

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
(303) 480-6701 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
November 18, 2020	Action	12

SUBJECT

Discussion of an appeal to the Board of Directors by TIP project sponsors for a variance to retain TIP-funded projects delayed for a second year per the adopted 2016-2021 TIP Policy, which covers FY2019 second year delayed projects.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approving the variances associated with the delayed projects.

ACTION BY OTHERS

N/A

SUMMARY

The Board-adopted 2016-2021 TIP Policy concerning second-year project delays (highlighted in Attachment 1) allows project sponsors with a phase(s) delayed for a second year to appeal to the Board for a variance to continue their project if it's still delayed after October 15.

Through conversations with project sponsor staff, and confirmed by RTD and CDOT staff, DRCOG is aware of seven projects that had phases delayed for FY 2019 (first-year delay) and will continue to be delayed in FY 2020 for a second year after October 15, 2020 (two projects have since been initiated and are no longer delayed). Each remaining project sponsor has provided a letter expressing their desire to appeal to the Board and continue their project (Attachments 2 through 6).

Something new and unanticipated over the last nine months has been how COVID-19 has impacted TIP projects, some more than others. Over the last two months, TIP project sponsors were allowed to make a request for DRCOG staff to consider the COVID-19 impacts to their project delays.

A summary of each 2nd year project delay status, reported COVID-19 impacts, and recommended action are included below.

Project Sponsor	Project Name	Project Delay 120-Day Deadline <i>If variance is approved</i>	COVID-19 Requested Extension	COVID-19 Adjusted Recommendation
Arapahoe County	Iliff Ave Operational Imp: Parker Rd to Quebec St	Jan 29, 2021	6 Months	2 months – March 29, 2021
Boulder	Broadway Reconstruction: Violet Ave to US-36	Project Advertised; No Longer Delayed		
CDOT Region 1	R1 Traffic Adaptive Pilot Implementation	RFP Released; No Longer Delayed		

Project Sponsor	Project Name	Project Delay 120-Day Deadline <i>If variance is approved</i>	COVID-19 Requested Extension	COVID-19 Adjusted Recommendation
Denver	ITS Device Performance and Reliability Improvement	Jan 29, 2021	N/A	N/A
Douglas County	C-470 Multi-use Trail Grade Separation at Yosemite St	Jan 29, 2021	6 Months	July 29, 2021
Douglas County	US-85: Highlands Ranch Pkwy to County Line Rd Capacity Improvements	Jan 29, 2021	9 Months	6 Months – July 29, 2021
Wheat Ridge	Wadsworth Blvd Widening: 35th Ave to 48th Ave	Jan 29, 2021	4 Months	2 Months – March 29, 2021

➤ **Arapahoe County; Iliff Ave Operational Improvements: Parker Rd to Quebec St (TIP ID 2016-024)** FY 2019 Delayed Phase: Construction

Current Status and Action Plan: To avoid a second-year delay, the project would have needed to go to ad by October 15. The project delay comes from three main project elements; ROW acquisition and clearance, utility relocation, and construction phase planning. In addition, the City of Aurora opted out of the project, requiring project redesign and an additional ROW delay. The project is anticipated to advertise in January, within the 120-day period.

Reported COVID-19 Impact: Arapahoe County submitted a request for an additional 6 months to advertise the project due to COVID-19 related delays. Reported delays include consultants impacted by COVID-19, meeting with property owners, switching from in person to virtual meetings, and the City of Aurora opting out due to potential further business impacts to those already impacted by COVID-19.

DRCOG staff recommendation: 1) Approve a variance of 120 days (January 29, 2021) to allow the project to continue. 2) Approve an additional variance of 2 months due to COVID-19 (March 29, 2021), versus the requested 6 months due to the anticipated project advertisement in January.

➤ **Boulder; Broadway Reconstruction: Violet Ave to US-36 (TIP ID 2016-026)** FY 2019 Delayed Phase: Construction

The project was advertised on October 27 and therefore is no longer delayed.

DRCOG staff recommendation: Since the project is no longer delayed, no variance is requested.

