

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 39

DATE: August 15, 2006

STAFF: Mark Jackson
Wanda Krajicek

SUBJECT

Resolution 2006-090 Submitting to the Registered Electors of the City at a Special City Election to Be Held on November 7, 2006, the Question of Whether Citizen-initiated Ordinance No. 142, 1999, Pertaining to the Relocation of the Colorado Highway 14 Truck Route, Should Be Repealed.

RECOMMENDATION

Staff recommends adoption of the Resolution.

FINANCIAL IMPACT

Approximately \$1.8 million dollars remain in this project fund following Phases I and II of the Northern Colorado Truck Mobility Study (2001, 2004). If voters choose to repeal Citizen-Initiated Ordinance No. 142, 1999, these funds can be directed to other immediate transportation infrastructure needs in northeast Fort Collins. Failure to repeal the Ordinance will hold these remaining dollars until such time as the City further pursues steps necessary for the relocation of State Highway 14 ("Truck Bypass") per the mandates contained within citizen-initiated Ordinance No. 142, 1999.

EXECUTIVE SUMMARY

At the May 23rd work session, Council directed staff to bring forward a Resolution placing the repeal of Citizen-Initiated Ordinance No. 142, 1999 and the subsequent release of any remaining project funds for other transportation uses on the November 2006 City Election Ballot.

Following completion of Phase II of the Northern Colorado Truck Mobility Study (Non-Route Based Strategies), City Council was presented with several options as how best to proceed with the "Truck Bypass" issue. Feedback received from Larimer County Commissioners, as well as the Colorado Department of Transportation, indicated that there was little interest in their participation of any joint effort to identify, fund and construct a new route to alleviate truck traffic on Mulberry, Riverside and Jefferson Streets (SH-14), unless all potential routes could be considered. This is currently prohibited by language contained within the 1999 Ordinance. Next steps included making certain that the project was included in the 2030 Regional Transportation Plan so as to be eligible for possible future Federal/State funding. The project will be prioritized against other regional transportation needs and available funding supplies. CDOT officials estimate that even if the "Truck Bypass" project rose to a level of regional significance warranting the National Environmental

Policy Act (NEPA) process and analysis, it would be at least ten years before such a study could be undertaken.

Given the economic situation the City of Fort Collins currently faces in regards to transportation funding, Council felt it inappropriate to hold the remaining project funds (est. \$1.8M) for such an extended length of time. If citizen-initiated Ordinance No. 142, 1999 is repealed, these dollars could be spent now for more immediate transportation needs that would benefit the northeast area of Fort Collins. When warranted, Fort Collins would still participate in a future NEPA analysis with CDOT and other key regional stakeholders. Repeal of citizen-initiated Ordinance No. 142, 1999 would also bring Larimer County and CDOT more willingly to participate in the analysis of a preferred route for the "Truck Bypass".

BACKGROUND

Since the 1960's, the Fort Collins community has struggled with truck traffic in its downtown area on SH 14 (Mulberry/Jefferson/Riverside) and US 287 (North College Avenue). While an important truck route for servicing local and regional business and industry, it is also used by many truck drivers traveling through Fort Collins en route to Laramie or to Denver. Many studies have been undertaken over the years to identify, fund, and construct an alternate route or strategy that would move or reduce truck traffic off of the current corridor to a more preferable, less intense location. City Transportation Staff recommendations of the 1999 Northeast Truck Route Study included moving SH-14 to a new realigned route based on Vine Drive. This recommendation was not approved (4-3) by the City Council seated at that time. A group of Larimer County and Fort Collins citizens concerned with this issue placed an initiative on the November 1999 ballot, and it was passed (Ordinance No. 142, 1999). This Ordinance mandated that the City stop examining possible alternative routes within the City Growth Management Area (GMA) boundary and further directed that any future route be located a minimum of two miles north of the GMA boundary (approximately LCR-58). It also directed the City to examine strategies to encourage non-local through truck traffic to use the I-25/I-80 route currently favored by many drivers. Finally, it directed the City to examine possible funding scenarios and sources for an alternate route.

Phase I of the Northern Colorado Truck Mobility Study (2001) examined potential routes as prescribed in Ordinance No. 142, 1999. Several routes were identified as candidates should the project make the next step in the planning process, a National Environmental Policy Act (NEPA) analysis. Several candidate "non-route-based strategies" (NRBS) were also examined for potential use in redirecting through truck traffic. Phase II of the Northern Colorado Truck Mobility Study (2006) developed and implemented a one-year pilot program of education, marketing and outreach strategies to test the effectiveness of the NRBS as mandated by Ordinance No. 142, 1999. Due to nominal positive results, Council directed staff to cease further NRBS efforts.

