temporary disruption in utility service will be minimized and temporary connections will be provided where feasible.	City of Commerce City, Contractor	Pre-Construction, During Construction
24	Visual	Visual impact of roadway widening with medians.	Median treatments, including any landscape or hardscape, will be chosen to meet the City of Commerce City design standards.	City of Commerce City	Pre-Construction
25	Visual	Visual impact of bridge at O'Brian Canal.	Bridge rail fencing will be selected to match similar bridge projects in the City of Commerce City.	City of Commerce City	Pre-Construction
26	Water Quality, Wetlands and Waters of the U.S.	Runoff to the O'Brian Canal or wetland complex north of Rosemary Street from construction activity.	Adhere to the terms and conditions of the Colorado Discharge Permit System permit.  Fertilizers and/or hydro-mulching will not be allowed within 50 feet of the O'Brian Canal or wetland complex north of Rosemary Street.  Equipment shall be refueled within designated refueling containment area.	City of Commerce City, Contractor	During Construction

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			<p>The refueling containment area shall be located greater than 100 horizontal feet away from the O'Brian Canal or wetland complex north of Rosemary Street.</p> <p>Construction staging and materials stockpiling will be located greater than 50 feet from the edge of wetlands or creeks, when possible, to avoid disturbance of vegetation and to prevent pollutant discharges into sensitive habitats. No staging will be allowed in wetlands. Specific locations will be determined during construction planning and, considering the narrowness of the corridor and limited areas available, this buffer may need to be reduced.</p> <p>If this buffer is not achievable, the City of Commerce City will consider the placement of materials closer to the edge of wetlands or the edge of water and identify appropriate additional Control Measures that will be required to minimize disturbance of vegetation and prevent pollutant discharges into sensitive habitats.</p>		
27	Water Quality, Wetlands and Waters of the U.S.	Runoff from ongoing operations.	Adhere to the terms and conditions of the City of Commerce City Municipal Separate Storm Sewer System (MS4) permit.	City of Commerce City, Contractor	Pre-Construction, During Construction

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28	Wetlands and Waters of the U.S.	Permanent impacts to approximately 124 linear feet of the O'Brian Canal (0.18 acre).	Obtain and adhere to the terms and conditions of the Section 404 Nationwide Permit.	City of Commerce City	Pre-Construction
Project Completion		All construction impacts.	Before the final conclusion of the Project and 45 days prior to Project completion, the Contractor/City of Commerce City shall submit to CDOT a final memorandum stating that all of the environmental mitigation commitments have been documented and fulfilled, along with a summary detailing any of the environmental best management practices that were used on the Project. The memorandum should be addressed to the CDOT Region 1 Environmental Manager (Vanessa Henderson). This summary of completion will be reviewed by CDOT and forwarded to FHWA for acceptance before Project close-out can occur.	City of Commerce City, Contractor, CDOT Environmental	Pre-Construction, During Construction, Post Construction

## 6.0 WHAT COMMENTS WERE RECEIVED ON THE EA?

Comments received during the public and agency review period and responses to the comments are contained in Table 2. Nine comments were received from the public.