➤ **CDOT Region 1; R1 Traffic Adaptive Pilot Implementation**
([TIP ID 2016-004](#)) FY 2019 Delayed Phase: Procurement

The RFP was released on October 29 and therefore is no longer delayed.

DRCOG staff recommendation: Since the project is no longer delayed, no variance is requested.

➤ **Denver; ITS Device Performance and Reliability Improvement**
([TIP ID 2016-004](#)) FY 2019 Delayed Phase: Procurement

Current Status and Action Plan: To avoid a second-year delay, the project would have needed to release the RFP by October 15. The project delay is due to the normal course of the project, though admittedly COVID-19 has slowed the project. Denver is currently waiting for CDOT to complete the option letter which will allow Denver to expend against the IGA. Based on information from both CDOT and Denver, the RFP should be able to be released by the end of November.

Reported COVID-19 Impact: No request submitted to DRCOG.

DRCOG staff recommendation: 1) Approve a variance of 120 days (January 29, 2021) to allow the project to continue.

➤ **Douglas County; C-470 Multi-use Trail Grade Separation at Yosemite St**
([TIP ID 2016-031](#)) FY 2019 Delayed Phase: Construction

Current Status and Action Plan: To avoid a second-year delay, the project would have needed to go to bid by October 15. The project delay is due to a property owner who has been unresponsive to a final ROW offer. Multiple attempts of communication with the owner have been made since February 2020. Douglas County anticipates pursuing condemnation to gain immediate possession of the property, subject to County Commission approval. Assuming CDOT will grant conditional ROW, the project is anticipated to advertise no later than the end of July 2021.

Reported COVID-19 Impact: Douglas County submitted a request for an additional 6 months to advertise the project due to COVID-19 related delays. Reported delays include communication with the one property owner as stated above, as the owner's representative was focused on other property priorities during COVID-19.

DRCOG staff recommendation: 1) Approve a variance of 120 days (January 29, 2021) to allow the project to continue. 2) Approve an additional variance of 6 months due to COVID-19 (July 29, 2021).

➤ **Douglas County; US-85: Highlands Ranch Pkwy to County Line Rd Capacity Improvements**
([TIP ID 2016-042](#)) FY 2019 Delayed Phase: Construction

Current Status and Action Plan: To avoid a second-year delay, the project would have needed to go to ad by October 15. The project delay comes from multiple areas including:

- Utilities: staff reductions due to COVID-19 at major utility companies (Excel, Century Link, etc.) that caused a reprioritization of workload to only critical relocations (work restarted in September), and unexpected major waterline realignment requested by a project partner;
- ROW: delayed acquisition by one owner;
- IGA: lack of a draft agreement (first requested in late 2018); and
- Design: redesign due to new bridge criteria required by CDOT, waterline request stated above, and UPRR delays of retaining wall design review and utility permitting.

The project is anticipated to advertise by June 30, 2021

Reported COVID-19 Impact: Douglas County submitted a request for an additional 9 months to advertise the project due to COVID-19 related delays. Reported delays include most of what was stated above, but especially concentrating on utility company staff reductions and reassignments, bridge element redesigns, and the lack of an executed IGA.

DRCOG staff recommendation: 1) Approve a variance of 120 days (January 29, 2021) to allow the project to continue. 2) Approve an additional variance of 6 months due to COVID-19 (July 29, 2021), versus the requested 9 months due to the anticipated project advertisement in late June.

➤ **Wheat Ridge; Wadsworth Blvd Widening: 35th Ave to 48th Ave**
(TIP ID 2016-020) FY 2019 Delayed Phase: Construction

Current Status and Action Plan: To avoid a second-year delay, the project would have needed to go to ad by October 15. For additional information and context, the entirety of the project was split over the last two TIP cycles; 35th to 48th in the 2016-2021 TIP and 48th to I-70 in the current 20-23 TIP. The section from 35th to 48th is subject of the 2nd year delay. Even though the project funding was split, Wheat Ridge considers this one project.