The next step in the planning process to relocate SH 14 is to conduct a NEPA analysis (necessary to receive any potential federal funding). To be eligible for NEPA, the project must be placed on the North Front Range Regional Transportation Plan (RTP) and must rise to a high prioritization level that identifies funding streams and construction time frames. The likelihood is that a NEPA analysis would not be considered by the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) for as long as ten or more years. Rather than hold remaining project funds for this extended period of time, Council directed staff on May 23d to

develop ballot language that would repeal Ordinance No. 142, 1999 and release any remaining project funds (estimated at \$1.8 million dollars) for other immediate transportation infrastructure needs in the northeast portion of Fort Collins.

ATTACHMENTS

1. Ballot Initiative 200 (1999) text

Ballot Initiative 200

The City of Fort Collins initiated the Northern Colorado Truck Mobility/SH-14 Relocation Study to address the requirements of Ballot Initiative 200 that was passed in November 1999. The full text of the ordinance is as follows:

**ORDINANCE NO. 142, 1999
OF THE CITY OF FORT COLLINS
APPROVING THE RELOCATION
OF COLORADO HIGHWAY 14 TRUCK ROUTE OUTSIDE THE CITY
OF FORT COLLINS CURRENT URBAN GROWTH AREA AND
APPROVING CERTAIN MEASURES IN SUPPORT THEREOF**

WHEREAS, for many years the City of Fort Collins (the "City") and City staff have investigated the possibility of relocating the Colorado Highway 14 truck route (the "Truck Route") from its current location that utilizes roadways in the City known as Mulberry, Riverside, Jefferson, and College in such a manner so as to minimize the impact of the Truck Route on businesses, neighborhoods and residents of Fort Collins; and

WHEREAS, as a part of the "Building Community Choices" Capital Improvement Program, in 1997 the City's electorate authorized capital expenditures of \$3 million (the "Funds") to be used for the planning, design, right-of-way acquisition and/or other project costs associated with road improvements for an alternate northeast Truck Route; and

WHEREAS, the City has expended a portion of the Funds in pursuit of an alternative Truck Route and wishes to continue to use the remaining Funds to relocate the Truck Route so as to avoid the adverse impacts associated with the Truck Route on business, neighborhoods, and residents in the City's Urban Growth Area; and

WHEREAS, prior City Councils and the current City Council have previously rejected relocating the Truck Route in the vicinity of East Vine Drive in the City due to the materially adverse environmental health and social impacts on residents that a relocation in the vicinity of East Vine Drive would necessarily cause; and

WHEREAS, the City desires to relocate the Truck Route outside the City's current UGA and, until such location occurs, to encourage and cause truck traffic without local business to use the U.S. Interstate Highway System; and

WHEREAS, a petition for initiative signed by registered elements of the City has been filed with the City which requires, under Article X, Section 1(e) of the Charter, that the City Council either adopt this Ordinance or submit it to the registered electors of the City as a special election.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. That, working with appropriate Federal, State, and County governmental entities, agencies, and department, the City and its staff shall pursue with all deliberate effort and

speed the relocation of the Truck Route to a location outside the City's current Urban Growth Area.

Section 2. That until such time as the relocation of the Truck Route, described in Section 1 occurs, the City shall encourage and cause by all reasonably available legal means all truck traffic without local business in the City to use the existing U.S. Interstate Highway System, including, without limitation, pursuant by the City of appropriate State and Federal legislation and regulations that would cause all truck traffic without local business to remain on the U.S. Interstate Highway System.


Section 3. That the City and its staff shall devise and diligently pursue the implementation of a funding plan to cause the relocation of the Truck Route outside the City's current Urban Growth Area to be funded by a combination of City, County, State, and/or Federal funding sources.

Section 4. That the remaining Funds from the "Building Community Choices" Capital Improvement Program shall be used in furtherance of the purposes set forth in Sections 1, 2, and 3 of this Ordinance.