Table 2. Public and Agency Comments Received and Responses to Comments

Comments	Responses
<p><b>Comment 1:</b> Online Event                      Date: 2021/06/07                      From: <a href="mailto:drbrazzell@gmail.com">drbrazzell@gmail.com</a></p> <p>88th Ave is one of the busiest street [sic] in Commerce City. It desperately needs to be improved. I am an employer near 86th and Roslyn and my employees are unable to use the RTD bus to get to work. I have lost several new candidates for the open fabrication position since the closest bus stop is over a mile away and no sidewalk to get to our business. EXPEDITE PLEASE.</p>	<p><b>Response 1:</b> Comment noted. The Proposed Action would improve connectivity to existing RTD bus stops with a multiuse path and sidewalk along E. 88th Avenue between Brighton Road and Highway 2, and sidewalks along Rosemary Street between E. 88th Avenue and E. 86th Avenue. Construction of the project is scheduled for 2023 and 2024, pending the availability of funding.</p>
<p><b>Comment 2:</b> Online Event                      Date: 2021/06/05                      From: <a href="mailto:Greyhawk.8815@gmail.com">Greyhawk.8815@gmail.com</a></p> <p>I use RTD public transportation daily and wondering if RTD buses are going to end up coming up 88th Avenue after the remodel and improvements to 88th Avenue.</p>	<p><b>Response 2:</b> Expansion of RTD service along E. 88th Avenue is not included in the Proposed Action. Commerce City’s C3 Vision Transportation Plan (<a href="https://www.c3gov.com/home/showpublisheddocument/7016/63675810817207000">https://www.c3gov.com/home/showpublisheddocument/7016/63675810817207000</a>) identified potential new bus routes and facilities. A potential route would service Brighton, Commerce City, and downtown Denver via I-76, Highway 2, I-25, and E. 88th Avenue. This route would provide new services to the remaining portion of the community study area that currently does not have transit service. RTD has not indicated an intention to implement the C3 Vision Transportation Plan recommendations described above at this time.</p>
<p><b>Comment 3:</b> Online Event                      Date: 2021/06/02                      From: <a href="mailto:cbotello3@yahoo.com">cbotello3@yahoo.com</a></p> <p>Eastbound 88th Ave from I-76 northbound off-ramp to Brighton Rd needs to be repaved. Pavement is in terrible condition and has been for several years. Considering the high volume of truck traffic</p>	<p><b>Response 3:</b> E. 88th Avenue between Brighton Road and Highway 2 is owned and operated by Commerce City. The section of roadway between Brighton Road and I-76 is outside of the scope of this project, and is owned and operated by CDOT. This comment has been shared with the appropriate contacts at CDOT.</p>

Comments	Responses
<p>in this area, may be worthwhile to look into concrete pavement instead of asphalt.</p>	
<p><b>Comment 4:</b> Online Event                      Date: 2021/06/01                      From: <a href="mailto:donna.lopez@comcast.net">donna.lopez@comcast.net</a>                      How about Stop &amp; Go lights for Wikiup Mobile Home Park for tenants trying to get out?</p>	<p><b>Response 4:</b> The Wikiup entrance from E. 88th Avenue is in close proximity to the Brighton Road signal, so a traffic signal cannot be installed here. The Proposed Action would improve Jolene Court (the Wikiup exit to Brighton Road) so that Wikiup residents can use the Brighton Road signal to have a signal-controlled westbound exit onto E. 88th Avenue.</p>
<p><b>Comment 5:</b> Online Event                      Date: 2021/06/01                      From: <a href="mailto:perezmanuelperez17@gmail.com">perezmanuelperez17@gmail.com</a>                      Despues de tantos anios este proyecto se esta haciendo. Va ha ser mas facil entrar a la izquierda para entrar en el Flea Market.                      English Translation: After so many years this project is being done. It will be easier to go left to enter the Flea Market.</p>	<p><b>Response 5:</b> Comentario anotado.                      English Translation: Comment noted.</p>
<p><b>Comment 6:</b> Online Event                      Date: 2021/05/29                      From: <a href="mailto:YoDanceGirl@yahoo.com">YoDanceGirl@yahoo.com</a>                      I see that your project area is east of 76. Can you PLEASE repaint the lines for the lanes on 88th going over 76? I'm just a driver and don't know all the particulars, but I do know that I'd feel safer if I could clearly see the lanes going over 76. Lines are there, just difficult to see. Thanks!</p>	<p><b>Response 6:</b> E. 88th Avenue between Brighton Road and Highway 2 is owned and operated by Commerce City. The E. 88th Avenue and I-76 interchange, including E. 88th Avenue over I-76, is outside of the scope of this project, and is owned and operated by CDOT. This comment has been shared with the appropriate contacts at CDOT.</p>
<p><b>Comment 7:</b> Online Event                      Date: 2021/05/29                      From: <a href="mailto:YoDanceGirl@yahoo.com">YoDanceGirl@yahoo.com</a>                      Thank you for presenting your plan and asking for input. PLEASE repaint the lines all through this project beginning with the short</p>	<p><b>Response 7:</b> E. 88th Avenue between Brighton Road and Highway 2 is owned and operated by Commerce City. The E. 88th Avenue and I-76 interchange, including E. 88th Avenue over I-76, is outside of the scope of this project and is owned and operated by CDOT. The section of E. 88th Avenue west of I-76 is outside of the scope of this project and is owned and operated by Adams County. This comment has been shared with the appropriate contacts at CDOT and Adams County.</p>