The project delays come from the following: a previous environmental delay due to a transition from a PEL to an EA, a revisit of the historic properties, and the transition to working remotely that slowed down the CDOT review of ROW acquisitions and final design plans. The design is being finalized to obtain clearances and ROW acquisition is ongoing with approval to use eminent domain. The project is anticipated to advertise in phases, with phase 1 anticipated for early February, past the January 29, 2021 deadline if a variance is approved.

Reported COVID-19 Impact: Wheat Ridge submitted a request for an additional 4 months to advertise the project due to COVID-19 related delays. Reported delays include the review of plan sheets and ROW acquisition as stated above, in addition to potential future issues including the scheduling of court dates.

DRCOG staff recommendation: 1) Approve a variance of 120 days (January 29, 2021) to allow the project to continue. 2) Approve an additional variance of 2 months due to COVID-19 (March 29, 2021), versus the requested 4 months due to the anticipated project advertisement in early February.

Each project sponsor will be provided an opportunity at the November meeting to explain the reason(s) for the delay and the action plan going forward to initiate their project phase. Per adopted 2016-2021 TIP policy (the policy that covers the FY19 second year delays), the Board has the following two options:

1. **Deny the appeal.** The sponsors will not receive any reimbursements on federal payment requests made to CDOT after September 30, 2020.
2. **Allow a variance**, if the Board believes good faith efforts and progress have been made by the sponsors to advance the delayed project phase(s). The sponsors may be granted an extension to initiate the delayed phase(s) of up to 120 days from October 1 (January 29, 2021). If the sponsor is unable to abide by the conditions of the Board variance, the sponsor shall stop all future federal reimbursement payment requests beyond September 30.
 - a. **Allow an additional COVID-19 variance (staff recommended exception to the adopted TIP Policy).** Since COVID-19 has had an unexpected impact on some projects, the affected sponsors who applied through DRCOG may be granted additional time to initiate their project phases. The additional time would extend the January 29, 2021 deadline by the stated months included within the staff recommendation above.

PREVIOUS DISCUSSIONS/ACTIONS

[December 18, 2019 Board](#) – Approval of FY 2019 first-year delays allowing these projects to continue.

PROPOSED MOTION

Move to approve the staff recommendation for each project to allow each sponsor's project to continue.

ATTACHMENTS

1. FY16-21 TIP Policy: Project Delays Policy (second-year project delay language highlighted)
2. Appeal letter from Arapahoe County
3. Appeal letter from Denver
4. Appeal letter from Douglas County
5. Appeal letter from Douglas County
6. Appeal letter from Wheat Ridge

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at drex@drcog.org or (303) 480-6701; or Todd Cottrell, Senior Planner, at tcottrell@drcog.org or (303) 480-6737.

ATTACHMENT 1

FY16-21 TIP Policy: Project Delays Policy Policy Concerning Second Year Delays Highlighted

Project Delays

Implementation of an entire project or single project phase (if project has federal funding in more than one year) may be delayed only one year by the project sponsor.

A delay occurs when a project phase, as identified during project submittal and contained within the TIP project descriptions, has not been initiated in the identified year. A project that has only one year of federal funding receives a delay if the project did not go to bid (construction projects), did not hold its kick-off meeting (studies), or didn't conduct similar project initiation activities (other types of projects) by the end of the federal fiscal year for which it was programmed. For projects that have more than one year of federal funding, each phase (year) will be reviewed to see if the objectives defined for that phase have been initiated.

DRCOG defines the initiation of a project phase in the following manner as of September 30 for the year with federal funding in the TIP that is being analyzed:

- **Design:** IGA executed with CDOT and if consultant – consultant contract executed and Notice To Proceed (NTP) issued; if no consultant – design scoping meeting held with CDOT project staff.
- **Environmental:** IGA executed with CDOT and if consultant – consultant contract executed and NTP issued; if no consultant – environmental scoping meeting held with CDOT project staff.
- **ROW:** IGA executed with CDOT and completion of ROW plans.
- **Construction:** Project advertised.
- **Study:** IGA executed (with CDOT or RTD) and kick-off meeting has been held.
- **Bus Service:** IGA executed with RTD and service has begun.
- **Equipment Purchase:** IGA executed and RFP/RFQ/RFB (bids) issued.
- **Other:** IGA executed and at least one invoice submitted to CDOT/RTD for work completed.

