

3.4 RIGHT-OF-WAY

This section discusses right-of-way requirements and displacements of residences and businesses that may occur under each of the build packages. These right-of-way requirements and displacements are preliminary and are subject to revision during development of the preferred alternative, final design, and right-of-way acquisition.

3.4.1 Affected Environment

The regional study area extends from Wellington, north of Fort Collins, along the I-25 corridor to the Denver Metro Area, and from US 287 on the west to US 85 to the east. Generally, improvements are proposed to occur along I-25, the Burlington Northern Santa Fe (BNSF) right-of-way and US 85. There is also an area of new right-of-way or right-of-way owned by the Union Pacific Railroad (UPRR) proposed for the Longmont-North Metro connection.

Table 3.4-1 provides existing I-25 mainline right-of-way widths in the project area. This includes paved surface and CDOT-owned land beyond the pavement along the I-25 mainline.

Right-of-way widths are narrowest at the southern and northern ends of the corridor and widest from SH 7 to SH 66. The widths expand considerably at existing interchanges, as shown in **Table 3.4-2**.

Table 3.4-1 I-25 Existing Right-of-Way Widths in the Project Area

Segment	Average Right-of-Way Width (feet)
SH 1 to SH 14	350
SH 14 to SH 68	250
SH 68 to SH 392	255
SH 392 to US 34	285
US 34 to SH 402	315
SH 402 to SH 60	325
SH 60 to SH 56	300
SH 56 to SH 66	300
SH 66 to SH 119	445
SH 119 to SH 52	510
SH 52 to SH 7	415
SH 7 to E-470	210
E-470 to SH 128	200
SH 128 to US 36	225

Source: CDOT right-of-way plans, parcel data from Weld, Adams, and Larimer counties

What's in Section 3.4?

3.4 Right-of-Way

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1 **Table 3.4-2 I-25 Existing Interchange Widths in the Project Area**

Location	Average Interchange Width (feet)
SH 1	850
SH 14	1,750
LCR 50	1,300
Prospect Road	1,500
SH 68	1,875
LCR 36	750
SH 392	1,125
Crossroads Boulevard	1,150
US 34	1,675
SH 402	875
SH 60	600
SH 56	800
WCR 38	800
WCR 34	1,125
SH 66	800
SH 119	1,125
SH 52	1,650
WCR 8	1,300
SH 7	1,000
E-470	1,125
136th Avenue	1,125
120th Avenue	925
104th Avenue	650
Thornton Parkway	725
84th Avenue	825
US 36	1,625

Source: CDOT right-of-way plans, parcel data from Weld, Adams, and Larimer counties

2 **Table 3.4-3** shows the existing BNSF rail corridor width parallel to US 287. This includes the
3 railroad bed and railroad-owned land beyond the bed.

4 **Table 3.4-3 Existing BNSF Rail Corridor Widths Parallel to US 287**

Segment	Average Rail Corridor Width (feet)
SH 14 to SH 68	100
SH 68 to US 34	105
US 34 to SH 402	125
SH 402 to SH 60	135
SH 60 to SH 56	100
SH 56 to SH 66	115
SH 66 to SH 119	80

Source: Parcel data from Weld, Adams, and Larimer counties

1 The BNSF rail corridor shares right-of-way with streets in some locations. **Table 3.4-4** shows the
2 existing UPRR rail corridor width in the project area.
3

4 **Table 3.4-4 Existing UPRR Right-of-Way Widths for Commuter Rail Alignment at**
5 **Connection to North Metro Line**

Location	Average Rail Corridor Widths (feet)
WCR 10	130
East of I-25, north of WCR 8	100
WCR 11, south of WCR 8	90
East of I-25, north of WCR 6	215

Source: Parcel data from Weld, Adams, and Larimer counties

6 As described in **Chapter 2 Alternatives**, numerous facilities such as stations and maintenance
7 facilities for the various transit service types are included in the build packages. The commuter
8 rail stations in Package A are located adjacent to the rail corridor on privately held parcels.
9 Many of the BRT stations in Package B are located in the center median of I-25 or at existing
10 car pool lots on publicly owned parcels. The right-of-way acreage and displacement impacts for
11 these facilities are summarized in **Section 3.4.2**.