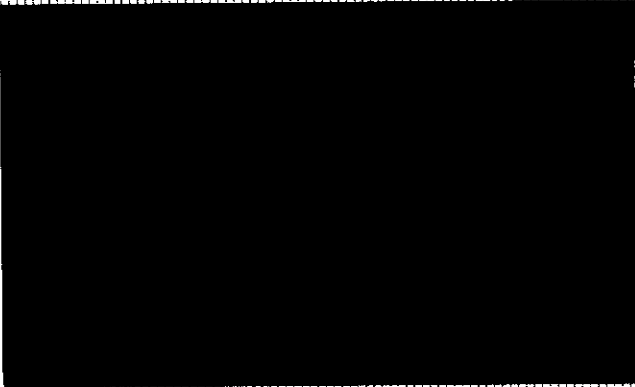
Section 5. That relocating the Truck Route in the vicinity of East Vine Drive is permanently abandoned and that locating a new or alternate Truck Route between the currently existing Truck Route and two miles North of Douglas Road shall not be further considered by the City.


Section 6. That all resolutions and ordinances of the City Council that are inconsistent with the foregoing Sections 1, 2, 3, 4, and 5 are hereby reversed and superseded in their entirety by the provisions of this ordinance.


Section 7. This Ordinance shall be effective upon the earlier of (i) approval of this Ordinance by the City Council in accordance with Article X Section 1(e) of the Charter or (ii) upon certification of the election results that a majority of the registered electors voted in favor of this Ordinance in accordance with Article X Section 6(a) of this Charter.

 Northern Colorado Truck Mobility Study
PLANS A NON-ROUTE BASED STRATEGY

**Submitting to November 2006 Voters the
Repeal of Citizen Initiated Ordinance 142 (1999)
and Release of Remaining Project Funds**






 Northern Colorado Truck Mobility Study
PLANS A NON-ROUTE BASED STRATEGY

Council Direction: May 23, 2006

- **City Council directed Staff to bring forward a Resolution placing the repeal of Citizen Initiated Ordinance 142 (1999) “Truck Bypass”, and the release of remaining project funds on the November 2006 City Election Ballot**





Background:


- **Fort Collins has long struggled with the issue of trucks near downtown (Old Town) on SH-14/Jefferson St.**
- **Several studies and plans over the past 35 years**



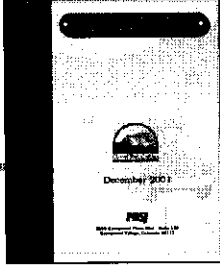
Background:

- **In 1999, voters approved an initiative that:**
 - **Stopped the City from looking at a truck bypass within the GMA**
 - **Mandated that any route must be located a minimum of 2 miles north of the GMA**
 - **Mandated the study of methods to encourage through truck traffic to use I-25 instead of SH-14/US-287**
 - **Directed City Staff to examine funding scenarios**
 - **Directed the City to work with Larimer County and CDOT and other relevant agencies to relocate SH-14**





 Northern Colorado Truck Mobility Study
PHASE I: NON-ROUTE BASED STRATEGIES

Background:

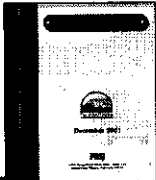


- **Northern CO Truck Mobility Study Phase I (2001)**
 - Examined potential routes north of the GMA
 - Analyzed current and forecasted truck/freight movements on existing route
 - Evaluated potential “Non-Route-Based Strategies” to encourage trucks to use I-25
 - Examined potential Federal, State, County, Local and Private funding sources
 - Recommended next steps




 Northern Colorado Truck Mobility Study
PHASE I: NON-ROUTE BASED STRATEGIES

Background:



- **Northern CO Truck Mobility Study Phase I (2001)**
 - Controversy and resistance from Larimer County residents north of Fort Collins
 - Larimer County refused to participate in further efforts until all potential routes could be considered
 - CDOT needed Larimer County and Fort Collins to agree that this is a regional priority before moving forward





Northern Colorado Truck Mobility Study
PHASE I: NON-ROUTE BASED STRATEGIES



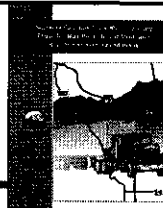
Background:

■ Northern CO Truck Mobility Study Phase I (2001)

- **City Council (12/01) adopted report recommendations:**
 - **Meet regularly with Larimer County to gauge their willingness to partner in future route discussions/efforts**
 - **Develop and implement Non-Route Based Strategies to determine their effectiveness in encouraging truck driver's use of I-25**