When a project phase encounters a delay (project phase being analyzed has not been initiated by September 30), DRCOG will list the reasons why the phase has not been initiated within its annual report. Sponsors must be available to appear before the Transportation Advisory Committee, Metro Vision Issues Committee, Regional Transportation Committee, and DRCOG Board to explain the reasons for the delay(s) and receive DRCOG Board approval to continue. Any conditions established by the Board in approving the delay become policy.

After a delay is encountered, DRCOG, along with the sponsor and CDOT or RTD, will discuss the project and the reasons for its delay. The end result will be an action plan enforceable by CDOT/RTD, which will be reported to the DRCOG committees and Board. For a sponsor that has a phase of any of its projects delayed, the sponsor must report the implementation status on all of its federally-funded projects.

If, in the following year, the sponsor fails to achieve initiation of the delayed phase by October 15th, OR has breached the Board conditions placed upon that delay, the project's federal funding will be automatically suspended. The sponsor may appeal at the next available Board meeting to explain

ATTACHMENT 1

the reasons why the delayed phase has not been initiated. Upon hearing the appeal, the Board has the following options:

1. Deny the request. The sponsor shall stop all future reimbursement payment requests beyond September 30th.
2. Allow a variance, if the Board believes good faith efforts and progress has been made by the sponsor to advance the delayed project phase. The sponsor would be granted (on a case-by-case basis) an extension to initiate the delayed phase. If the sponsor is unable to abide by the conditions of the Board variance, the sponsor shall stop all future reimbursement payment requests beyond September 30th. The length of the extension shall be no greater than 120 days from October 1st.

If the sponsor decides not to appeal to the Board at its next available meeting, the sponsor must return all unspent federal funds allocated to the delayed project. In subsequent contracts with any sponsor that has experienced a deletion of a project due to such delay, RTD or CDOT may include a "termination for performance" clause.



Iloff Ave. Operational Improvements Project
Project # C15-002 & STU C100-038/20992

MEMORANDUM

TO: Todd Cottrell, Senior Transportation Planner
Denver Regional Council of Governments

FROM: Ryan J. Seacrist, P.E., CIP Engineer III
Arapahoe County, Public Works & Development, Transportation Division *RS*

DATE: November 6, 2020

RE: **Status of Iloff Avenue Operational Improvements Project
(DRCOG ApCo-2014-004, TIP 2016-024, CDOT 20992, C15-002)**

Arapahoe County desires to inform the Denver Regional Council of Governments (DRCOG) that the Iloff Avenue Operational Improvements Project (Project) is delayed because of complexities that were not anticipated at the time of our application. In our initial application, construction was scheduled to begin by September 2019. Due to complexities outlined in this memo, construction is now scheduled to start in early 2021. The following will outline the steps taken thus far and the measures the County is taking to ensure further delays are not encountered.

Status/Delay Explanation

The Iloff Team has continued moving forward with the three major elements that were identified in the action plan to DRCOG presented in the November 2019 status letter: Right-of-Way (ROW) acquisition and clearance, utility relocation and accommodation, and construction phasing planning. The Project Team coordinated and held a virtual FOR, due to Covid-19, with CDOT on March 23, 2020. The Project Team also spent six weeks negotiating with City of Aurora to keep all the operational improvements at the Iloff Avenue/Parker Road intersection in the project. Unfortunately, the City made the decision to not support project improvements within their jurisdiction in July after years of coordination. The City felt that the impacts to businesses in the area, due to COVID-19, did not need to be further disrupted by the construction activities of a major transportation project. This required significant redesign at the intersection at East Iloff Avenue and South Parker Road to determine what improvements could still be accomplished. This cost the Project significant time two months beyond the design and ROW standstill as we waited for the City's decision. Due to these issues and items outlined below, the Project will not be advertised by the October 15, 2020 date and is seeking a 120-day extension.