12 Property acquisition along the US 85 corridor would generally be limited to commuter bus
13 stations and a maintenance facility. Commuter bus queue-jumps would be located at various
14 signalized intersections along US 85 and US 34. The proposed design of the queue-jumps
15 would not require acquisition of additional right-of-way.

16 **3.4.2 Environmental Consequences**

17 The implementation of either of the build alternatives would require acquisition of property for
18 additional rights-of-way and the displacement of some occupants. This section summarizes the
19 impacts associated with the No-Action Alternative and each of the build packages. Impacts are
20 summarized in two categories:

- 21 ▶ **Right-of-Way Impacts.** Right-of-way impacts describe the total amount of physical land (in
22 acreage) that would be required as additional right-of-way for each build package. Right-of-
23 way needs are identified by build package component.
- 24 ▶ **Property Impacts and Displacements.** Impacted properties include those properties
25 where a build package would result in a partial or total acquisition of the property or modify
26 access to the property. Access modifications include changing the locations of existing
27 access to certain streets and providing new access from different streets. Displacements
28 occur where the impacts are substantial. Displaced occupants are eligible for relocation
29 benefits. Property impacts and displacements are identified by build package component.

30 All agricultural, residential, industrial, and commercial land uses and ownership information are
31 reported using 2006 data and do not consider future development or ownership changes that
32 might occur prior to right-of-way acquisition for the proposed action.

3.4.2.1 RIGHT-OF-WAY IMPACTS

No-Action Alternative

The No-Action Alternative would not include major changes from the existing conditions, and so would not require acquisition of property or any relocations. However, safety and maintenance improvements would need to be constructed if neither build package was constructed. No-Action Alternative improvements include bridge and pavement replacement or rehabilitation and minor safety modifications within existing right-of-way.

Package A

Package A includes construction of additional general purpose and auxiliary lanes on I-25 and implementation of commuter rail and bus service. **Table 3.4-5** summarizes the additional amount of right-of-way needed for Package A highway and transit components.

Table 3.4-5 Additional Right-of-Way Needed for Package A

PACKAGE A: General Purpose Lanes + Commuter Rail and Bus	
Component	ROW (acres)*
<i>Package A Highway Components</i>	
A-H1 - Safety Improvements: SH 1 to SH 14	81
A-H2 - General Purpose Lanes: SH 14 to SH 60	406
A-H3 - General Purpose Lanes: SH 60 to E-470	231
A-H4 - Structure Upgrades: E-470 to US 36	1
Total Package A Highway	719
<i>Package A Transit Components</i>	
A-T1 - Commuter Rail: Fort Collins to Longmont	165
A-T2 - Commuter Rail: Longmont to North Metro	166
A-T3 - Commuter Bus: Greeley to Denver	18
A-T4 - Commuter Bus: Greeley to DIA	0
Total Package A Transit	349
Total ROW for Package A	1,068

Source: County GIS and engineering data and North I-25 design footprint for EIS alternatives
*Includes partial acquisitions and displacements.

Package B

Package B includes construction of tolled express lanes on I-25 and implementation of bus rapid transit service. **Table 3.4-6** summarizes the additional amount of right-of-way needed for Package B highway and transit components.

1 **Table 3.4-6 Additional Right-of-Way Needed for Package B**

PACKAGE B: Tolloed Express Lanes + Bus Rapid Transit	
Component	ROW (acres)*
<i>Package B Highway Components</i>	
B-H1 - Safety Improvements: SH 1 to SH 14	81
B-H2 – Add Tolloed Express Lanes: SH 14 to SH 60	477
B-H3 – Add Tolloed Express Lanes: SH 60 to E-470	252
B-H4 – Add Tolloed Express Lanes: E-470 to US 36	49
Total Package B Highway	859
<i>Package B Transit Components</i>	
B-T1 - BRT: Fort Collins/Greeley to Denver	18
B-T2 - BRT: Fort Collins to DIA	0
Total Package B Transit	18
Total ROW for Package B	877

Source: County GIS and engineering data and North I-25 design footprint for EIS alternatives
*Includes partial acquisitions and displacements.

2 **Comparison of Package A and B Right-of-Way Impacts**

3 **Table 3.4-5** and **Table 3.4-6** summarize the approximate amounts of right-of-way that would
4 need to be acquired for Packages A and B. As these tables show, Package A would require the
5 greatest amount of right-of-way acquisition, approximately 156 acres more than Package B. This
6 difference is in part attributed to the inclusion of the commuter rail component in Package A.

