



7.0 NEXT STEPS

In addition to the steps to preserve a corridor for future improvements, there are several other actions that should be considered to continue the corridor planning efforts for eventual improvements to SH 392. The following sections discuss some of these action steps.

7.1 Execute Memorandum of Understanding for the EOS

A MOU between all the agencies participating in the EOS is being pursued. The MOU will act as an official document proving participation in the study, concurrence with the recommendations, and an intention to work towards implementing the EOS study recommendations, namely preservation of ROW where applicable. It is expected that terms of this MOU will be drafted as the EOS report is finalized and adopted by the participating agencies.

7.2 Complete Multi-Jurisdictional Road Swap

Efforts to complete the multi-jurisdictional road swap agreement between CDOT, Larimer County, and Fort Collins are on-going. Completion of this effort is necessary to transfer administrative control of Carpenter Road and LCR 32 to CDOT for implementation of these EOS recommendations.

7.3 Conduct Corridor Preservation Activities

The primary purpose of this study was to identify ROW needs for future transportation improvements to SH 392. This EOS report itself, the ROW plans contained in the Appendix, *SH 392 EOS Recommended Alternatives Concept Plan Sheets*, and the MOU discussed above, will all be instrumental in achieving this objective. Because CDOT has no ability to control local land use nor to negotiate with developers for reservations and dedications, the local agencies must implement the recommendations of this EOS by working with developers to set aside the necessary ROW for future improvements as much as possible. The following sections of the corridor are thought to be key strategic areas for such preservation:

- LCR 9 to I-25 - hold the existing ROW line on the north and acquire land on the south to avoid Section 4(f) impacts at Fossil Creek Reservoir Regional Open Space
- East bank of the Poudre River to WCR 13 - hold the existing ROW line on the south and acquire land on the north to avoid Section 4(f) impacts at Frank State Wildlife Area
- WCR 13 to 15th Street – hold centerline and acquire land in equal amounts to the north and south

7.4 Continue Corridor and Regional Planning Efforts

As has been mentioned in previous sections of this report, there may still be interest on the part of some local agencies to continue to pursue the alternative routes around Duck Lake and the Town of Windsor.



If desired, Fort Collins and Larimer County may wish to continue discussions and planning efforts towards advancing one of the options around the south side of Duck Lake. Issues such as environmental effects, transportation use of conservation easements, and impacts on the South Fort Collins Sanitation District sludge application operation need to be considered and resolved. A NEPA study or other appropriate environmental analysis will need to be conducted to select and advance any of these alternatives. Similarly, the Town of Windsor may opt for an alternative SH 392 alignment around the town in lieu of eliminating parking downtown to achieve the necessary four lanes.

In such cases, CDOT will cooperate with the sponsoring agency to evaluate the potential effects and determine the appropriate course of action. In any case, the identification of a new alignment and the use of Federal funds to advance such improvements will require adoption into the NFRMPO RTP, and thus will require widespread regional support to attain that goal. CDOT will cooperate with local partners as appropriate to help them achieve their objectives.

Local planning officials can promote compatibility between land development and highways by using the predicted noise contours in this EOS. They can use these contours during development reviews to ensure future development is compatible with existing and future traffic noise levels. They should seek to restrict development (within the predicted 66 dBA contour) of exterior land uses associated with residences, motels, schools, churches, hospitals, and recreational facilities to establish compatible development of currently undeveloped parcels.

7.5 Conduct Future Studies to Comply with NEPA

Projects receiving Federal funding, affecting state right-of-way purchased with Federal funds, or requiring approval of a Federal agency are subject to the regulations (23 CFR 771, 40 CFR 1500-1508) falling under the NEPA (NEPA-42 USC 4332 (2)(c), 23 USC 128 (a) and 49 USC 303). If CDOT or Federal funds are used to program improvements to the SH 392 corridor, a study in compliance with NEPA should be conducted.

If a NEPA study is pursued for the SH 392 corridor, CDOT will have to comply with Section 404 (b) (1) of the Clean Water Act and involve the USACE. This requires that the Least Environmentally Damaging Practicable Alternative not be screened out through the analysis process. In short, if an alternative has fewer effects to wetlands and Waters of the U.S., proof must be provided why it is not a reasonable and feasible option. This would be relevant to future analysis of Alternatives A, C, and E.

