

Unfortunately, commercial mixed use development on property that will be directly impacted by a future interchange at US 85/104th is imminent. The property owner would prefer to know if CDOT will acquire the property sooner rather than later because it is difficult for him to move forward with the current uncertainty. We believe it would be in the best interest of the Department to acquire the identified ROW before the development occurs and our costs to acquire in the future inflate exponentially. Acquiring the property sooner rather than later also allows the property owner to not have his development plans complicated by the cloud of potential future acquisition.

Given the benefit both interchanges could provide to US 85 and UPRR operations as well as UPRR ROW negotiations, we would also like to conduct an environmental assessment (EA) (the next step in the environmental process) and complete preliminary design so we are in position to pursue potential construction funding sources, including grant opportunities, to complete these important improvements. Because of the proximity to I-76 and the desire to analyze how both interchanges may impact US 85 highway users and the UPRR, the proposed environmental study limits are from I-76 to 124th.

Options:

1. Approve the use of \$15 million from Transportation Commission Contingency for early ROW acquisition at US 85 and 104th and to conduct an EA and preliminary design for US 85 from I-76 to 124th. This option is consistent with our local partners' desires, may benefit the US 85 ROW negotiations with the UPRR, and will allow CDOT to move forward with preliminary design and environmental clearance so we are better positioned to compete for future construction funding opportunities. It also removes the cloud of uncertainty for the property owner at 104th.
2. Deny use of Transportation Commission Contingency funding. Not approving the funding will result in exponentially higher ROW costs because the property will likely already be developed. Additionally, CDOT will not be in a good position to compete for potential future construction funding opportunities.
3. Defer taking action pending additional information. This option will continue to place a cloud of uncertainty over the current property owner and may complicate our US 85 ROW negotiations.

Recommendation: Approve use of \$15 million from Transportation Commission Contingency for early ROW acquisition at US 85 and 104th and to conduct an environmental assessment and preliminary design for US 85 from I-76 to 124th.

Next Steps: Region 1 has submitted a TIP amendment for the August 22 DRCOG Technical Advisory Committee agenda with the statement that funding is contingent on Transportation Commission approval. If the funding is approved by the Transportation Commission and the TIP amendment is approved by the TAC, it is anticipated that DRCOG will formally adopt the TIP amendment in September. If adopted we will then be able to budget the funds and formally begin ROW negotiations with the property owner at US 85/104th. We will also begin the procurement process for the EA and preliminary design work for US 85 from I-76 to 124th.