7 **3.4.2.2 PROPERTY IMPACTS AND DISPLACEMENTS**

8 **No-Action Alternative**

9 The No-Action Alternative would not require acquisition of property nor relocations (see **Section 3.4.2.1**).

10 **Package A**

11 **Table 3.4-7** summarizes Package A property displacement information by highway and transit
12 components, including the number of business and residential property relocations involved
13 and impacted acreage. **Figure 3.4-1** displays Package A business and residential property
14 displacement totals graphically by component.

15 Where access to business and residential properties must be modified, reasonable access will
16 be provided. Access modifications will be confirmed during final design.

17 The impacted acreage in **Table 3.4-7** is for property displacements only. The right-of-way
18 acreage in **Tables 3.4-5** and **3.4-6** are for all property impacts, including displacements and
19 partial takes.

1 **Table 3.4-7 Property Displacements for Package A**

PACKAGE A: General Purpose Lanes + Commuter Rail and Bus			
Component	Impacted Acres	Business Relocations	Residential Relocations
<i>Package A Highway Components</i>			
A-H1 - Safety Improvements: SH 1 to SH 14	7	0	4
A-H2 - General Purpose Improvements: SH 14 to SH 60	34	11	14
A-H3 - General Purpose Improvements: SH 60 to E-470	29	1	5
A-H4 - Structure Upgrades: E-470 to US 36	0	0	0
Total Package A Highway	70	12	23
<i>Package A Transit Components</i>			
A-T1 - Commuter Rail: Fort Collins to Longmont	5	15	18
A-T2 - Commuter Rail: Longmont to North Metro	15	1	17
A-T3 - Commuter Bus: Greeley to Denver	6	5	1
A-T4 - Commuter Bus: Greeley to DIA	0	0	0
Total Package A Transit	26	21	36
Total for Package A	96	33	59

Source: County GIS and engineering data and North I-25 design footprint for EIS alternatives

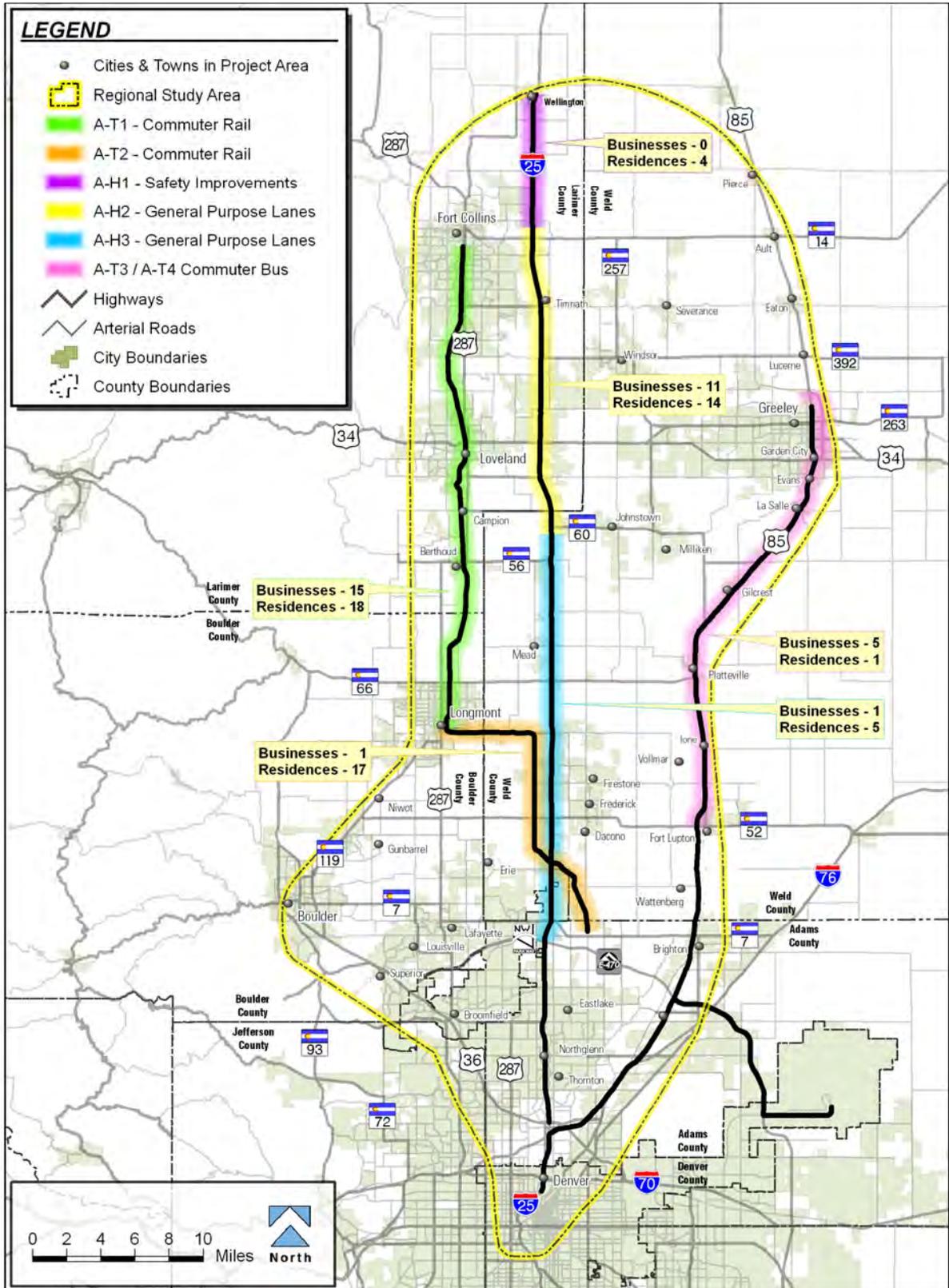
2 **Residential Displacements.** Figure 3.4-1 shows the general location of Package A property
 3 displacements by highway and transit components, including residential displacements. As the
 4 figure shows, residential displacements in the A-H1 highway component are irregularly located
 5 along the corridor in Weld County. Residential displacements in the A-H2 highway component
 6 are located in Larimer and Weld counties along the I-25 corridor from US 34 south to CR 16.
 7 Residential displacements in the A-H3 highway component are along I-25 at locations in the
 8 Johnstown area.

