



# US 85 Corridor IGA Discussion

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# Purpose

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- Obtain council direction on how they want to proceed with the U.S. 85 Access Control Intergovernmental Agreement (IGA)



# U.S. 85 IGA

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- Consistent with intent and requirements of state's access code
- Establishes US 85 Access Control Plan and Amendment Process
  - Agencies agree to regulate access in compliance with IGA, including transportation planning and operations
  - Private access changes need to align with plan
  - Basis for decision-making by agencies
- Approved by 11 local governments and CDOT in 1999
  - Commerce City was a signatory
  - City participated in planning process
- US 85 Planning & Environmental Linkage Study began
  - 62-mile corridor from I-76 to Weld County Road 100 (Nunn, Colo).
  - Purpose to improve safety, reduce existing/future congestion, efficient access for future development, and improve mobility and connectivity for all transportation modes.
  - Alternative screening process developed a list of recommended alternatives and priorities.
  - Used 1999 access plan as a foundation



## What outcome do you hope to achieve?

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- Development-specific access to state highway?
- Authority over access on state highways in city?
- Increase influence in corridor decision-making process?
- Completion of corridor projects within Commerce City



# Options

Withdraw from IGA	Modify IGA to include process and projects	Modify IGA to county line; follow code
<b>Pros</b> <ul style="list-style-type: none"> <li>• Commit to “Commerce City-first” vision</li> <li>• Affirm City’s use of 1041 powers</li> <li>• Legal challenges to statutory authority</li> <li>• Eliminate interaction with US 85 Coalition</li> <li>• Reduces future city investment</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>• Maintain voice in access amendments</li> <li>• City can use IGA tenets to hold state, locals accountable</li> <li>• Preserve City’s use of 1041 powers</li> <li>• Reduce legal costs</li> <li>• Remain regional partner</li> <li>• Increases likelihood of priority projects advancing</li> <li>• Preserves relationships</li> </ul>	<b>Pros</b> <ul style="list-style-type: none"> <li>• Eliminate interaction with US 85 Coalition</li> <li>• City maintains input in CDOT access-control process</li> <li>• Preserve City’s use of 1041 powers</li> <li>• Priority projects could advance</li> <li>• Maintain relationships</li> <li>• Reduce legal costs</li> </ul>
<b>Cons</b> <ul style="list-style-type: none"> <li>• Perceived as not being regional player</li> <li>• City has limited voice in access changes made by CDOT</li> <li>• Legal avenues may not be successful</li> <li>• CDOT may not advance council priority projects along US 85, I-270, I-76</li> <li>• Relationship with state could be strained</li> <li>• Potential legal costs</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>• Requires engagement with US 85 Coalition</li> <li>• Requires partnership from Adams County and Brighton</li> <li>• Requires significant political and capital investment</li> <li>• Modifications may not be successful</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>• City has limited voice in access changes made by CDOT</li> <li>• Corridor influence could be more subtle</li> <li>• Requires partnership from Adams County and Brighton</li> <li>• Requires engagement with US 85 Coalition</li> <li>• Requires significant political and capital investment</li> <li>• City’s priority projects may not advance</li> <li>• Modifications may not be successful</li> </ul>

# Changes to the IGA

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- The IGA requires a formal amendment request for changing current ACP recommendations
  - All parties to the IGA must approve change in writing (Item 9)
  - Agencies agree to confer ever three years with respect to whether a necessity exists for amendment to the Agreement, or regarding the continuation of, or both.
- Notwithstanding foregoing, agreement says it remains in force until terminated by agreement of all agencies.
- The Draft US 85 PEL states “US 85 Access Control Plan needs to be updated to incorporate all recommended improvements.”
- All projects still require approvals from National Environmental Policy Act and Denver Regional Council of Governments, where city has greater influence.



# Limits to Local Authority

- The department of transportation and local governments are authorized to regulate vehicular access to or from any public highway under their respective jurisdiction from or to property adjoining a public highway in order to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage, and to protect the functional level of public highways. In furtherance of these purposes, all state highways are hereby declared to be controlled-access highways, as defined in [section 42-1-102 \(18\), C.R.S.](#)





# Background Information

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# Statutory Authority

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- Colorado Revised Statute 43-2-147(1) authorizes the Department of Transportation and local governments to regulate vehicular access to or from any public highway under their respective jurisdiction from or to property adjoining a public highway
- Colorado Revised Statute 43-2-147(4) requires the Colorado Transportation Commission to adopt a State Highway Access Code applicable on all state highways.



# Intent of the Access Code

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- The intent of the Colorado Department of Transportation's State Highway Access Code (adopted in 2002) is to work closely with property owners and local governments to provide reasonable access to the general street system that is safe, enhances the movement of traffic, and considers the vision and values that local communities have established for themselves



# Access Control Plans

- Either the Department or the appropriate local authority may, at its discretion, develop an access control plan for a designated portion of state highway. An access control plan provides the appropriate local authority and the Department with a comprehensive roadway access design plan for a designated portion of state highway for the purpose of bringing that portion of highway into conformance with its access category and its functional needs to the extent feasible given existing conditions. The plan should achieve the optimum balance between state and local transportation planning objectives, and preserve and support the current and future functional integrity of the highway.
- The access control plan shall indicate existing and future access locations and all access related roadway access design elements, including traffic signals, that are to be modified and reconstructed, relocated, removed, added, or remain. The plan shall not preclude the current or future accommodation of other transportation modes of bicycles, pedestrian and transit. All traffic control devices or modifications shall meet the requirements of the MUTCD as required by state and federal statutes.
- To the extent practical the plan shall meet the functional characteristics and design standards of the assigned category and conform to all standards and specifications in the Code. To determine the sufficiency and ensure that the plan will be successful, a study will be completed incorporating the appropriate elements of Code section 2.3 and included as supporting information for Department review. At least one advertised public meeting shall be held during the development phase of the plan. All property owners of record abutting the state highway within the plan limits shall be notified by the Department or the appropriate local authority of the proposed plan and afforded the opportunity to submit any information, data and agreements regarding the proposed plan.
- The plan must receive the approval of both the Department and the appropriate local authority to become effective. This approval shall be in the form of a formal written agreement signed by the local authority and the Chief Engineer of the Department. After an access control plan is in effect, modifications to the plan must receive the approval of the local authority and the Department. Where an access control plan is in effect, all action taken in regard to access shall be in conformance with the plan and current Code design standards unless both the Department and the local authority approve a geometric design waiver under the waiver subsection of the Code.

