

July 2, 2024

Via Email [bwilliams@drcog.org](mailto:bwilliams@drcog.org)

Brad Williams  
Planner, Transportation Planning & Operations  
Denver Regional Council of Governments

RE: Second Year Delay Response Letter for County Line Road (University to Broadway) Project

Brad,

This letter is in response to your email (dated June 17, 2024) regarding the notice of a second-year delay for the County Line Road (University to Broadway) Project. As this project advances to construction, it will be managed primarily by Douglas County Engineering staff. This project is jointly funded by the City of Centennial, the City of Littleton, and Douglas County, and will utilize federal funds only for the construction phase. Federal funds were allocated through the DRCOG TIP project selection process, and the project was brought forward by both the Arapahoe County and the Douglas County transportations forums. The proposed improvements will be partially constructed in all three of these local agency's jurisdictional boundaries.

This project was originally anticipated to be publicly advertised for construction on or before September 30, 2023, but the project was not ready to be advertised at that time due to circumstances beyond the control of the local agencies. Additionally, the 2<sup>nd</sup> strike deadline for advertising the project by June 30, 2024, was not met due to the circumstances that were outside of the local agencies control as noted below in this letter.

### **ROW DELAY**

This project includes right-of-way (ROW) acquisitions in three jurisdictions: Douglas County, the City of Littleton, and the City of Centennial. The initial Right-of-Way Plan Review (ROWPR) process with the Colorado Department of Transportation (CDOT) took much longer than anticipated largely because of confusion and differing opinions amongst CDOT staff on how to handle a small portion of the County Line Road that was still identified as CDOT owned ROW.

The CDOT owned ROW in question should have been dedicated to Douglas County (over 30 years ago) as part of CDOT's roadway devolution process associated with the 1980s CDOT Centennial Parkway Project that involved relocating Colorado State Highway 470 from its previous location on County Line Road to its current C-470 alignment. CDOT's Centennial Parkway Project is also referred to as the C-470 project. The CDOT Transportation Commission originally approved transferring County Line Road to the local agencies in the late 1980s. Only recently, during the pre-construction activities for this current TIP project, CDOT decided that even though CDOT had never formally devolved this portion of County Line Road to the local agencies, that this TIP project could move forward without performing the 18-month CDOT ROW disposal process – unfortunately, it took CDOT several months to finalize their decision on how to proceed, which resulted in delay.

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Additional delays in the ROW process resulted because of confusion and different opinions amongst CDOT staff as to how to handle a small portion of CDOT owned ROW as a borrow source for providing embankment material for this project. Utilizing this specific borrow source is not required to construct the project but it is a major benefit to the project because it will reduce project costs, reduce traffic impacts related to trucking, and reduce the environmental impacts because the contractor will not need to import (truck in) embankment material for this project from an off-site location. Eventually, CDOT decided that showing the borrow area on the final plans was sufficient for CDOT to approve a temporary disturbance to their property, and this decision process added to the delay. This site was used previously by CDOT as a construction staging area for the C-470 Managed Lanes Project.

Once the revised ROW plans were approved by CDOT, the local agencies were allowed to move forward with the ROW acquisition process, but unfortunately all three of local agencies ran into delays related to acquiring the ROW needed to construct the project. Douglas County's ROW acquisition process was delayed due to unresponsive and difficult commercial property owners and businesses. While continuing to negotiate in good faith with some of the adjacent property owners, Douglas County discovered that previously unidentified platted easements could eliminate the need for some of the acquisition areas that involved the unresponsive and difficult owners. Incorporating the newly discovered platted easements required another formal ROWPR process for this revision; and the CDOT review and approval resulted in additional delays.

Furthermore, the City of Littleton was delayed in their ROW acquisitions by a difficult property owner who initially opposed the access modifications associated with the proposed project. The City of Littleton was eventually able to come to an agreement on compensation amicably and completed the acquisition, but this attributed to delaying advertisement of the project.

The City of Centennial was delayed in acquiring ROW due to the need to increase the acquisition area from what was originally evaluated, and this resulted in the need to revise the ROW plans once again, which required additional time for CDOT staff to review and approve this revision, prior to allowing Centennial to continue with their acquisition process.

Both Centennial and Douglas County were then required by CDOT to update their appraisals since the parcels to be acquired had changed – this further delayed the ROW approval process. This also added additional work for the local agency's ROW acquisition consultants and delayed the local agencies from being able to make formal offers with the property owners, despite the local agency and property owner already having agreed on compensation for the new ROW configurations.

**CDOT ITS DELAY**

The project was delayed due to utility coordination efforts between Douglas County and CDOT. This delay was a result of CDOT's Intelligent Transportation Systems (ITS) Division not taking into consideration previous CDOT Transportation Commission's actions (beginning in the late 1980's) and previous executive management team decisions to transfer CDOT ROW for old SH 470 (aka County Line Road) to the local agencies. As a result, the existing CDOT ITS infrastructure that was installed as part of the C-470 Managed Express Lane Design-Build Project encroaches into the proposed County Line Road improvements, which requires the CDOT ITS facilities to be adjusted in place or to be relocated.

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Unfortunately, the CDOT-owned ITS fiber optic communication infrastructure, that is in conflict with this project, was designed and installed in 2017 by the Design-Build team as part of CDOT's C-470 Managed Lanes Project and it was done so without taking into consideration the County Line Road improvements that were formally defined in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) approved by CDOT and FHWA in the late 1990's. Numerous other documents were reviewed / approved by CDOT, including the initial County Line Road ROW plans reviewed, approved and signed by CDOT on February 17, 2010; and these ROW plans illustrated that part of the CDOT owned ROW would be transferred to Douglas County as part of the County Line Road devolution process. Once again, this utility conflict issue was a result of County Line Road and the corresponding ROW never having been formally devolved by CDOT to the local agencies, which should have occurred when CDOT relocated SH 470 (aka County Line Road) to its present location as part of the CDOT Centennial Parkway project. We had to go through multiple rounds of plan revisions in order to incorporate this change into our plans, and therefore our final construction document submittal to CDOT was delayed due to the need to address this utility conflict issue.

**Closing Remarks**

Despite the project setbacks mentioned above, the construction documents are currently anticipated be submitted July 15, 2024, for CDOT final review before granting the local agencies concurrence to advertise. Despite delays that the local agencies were unable to plan for or control, we are currently on track to advertise this project in the fall 2024 and begin construction in the first quarter of 2024.


If you have any questions or need additional information, email me at [agriffit@douglas.co.us](mailto:agriffit@douglas.co.us) or you can also reach me at 303-947-8731.

Sincerely,

**art griffith**

Art Griffith

Douglas County Transportation CIP Manager

 Digitally signed by art griffith  
DN: cn=art griffith, o=Douglas County, ou=Public Works  
Engineering, email=agriffit@douglas.co.us, c=US  
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Copy: Janet Herman, Douglas County (via email)  
Ben Pierce, Douglas County (via email)  
Jeff Dankenbring, Centennial (via email)  
Brent Thompson, Littleton (via email)