9 As Figure 3.4-1 shows, residential displacements in the A-T1 transit component are
 10 concentrated adjacent to the existing BNSF right-of-way in the City of Longmont. These homes
 11 were constructed in the early 1900s to mid-1970s. A concentration of displacements is found
 12 along SH 7 in the A-T2 transit component in rural Boulder County, and along CR 7 between
 13 SH 119 and SH 52. The one residential displacement in the A-T3 transit component is along
 14 US 85 in Evans.

15 **Business Displacements.** Figure 3.4-1 shows the general location of Package A property
 16 displacements by highway and transit component, including business displacements. Business
 17 displacements in the A-H2 highway component are located through Larimer County along the
 18 I-25 corridor. The one business displacement in the A-H3 highway component is at the
 19 I-25/WCR 34 interchange.

20 As Figure 3.4-1 shows, business displacements in the A-T1 transit component are located
 21 throughout Larimer County along US 287 between SH 14 and SH 119. The one business
 22 displacement in the A-T2 transit component is located along CR 7 south of CR 12. Business
 23 displacements in the A-T3 transit component are located from Greeley to Fort Lupton along
 24 US 85 in Weld County.

1 Figure 3.4-1 Package A Displacements



1 *Package B*

2 **Table 3.4-8** summarizes Package B property displacement information by highway and transit
3 components, including the number of business and residential property relocations involved
4 and impacted acreage. **Figure 3.4-2** displays Package B business and residential property
5 displacement totals graphically for each highway component.

6 **Table 3.4-8 Property Displacements for Package B**

PACKAGE B: Tolloed Express Lanes + Bus Rapid Transit			
Component	Impacted Acres	Business Relocations	Residential Relocations
<i>Package B Highway Components</i>			
B-H1 - Safety Improvements: SH 1 to SH 14	8	0	4
B-H2 - Tolloed Express Lanes: SH 14 to SH 60	43	13	15
B-H3 - Tolloed Express Lanes: SH 60 to E-470	40	2	5
B-H4 - Tolloed Express Lanes: E-470 to US 36	0	0	0
Total Package B Highway	91	15	24
<i>Package B Transit Components</i>			
B-T1 - BRT: Fort Collins/Greeley to 120th	1	1	0
B-T2 - BRT: Fort Collins to DIA	0	0	0
Total Package B Transit	1	1	0
Total for Package B	92	16	24

