INTRODUCTION:

The following documents identify potential mitigation strategies for the FasTracks program. These potential strategies cover the construction and operational phases of the implementation of the FasTracks program. Within each of the corridor’s final decision document or environmental evaluation, mitigation measures must be developed for each impact to ensure compliance with Federal, State and Local regulations. The following mitigation strategies present suggestions and potential mitigations that can be used. This discussion is not complete and exclusive, and can be modified and refined for individual corridors and corridor technologies.

Mitigation actions must be site specific, cost effective and must avoid, minimize, rectify or compensate for the identified impact. At a minimum, avoidance and/or mitigation is required for:

- Wetlands
- Parks [4(f)], Parks [6(f) – must provide replacement property]
- Adverse effects to historic properties
- Severe noise and vibration impacts
- Water quality
- Right-of-way relocations
- Endangered species impacts.

Other mitigation may be required depending on inputs from the FTA and/or other agencies, or the level of public concern related to the project.

To ensure mitigation measures are appropriate and cost effective for a given corridor, each corridor team will hold mitigation workshops at key milestones in their projects (i.e., prior to draft environmental document, final environmental document and final decision document). Cost estimates will be completed for the proposed mitigation measures prior to the mitigation workshop.

During the mitigation workshops, RTD personnel will review proposed mitigation measures with the corridor consultant team and the associated costs of these measures, based on the cost estimates developed above, prior to approving them for inclusion in the environmental documents.

MITIGATION IS REQUIRED BY LAW:

The Record of Decision shall "State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation." (CEQ Regulation 1505.2)

"Mitigation...and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or appropriate consenting agency....The lead agency shall:
Mitigation Strategies

a) Include appropriate conditions in grants, permits or other approvals.
b) Condition funding of actions on mitigation.
c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision.
d) Upon request, make available to the public the results of relevant monitoring” (CEQ Regulation 1505.3)

“The secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document...” SAFETEA-LU Section 6002 (c)(4).

RESOLVING ISSUES DURING THE NEPA PROCESS IS MUCH LESS COSTLY THAN WAITING UNTIL FINAL DESIGN:

Resolving issues during the NEPA process is much less costly than waiting until final design - and avoids the need for additional, costly NEPA documentation.

"Where FTA is uncertain of significance of the new impacts, the applicant will develop appropriate environmental studies or, if FTA deems appropriate, an EA to access the impacts of the changes, new information or new circumstances.” (23 CFR Section 771.130)

RTD PROJECT MANAGER’S RESPONSIBILITY:

It is the project manager’s responsibility to ensure all commitments made during the NEPA process are appropriately addressed during design, and to proactively manage commitments identified in the final environmental decision document or environmental evaluation throughout the life of the project (i.e., through the planning process, final design and construction). It is also the project manager’s responsibility to make sure Mitigation Workshops are held at key milestones in their projects (i.e., prior to draft environmental document, final environmental document and final decision document).

For noise and vibration impacts and mitigation – it is the RTD Project Manager’s responsibility to ensure that the following models are used for all corridor projects:

- Transit Cooperative Research Program (TCRP) Report 23 (for determining mitigation)

Once a project is complete, it is the RTD Project Manager’s responsibility to communicate any long-term mitigation commitments to RTD Operations. It is RTD Operations responsibility to ensure any long-term mitigations requirements are met.