Comments	Responses
<p>stretch on the west side of 76. Actually, if you could repaint the lines ON 88th going over 76 even before you start the project, THAT WOULD BE GREAT!</p> <p>I am new to the state and I can barely see where the lanes are. The first time I drove over I wasn't sure where the lanes were because of the curviness, vertical slope, and faded lines. A very scary experience, especially at night. Glad I didn't have an accident.</p> <p>ALSO, please put a guard rail on eastbound 88th on the west side of 76 as it curves by the pond. For us newcomers, the curviness makes us go ""whoa"" because it is unexpected. The curviness combined with the ""up and over"" is a little scary. A guard rail would improve the visibility of the curve of the road and along with new lines, I think it would make it a lot safer.</p> <p>Thank you for asking for input from us. I will be driving this stretch of road A LOT!</p>	
<p><b>Comment 8:</b> Project Email</p> <p>Date: 5/29/2021</p> <p>From: Chuck Rossi, <a href="mailto:chuckrossi@me.com">chuckrossi@me.com</a></p> <p>Please put stop lights at the entrance of the mobile home park so residence can get out of the park safely. It is very hard to get out when the flea market is open on the weekends. Traffic is terrible on the weekends.</p>	<p><b>Response 8:</b> The Wikiup entrance from E. 88th Avenue is in close proximity to the Brighton Road signal, so a traffic signal cannot be installed here. The Proposed Action would improve Jolene Court (the Wikiup exit to Brighton Road) so that Wikiup residents can use the Brighton Road signal to have a signal-controlled westbound exit onto E. 88th Avenue. Improvements to the main Flea Market entrance would also help reduce congestion on E. 88th Avenue during Flea Market events.</p>
<p><b>Comment 9:</b> Project Email</p> <p>Date: 6/8/2021</p> <p>From: Matthew Noteboom, <a href="mailto:mnoteboom@LGEVERIST.com">mnoteboom@LGEVERIST.com</a></p> <p>Hello, In reviewing the plans for the 88th Ave. improvements we have some questions and comments we would like to discuss with someone on how this will impact our site and operations.</p> <p>We have gated access with center median off of 88th Ave. and with the new width on 88th Ave. there are concerns with impacts to our</p>	<p><b>Response 9:</b> During the Final Design phase of the project, the project team will reach out to you to better understand your firm's needs related to access and work with you to resolve your issues.</p> <p>The Proposed Action would require some partial temporary and permanent right-of-way acquisition from your property, including at the entrance median and gate. For any person(s) whose real property interests may be impacted by this project, the acquisition of those property interests will comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). More information about this mitigation commitment is located in</p>

Comments	Responses
<p>gate and median as well as turning radiuses for the bigger trucks and oversized loads that frequent our site.</p> <p>Also with the new center median on 88th Ave. the oversized loads leaving our site will have difficulty making this turn.</p> <p>We also believe a eastbound turn out of our site would benefit a Accel lane on 88th Ave.</p> <p>Please feel free to reach out at my contact information below to discuss.</p> <p>MATTHEW NOTEBOOM, P.E. Vice President – Mountain Division 7321 E. 88th Ave., Suite 200, Henderson, CO 80640 303-941-9620    msnoteboom@lgeverist.com    www.lgeverist.com SAFE...RELIABLE...PRODUCTIVE"</p>	<p>Table 3 of the Environmental Assessment and is unchanged in Table 1 in this Finding of No Significant Impact. The level of design completed for the Environmental Assessment and this Finding of No Significant Impact is approximately 15 percent. As the project progresses through Final Design, the project team will reduce and avoid impacts, as possible and practical.</p> <p>The proposed E. 88th Avenue and Quince Street intersection has been designed to current standards, which will improve the existing condition. The Proposed Action description for the median proposed on E. 88th Avenue west of Quince Street has been revised to include the possibility of a mountable curb to accommodate oversized loads (Section 5 in this Finding of No Significant Impact document). Also, as stated above, the project team will reach out to you to better understand how the current standards would not meet your firm’s needs, and work with you to resolve the issue.</p> <p>Regarding vehicles leaving Quince Street and making a left turn to head eastbound on E. 88th Avenue, the current Proposed Action footprint could accommodate an eastbound acceleration lane where the median is proposed on E. 88th Avenue, east of Quince Street. The purpose of the additional lane would be to allow some distance for the acceleration of traffic entering eastbound E. 88th Avenue from Quince Street. The acceleration lane will be considered during the Final Design phase.</p>

## 7.0 REFERENCES

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Appendix A.  
88th Avenue (I-76 To Highway 2) Environmental Assessment with  
Appendices

## Appendix B. 88th Avenue FONSI Public Involvement

## Appendix C. Supplemental Air Quality Analysis