The significant number of parcels located within the corridor and the high number of those that are required for improvements to occur has compounded the acquisition process. At this point in time, over 85% of the original parcels needed for the Project ROW either have agreements in place, been removed due to the property no longer being needed or have already been closed. We have received Fair Market Value's (FMV's) from CDOT and offer letters have been sent to all property owners. Negotiations are in progress for the final parcels required for the project with the majority of negotiations estimated to be completed by the end of the year. We will ask for conditional clearance of ROW to exclude areas of the Project that require these ROW's until the County has control of the property from the courts or have been closed. This

will allow the project to go to Ad. The Project areas anticipated to be excluded are at the East Iliff Avenue and South Quebec Street. A few of these remaining parcels went through significant redesigns at the request of the owner and the County to try and avoid major functional issues on the property and, therefore, avoiding significant ROW cost increases. The ROW process has also been delayed due to COVID-19 issues. Some of these issues include property owners not feeling comfortable signing paperwork handled by others, owners wanting to meet on-site to discuss and at the same time not being comfortable doing so, courts not hearing non urgent matters such as eminent domain, and the notary process was disrupted by the Governor's Stay at Home Orders. The ROW process was also delayed when the City of Aurora opted to not be part of the Project. The Project Team had to pause while City staff determined internally whether or not to have parcels located in the City be part of the project. Ultimately, those parcels were removed from the project because City staff thought that these businesses that have already been burdened by COVID-19 did not need the additional pressure brought on by a large construction project. Redesign was needed to determine what parcels were required to install the reduced improvements. Due to these COVID-19 issues related to ROW, the Project experienced an estimate delay of three months.

The utility relocation and accommodation coordination has progressed significantly to the point that all anticipated utility clearances, except for one, will be submitted in November 2020. This is despite numerous delays due to COVID-19. Field and coordination meetings had to be rescheduled and cancelled which cost the project an estimated three months in design. Despite these issues, significant progress was made between the Project Team and Xcel Energy for relocation of their facilities through the corridor. This was accomplished by creating multiple smaller projects that can be completed as Xcel Energy personnel becomes available. Xcel Energy has also decided that the majority of their facilities located in the ROW will now be reinstalled underground. This has removed some of the utility conflicts that originally cost the Project time during design. The County will focus on utility coordination with an emphasis on the Project schedule and a high level of urgency to meet the DRCOG deadlines.

Regarding construction phasing and planning, the Design Team worked closely with PWD's Traffic Operations Engineer, Staff, and CDOT to finalize specifications and plans for phasing and traffic control.

Action Plan

The Plans, Specifications and Estimate submission was made to CDOT in October. Due to the size of the project, CDOT will require a few weeks for review. Assuming minimal comments, the Design Team will address these comments with a final submission planned for the mid-November. This will allow the CDOT Resident Engineer (RE) time to review the Project documents in November and beginning of December. As soon as we have RE approval, CDOT will send the Project to FHWA for final clearance to allow us to go to Advertisement. Also, during the final review and revision process, the Project Team will submit for utility and ROW clearances. These clearances might include conditional clearances depending on where properties are in closing, the process in the courts and CCVWSD coordination. We are expediting all environmental clearances including stormwater and closely tracking progress.

In closing, Arapahoe County wishes to do everything in its power to advertise the Iliff Operational Improvements Project by January 2021. We believe the beginning of the year will be a beneficial time to bid the project. Projects that are bid this time of the year have proven to bring good value. With the uncertainty of many City budgets due to COVID-19 and questions on number and types of projects, we believe Contractors will be looking to secure work of this size. Both staff and consultants are aggressively working to overcome any and every obstacle that arises that can delay the schedule. If you have any further questions, please contact Ryan Seacrist at 720-874-6500.



To: Todd Cottrell (Tcottrell@drcog.org)

CC: Greg MacKinnon (GMacKinnon@drcog.org), Michael Finochio (Michael.Finochio@denvergov.org)

Subject: Project Status Update for ITS Device Performance and Reliability Improvement

The project ITS Device Performance and Reliability Improvement is receiving a 3rd strike. Thank you for allowing us the opportunity to document the various impacts of the schedule of this very important project. Denver is dedicated to completing this project in its original context.