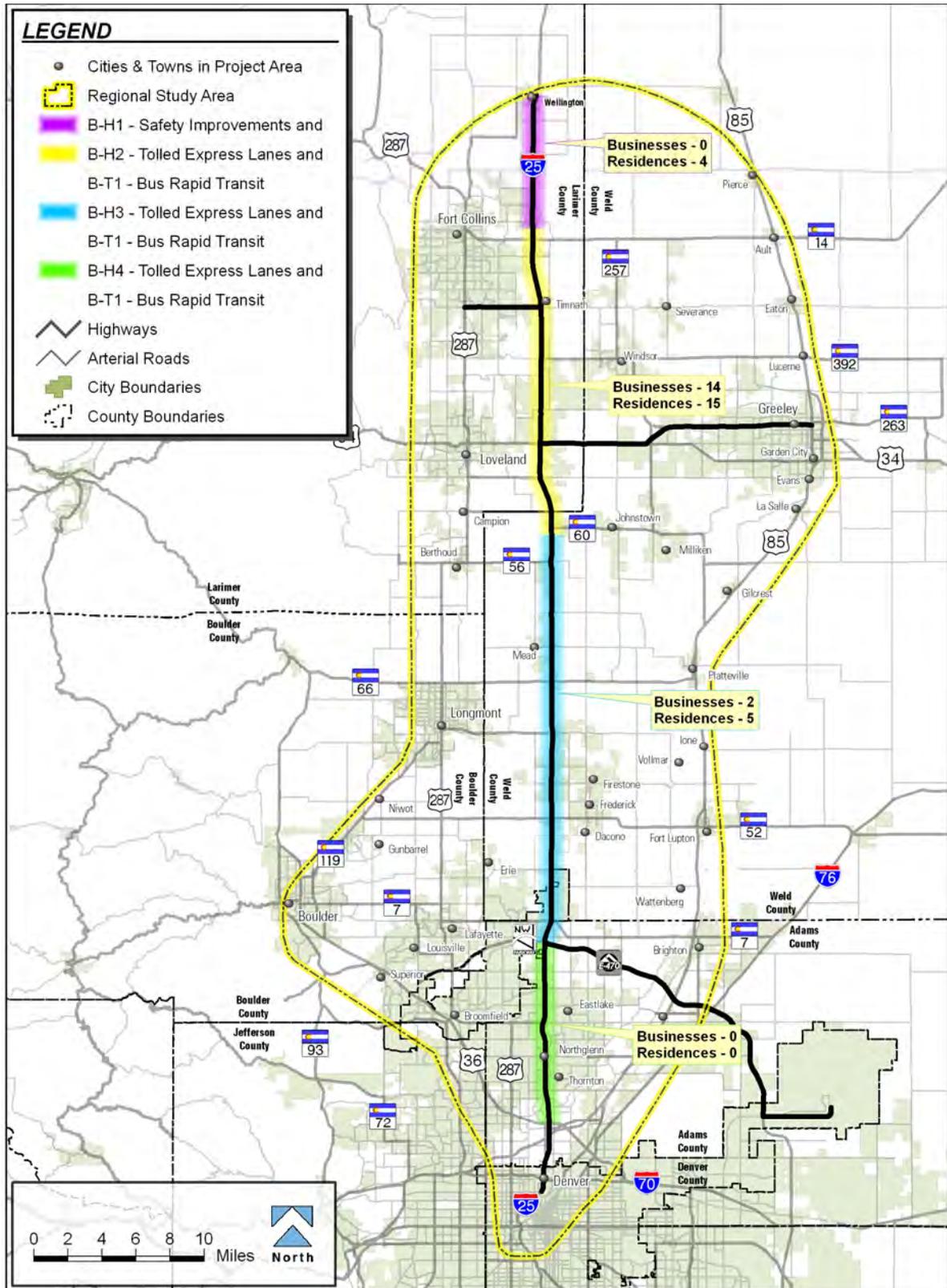
Source: County GIS and engineering data and North I-25 design footprint for EIS alternatives.

7 **Table 3.4-8** and **Figure 3.4-2** summarize Package B property displacements. Right-of-way
8 displacement needs for B-H2 and B-H3 tolloed express lanes would be similar to those needed
9 for A-H2 and A-H3 general purpose lanes.