Northern Colorado Truck Mobility Study
PHASE II: NON-ROUTE BASED STRATEGIES



Background:

■ Northern CO Truck Mobility Study Phase II (2006): Non Route Based Strategies (NRBS)

- **Developed and implemented a one year pilot program to encourage through truck trips to take I-25/I-80 instead of SH-14/US-287**
 - **Combination of education, outreach and marketing strategies**
 - **Although truck drivers received the materials and message, there was little change in their route behavior**
 - **Council directed Staff to discontinue NRBS**

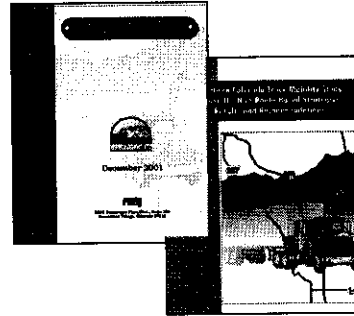




Outreach:

■ Collaborative effort with many stakeholders:

- CDOT
- WYDOT
- Federal Highway Administration
- Federal Bureau of Weights & Measures
- Fort Collins City Council
- Larimer County Staff & Commissioners
- Weld County
- DBA, DDA, Chamber of Commerce
- Old Town Business Owners
- North Front Range MPO
- Upper Front Range Planning Council
- Citizens For A True Bypass
- Larimer County, Wellington, Waverly residents
- Town of Wellington
- Colorado Motor Carriers Association
- Local/Regional Freight Haulers
- Colorado & Wyoming State Patrol
- Larimer County Sheriff
- Fort Collins Police
- Ranchers/farmers



Background:

■ Following completion of Phase II: NRBS

- CDOT and Larimer County maintain little interest in participating in truck bypass unless all potential routes were examined
- NEPA requires all reasonable potential alternatives be examined
- Citizen ordinance prohibits City looking at all routes
- Project listed on the 2030 RTP making it eligible for Federal/State funds if it becomes a high regional priority





How to move forward?

- **Next steps include:**
 - **Submission of project in Regional Transportation Plans (NFR & UFR) (currently on NFR list but must be updated)**
 - **Project must rise to a level of regional high priority v. other regional needs (2035 RTP underway)**
 - **NEPA analysis**
 - **Commitment of funding**
 - **Construction**



Why are we here?

- **Larimer County will not come to the table unless all potential routes are examined**
- **NEPA requires all reasonable potential routes be examined (City participation in studying some routes precluded by Citizen Ordinance)**
- **CDOT waiting for this to rise in regional priority (must compete against many other regional needs)**
- **NEPA analysis (necessary for Federal funding) is at least 10 years out (per CDOT R4)**
- **~\$1.8 million dollars remain in the project budget (provided by Building Community Choices ¼ cent sales tax)**
- **Makes little sense to tie up this amount of money for an extended period of time**





Dave Dwyer (CFTB member) letter of July 17, 2006:

- Ordinance No. 142, 1999, does not limit the scope of a NEPA study because FHWA and CDOT are not bound by prohibited routes and no City funds would be used to fund the study. However, deference would likely be given to City and County decisions about preferred routes to be studied.
- City should focus its efforts on working with Larimer County to find common ground and identify one or two "build alternatives" from pool of remaining alternatives in City's 2001 study. CDOT and FHWA involvement would then be possible.
- Time to act is now, before land acquisition costs escalate.



City response:

- Even if ordinance #142, (1999) would not be binding on FHWA & CDOT, as a practical matter, neither the NEPA study or re-prioritization of a Truck Bypass will occur unless and until the City and Larimer County can agree on the routes to be studied. Such an agreement seems impossible in view of the fact that the Ordinance prohibits the City from considering certain routes.





Other Options?

- **Hold remaining funds in hopes of project rising in regional priority**
- **Continue dialogue with Larimer County in hopes of gaining cooperation**
- **Reassign local project priorities**
- **Find non-Federal funding sources**



Release of Remaining Project Funds:

- **Approximately \$1.8 million dollars remain in the project budget**
- **Purchase of ROW prior to NEPA would be speculative, risky**
- **NEPA is 10+ years away and would be funded by CDOT/FHWA (per CDOT R4)**
- **Council directed Staff to ask voters to release these funds for other transportation needs in northeast FC**
- **Projects to be determined by City Council (e.g. intersection improvements, North College corridor, Vine arterial)**