Currently, Denver is waiting for CDOT to complete the option letter to allow funds to be expended against the fully executed IGA. Conversations with CDOT indicate that we will receive the executed option letter by the end of October. While we wait for CDOT processes, Denver is undertaking two efforts on a parallel path so that we are ready to start the project as soon as the option letter is executed. First, Denver will have NTP on a design assessment task that will audit existing Denver facilities needed for the design by the middle of November. Second, Denver has selected a firm for the full design of the project.

Some of the issues that we have run into that have stalled the project schedule have been unforeseeable and we are doing everything we can to keep this project moving. COVID-19 has been a challenge and impacted many of our work efforts including this project. However, our team has adjusted and have modified the project to accelerate it and once started, we feel this project will be on budget and on time.

Thanks,

X Josh Jones 10/27/2020

Josh Jones, P.E.
Project Manager

November 10, 2020

DRCOG Board of Directors
c/o Todd Cottrell, Senior Planner
Denver Regional Council of Governments
1001 17th Street, Suite 700
Denver, Colorado 80202

Via Email: Tcottrell@drcog.org

**Re: Second Year Project Delay Variance Request – TIP ID 2016-031,
C-470 Multi-Use Trail Grade Separation at Yosemite Street Project**

Dear DRCOG Members of the Board,

The purpose of this letter is to formally appeal to the DRCOG Board regarding Douglas County's second-year delay for the C-470 Multi-Use Trail Grade Separation at Yosemite Street Project. Specifically, Douglas County is requesting a nine-month extension to allow additional time to advertise this project on or before July 29, 2021, (120 days plus an additional six months to due COVID-19 related delays).

The County has been working diligently to advance the project; and the final design was substantially completed in December 2019, utilities conflicts have been resolved, and critical utility relocations occurred in spring 2020. However, the County has been unsuccessful in obtaining the additional right-of-way (ROW) needed from one property owner which is needed to construct the proposed improvements.

Douglas County staff believes that COVID-19 has complicated the ROW acquisition process as the both County staff and our ROW consultant team have made numerous attempts to contact the property owners representative to discuss the County's last and final offer which was made in April 30, 2020 but we have had no response from the owners representative since May 2020. Therefore, on November 10, 2020, the Douglas County Board of County Commissioners (BOCC) approved staff to proceed with filing a condemnation petition as a last resort to advancing this project and as needed in order to allow the County to meet the July 29, 2021 revised deadline associated with this second year project delay variance request.

If you have questions or need any additional information, please contact me via email at agriffit@douglas.co.us or via my cell phone at **303-947-8731**.

Sincerely,

Arthur E. Griffith, P.E.
Douglas County Transportation CIP Manager

cc: BOCC, Doug DeBord, Janet Herman (via email)

November 10, 2020

DRCOG Board of Directors
c/o Todd Cottrell, Senior Planner
Denver Regional Council of Governments
1001 17th Street, Suite 700
Denver, Colorado 80202

Via Email: Tcottrell@drcog.org

**Re: Second Year Project Delay Variance Request – TIP ID 2016-042,
US 85 (Highlands Ranch Parkway to County Line Road) Project**

Dear DRCOG Members of the Board,

The purpose of this letter is to formally appeal to the DRCOG Board regarding Douglas County's second-year delay for the US 85 Widening and Reconstruction Project between Highlands Ranch Parkway and 1,200-foot north County Line Road. Specifically, Douglas County is requesting a nine-month extension to allow additional time to advertise this project on or before July 29, 2021, (120 days plus an additional six months to due COVID-19 related delays).

The County has been working diligently to advance the project; and has successfully completed a NEPA re-evaluation, substantially completed final design, and we have acquired 98% of the additional right-of-way (ROW) or easements needed from approximately 40 parcel owners. Furthermore, the County has been working with several utility companies for more than three years that are impacted by the project which includes relocating four different major waterlines, numerous Excel electric and gas lines, numerous Century Link and Comcast lines. Excel, Century and Comcast have notified the County that their infrastructure relocations were delayed due to COVID-19 due to reduction in staff and reprioritization of project priorities. For example, Douglas County anticipated Excel beginning one of their major relocations in first quarter 2020 but it didn't get underway until September 2020. Additionally, Century planned to relocate portions of their infrastructure in summer 2020, which still hasn't been started yet.