10 *Comparison of Package A and B Displacement Impacts*

11 **Table 3.4-7** and **Table 3.4-8** summarize the number of business and residential property
12 displacements associated with Packages A and B. Of the two packages, Package A would
13 require more business and residential relocations than Package B. This is due in large part to
14 the inclusion of the commuter rail component in Package A.

1 Figure 3.4-2 Package B Displacements



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Availability of Replacement Residential and Commercial Properties

Market data for replacement properties was collected from a variety of sources including commercial real estate firms, residential multi-listing services, and city and county websites. The data and subsequent analysis indicates a sufficient number of comparable replacement homes and business sites at similar values and in the same general areas are available at this time to accommodate relocatees. Regarding potential future conditions, residential building permits remain steady and market emphasis on affordable housing remains high.

Prior to relocation, a relocation analysis will be prepared that will enable the relocation activities to be planned so that the problems associated with the displacement of individuals, families, businesses, and nonprofit organizations are recognized, and solutions are developed to minimize the adverse impacts of displacement. The scope of planning will be based on the complexity and nature of the anticipated displacing activity, including the evaluation of program resources available to carry out timely and orderly relocations. The relocation study will include the following:

- ▶ A current estimate of the number of households to be displaced, including information such as owner/tenant status, estimated value and rental rates of property to be acquired, family characteristics, and special consideration of impacts on minorities, the elderly, large families, and the handicapped, when applicable.
- ▶ An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of displaced households. When an adequate supply of properties for displacees to be relocated into is NOT available, CDOT must take actions or make assurances to address the inadequate supply before it can start any relocation activities.
- ▶ An estimate of the number, type, and size of businesses and nonprofit organizations to be displaced and the approximate number of employees that may be affected.
- ▶ Consideration of any special advisory services that may be necessary from CDOT or any other implementing agency.

1 **3.4.3 Mitigation Measures**

2 **3.4.3.1 ACQUISITION**

3 For any person(s) whose real property interests may be impacted by this project, the
4 acquisition of those property interests will comply fully with the *Uniform Relocation Assistance*
5 *and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Act)*. The Uniform
6 Act is a federally mandated program that applies to all acquisitions of real property or
7 displacements of persons resulting from Federal or federally assisted programs or projects. It
8 was created to provide for and insure the fair and equitable treatment of all such persons. To
9 further ensure that the provisions contained within this act are applied "uniformly," CDOT
10 requires Uniform Act compliance on any project for which it has oversight responsibility
11 regardless of the funding source. Additionally, the Fifth Amendment of the United States
12 Constitution provides that private property may not be taken for a public use without payment of
13 "just compensation." All impacted owners will be provided notification of the acquiring agency's
14 intent to acquire an interest in their property including a written offer letter of just compensation
15 specifically describing those property interests. A Right-of-Way Specialist will be assigned to
16 each property owner to assist them with this process.

17 **3.4.3.2 RELOCATION**

18 In certain situations, it may also be necessary to acquire improvements that are located within a
19 proposed acquisition parcel. In those instances where the improvements are occupied, it
20 becomes necessary to "relocate" those individuals from the subject property (residential or
21 business) to a replacement site. The Uniform Act provides for numerous benefits to these
22 individuals to assist them both financially and with advisory services related to relocating their
23 residence or business operation. Although the benefits available under the Uniform Act are far
24 too numerous and complex to discuss in detail in this document, they are available to both
25 owner occupants and tenants of either residential or business properties. In some situations,
26 only personal property must be moved from the real property and this is also covered under the
27 relocation program. As soon as feasible, any person scheduled to be displaced shall be
28 furnished with a general written description of the displacing Agency's relocation program which
29 provides at a minimum, detailed information related to eligibility requirements, advisory services
30 and assistance, payments, and the appeal process. It shall also provide notification that the
31 displaced person(s) will not be required to move without at least 90 days advance written
32 notice. For residential relocatees, this notice cannot be provided until a written offer to acquire
33 the subject property has been presented, and at least one comparable replacement dwelling
34 has been made available. Relocation benefits will be provided to all eligible persons regardless
35 of race, color, religion, sex or national origin. Benefits under the Act, to which each eligible
36 owner or tenant may be entitled, will be determined on an individual basis and explained to
37 them in detail by an assigned Right-of-Way Specialist.

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