Another regulatory issue is compliance with Section 4(f) of the USDOT Act. CDOT and FHWA are required to select an alternative in a NEPA study that has the least impact to Section 4(f) properties. If there is another alternative with fewer effects (less conversion of property to a transportation use) to the Section 4(f) property, it must be shown why this other alternative is not feasible and is not prudent. This issue will be important with regards to future analysis of Alternatives A, C, and E which traverse recreational properties and State Wildlife Areas.



Due to the preliminary nature of this EOS, the calibration of the noise model was conducted using only one noise reading. It is believed that this one point may have established the baseline noise level at an unrealistically low level, and therefore may overstate the impacts. A detailed and thorough noise analysis should be performed in a subsequent environmental or NEPA study that would seek to clear any of these alternatives.

7.6 Conduct Further Study on Refinements to Alternatives

Near the conclusion of the EOS, comments received from agencies and the public suggested refinements to two of the alternatives that may have merit if those alternatives are pursued in the future. Since the EOS was wrapping up, and since it appeared those alternatives would likely not be recommended, the EOS did not evaluate the suggested refinements. They are discussed herein for future reference should they be studied at a later time.

The first refinement was essentially a hybrid of Alternatives C and E, but was labeled Alternative C-Modified. Figure 7.1 shows the location of this refinement, which would avoid both the wetlands south of Duck Lake and the Autumn Creek subdivision. However, the less desirable aspect of this alternative is the less-than-desirable geometry of the crossing of Timberline Road and the UPRR. An adequate design concept will need to be developed at this location in order to make this alternative viable.

The second refinement was to Alternative M1-R which would avoid a natural gas well and minimize effects to private property. The refinement would shift the M1-R Alternative to the northeast as shown in Figure 7.2.

7.7 Pursue Changes to Conservation Easements

If Alternatives C or E are pursued, the Everitt and Dickenson Conservation Easements must be addressed. As discussed in *Section 4.0, Alternatives Development and Screening*, the deeds for these easements state that a transportation use is not allowed. Research conducted by this EOS can be found in the *SH 392 EOS Affected Environment Technical Memoranda* under the *SH 392EOS Right of Way Technical Memorandum* and the *SH 392 EOS Conservation Easements Technical Memorandum*. The research indicates that a change to the deed is feasible, but this would need to be pursued. Ideally, this change would be negotiated and jointly agreed to by all property owners, lease holders, and benefactors of the conservation easements. However, it is believed that the power of Eminent Domain could be exercised to acquire the property if necessary.

7.8 Pursue Various Funding Sources

Currently, no funding for improvements to the SH 392 corridor has been identified in the NFRMPO RTP. Funding from private developers and from local agencies such as Larimer and Weld Counties, Fort Collins, Loveland, Windsor, Severance, and Greeley is also an option. These entities can use the EOS as a planning document to motivate interest and financial support in designing transportation improvements to the SH 392 corridor. However, consistent with their



Environmental Stewardship Guide, CDOT will require an appropriate environmental study on any state owned highway/right of way.

At the time of this writing, a movement is underway to pursue a special improvement district to fund improvements to the I-25/SH 392 interchange. Under this concept, the interchange would be funded through a variety of funding sources, but primarily through impact fees and special assessments. Such an approach is an alternate way of advancing improvements at a time when Federal funds are in short supply.

7.9 Complete Access Control Plan Study and Execute Intergovernmental Agreement

As a parallel effort to the EOS, an Access Control Plan (ACP) was prepared for the SH 392 corridor from west of I-25 to US 85, excluding the portion of downtown Windsor from 7th Street to SH 257 South. The purpose of the ACP was to determine where access would be allowed along the corridor and how access points would be configured. At the time of this writing, the ACP is nearing completion. The ACP concept is complete, and the ACP report is under final review. After acceptance of the ACP by CDOT and the participating agencies, an Intergovernmental Agreement (IGA) must be executed with the participating agencies. This IGA will then be used as the basis to seek adoption by the Colorado Transportation Commission, which would effectively sign the ACP into law.

Figure 7.1
Alternative C-Modified