In addition to these utility relocations delays, Douglas County staff believes COVID-19 has complicated one of the remaining ROW acquisitions, delayed reviews and approvals by the railroad, delayed CDOT's ability to complete the required IGA's associated with this project. Further, CDOT has developed new bridge girder and bridge railing design criteria and they are requiring the County to revise the plans for this project. It is for these reasons that Douglas County is requesting an extension in order to allow the County to bid this project on or before July 29, 2021 associated with this second-year project delay variance request.

If you have questions or need any additional information, please contact me via email at agriffit@douglas.co.us or via my cell phone at **303-947-8731**.

Sincerely,

Arthur E. Griffith, P.E.
Douglas County Transportation CIP Manager

cc: BOCC, Doug DeBord, Janet Herman (via email)



City of Wheat Ridge Municipal Building 7500 W. 29th Ave. Wheat Ridge, CO 80033-8001 P: 303.235.2861 F: 303.235.2857

November 4, 2020

Board of Directors
Denver Regional Council of Governments
1001 17th Street, Suite 700
Denver CO 80202

RE: DRCOG Project Delay – Wadsworth Boulevard Improvement Project: 35th Avenue to Interstate 70

Dear Members of the Board:

The purpose of this letter is to formally appeal to the DROCG Board regarding the City of Wheat Ridge's second-year delay to the Wadsworth Boulevard Improvement Project (TIP ID: 2016-020)

When this project started in 2016, the City had hoped to advertise the project for bids in early 2019. However, two significant delays occurred during the environmental phase early in the project that caused the project to miss that date and receive a first-year delay from DRCOG on October 1, 2019.

The first delay occurred in 2016 with transitioning from the PEL to the EA. The final recommended alternative from the PEL was not accepted by CDOT and so the alternatives were re-evaluated with a new alternative for the two major intersections being selected to move forward in the EA. This process delayed the project by 8 months.

The second delay occurred in 2017 when the historical work in the PEL was not accepted by CDOT and a re-visitation of the historical status of several properties was required. Due to six more properties being deemed as potentially historic and three of those being adversely impacted, a much more involved historical process was required, which further delayed the project by 10 months.

Earlier this year, the project was still scheduled to be advertised for bids prior to October 1, 2020; however, the transition to working remotely due to COVID-19 caused two additional delays that caused the project to receive the second-year delay from DRCOG on October 1, 2020.

The first COVID-19 related delay involved CDOT's review of the City's and Owner's appraisals to establish their applicability in the ROW acquisition negotiations. The review process was delayed by 3 months due to CDOT staff changes which resulted in the appraisal review staff being understaffed and the difficulty of reviewing the nearly 100 appraisals while working remotely.

The second COVID-19 related delay involved CDOT's review of the Final Office Review (FOR) plans, which had well over 600 plan sheets. The difficulty in reviewing this very large plan set while working remotely delayed the project by one month due to doubling the amount of time that was provided to review the very large plan set.

The bid plans are being finalized and submitted to CDOT this week to obtain final clearances. The ROW acquisition is progressing with over 2/3 of the properties having agreements in place. Negotiations are proceeding well on most of the remaining properties and on October 12, 2020, City Council authorized the use of eminent domain on several properties that have stalled in negotiations.

Due to projected increases in construction costs that exceed the available budget, the construction of the project will be done in phases. The transition plans for the first phase are currently being prepared for submittal to CDOT for review and approval. The City hopes that clearances will be issued by CDOT by the end of January 2021. The project would then be advertised within a couple of weeks, just past the January 27, 2021 deadline for the proposed 120-day extension.

In addition, the City is concerned with potential impacts to the schedule due to the ongoing uncertainties with COVID-19, in particular on the scheduling of court dates for the immediate possession hearings for the properties that the City is using eminent domain to acquire. For the above reasons, the City is requesting that some additional time beyond the 120-day extension be considered.

If you have questions, feel free to call me at 303-235-2863.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Westberg', is written over a horizontal line.

Mark Westberg, PE, CFM
Projects Supervisor