RESOLUTION 2006-090
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY
AT A SPECIAL CITY ELECTION TO BE HELD ON NOVEMBER 7, 2006,
THE QUESTION OF WHETHER CITIZEN-INITIATED
ORDINANCE NO. 142, 1999, PERTAINING TO THE RELOCATION
OF THE COLORADO HIGHWAY 14 TRUCK ROUTE,
SHOULD BE REPEALED

WHEREAS, in 1997, the voters of the City approved the imposition of three separate quarter-cent sales and use taxes to fund the "Building Community Choices" ("BCC") Capital Improvement Program (the "Program"); and

WHEREAS, the Program included three groups of capital projects, each of which was to be funded by revenues derived from one of the quarter-cent taxes; and

WHEREAS, the BCC "Community Enhancement" projects included the Northeast Truck Route Project, the purpose of which project was to provide for the planning, design, right-of-way acquisition and/or other project costs associated with road improvements for an alternative truck route in the northeast quadrant of the City; and

WHEREAS, in 1999, the voters of the City approved citizen-initiated Ordinance No. 142, 1999, (the "Ordinance") which re-directed the funds remaining in the BCC Community Enhancement fund that had been earmarked for the Northeast Truck Route Project and provided that they be used instead to fund an effort to relocate Colorado Highway 14 Truck Route ("the Truck Route") to a location outside the boundaries of the City's then-current Urban Growth Area, which is currently known as the Growth Management Area ("GMA"); and

WHEREAS, the Ordinance further stated that the City was to: (1) work with appropriate federal, state and county entities to pursue the relocation of the Truck Route; (2) encourage all truck traffic without local business in the City to use the existing U.S. Highway System rather than proceeding through the City en route to other destinations; (3) pursue the implementation of a funding plan for the relocation of the Truck Route, which plan would involve a combination of City, county, state and/or federal funding sources; and (4) permanently abandon the idea of relocating the Truck Route in the vicinity of East Vine Drive or locating a new Truck Route between the currently existing Truck Route and two miles north of Douglas Road (the "Prohibited Routes"); and

WHEREAS, since the enactment of the Ordinance, the City has expended substantial sums to encourage truck traffic without local business in the City to use the existing U.S. Highway System, with only limited success; and

WHEREAS, the fact that the City cannot consider the Prohibited Routes in its efforts to pursue the relocation of the Truck Route to a location outside the GMA have made it difficult, if not impossible, to reach agreement with Larimer County (the "County") and the Colorado Department of Transportation ("CDOT") about pursuing the relocation of the Truck Route; and

WHEREAS, absent such agreement, the relocation of the Truck Route remains a low priority for CDOT and Larimer County; and

WHEREAS, CDOT's and Larimer County's cooperation are essential to the successful relocation of the Truck Route; and

WHEREAS, the City Council believes that it would be in the best interests of the citizens of the City to repeal the Ordinance, so that the \$1.8 million remaining to be expended for the relocation of the Truck Route under the Ordinance can be used instead for other high priority, immediate transportation needs in the northeast quadrant of the City, and so that the City, the County and CDOT can pursue the idea of a viable bypass around the City for through traffic without the impediment of any prohibited routes; and

WHEREAS, by Ordinance, No. 110, 2006, the City Council has, this same date, called a special election to be held in conjunction with the November general election for November 7, 2006 and has reserved the right to submit additional measures to the voters at such election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the question of whether to repeal the Ordinance shall be submitted to the registered electors of the City at the special City election to be held on November 7, 2006, in substantially the following form, provided, however, that the title of said measure, as shown below, may be modified so as to read "A City-Initiated Measure" if, in the judgment of the Larimer County Clerk and Recorder, such modification is necessary to accommodate the number of ballot measures that are to be submitted to the electorate at the November 7, 2006 general election:

CITY OF FORT COLLINS

A CITY-INITIATED MEASURE TO
REPEAL CITIZEN-INITIATED ORDINANCE NO. 142, 1999,
PERTAINING TO THE PROPOSED RELOCATION
OF THE COLORADO HIGHWAY 14 TRUCK ROUTE

Shall citizen-initiated Ordinance No. 142, 1999, which presently requires the City of Fort Collins to work with other affected government agencies to pursue the relocation of the Colorado Highway 14 Truck Route to a location outside the City's Growth Management Area boundaries and further requires that all funds remaining from the "Building Community Choices" Capital Improvement Program be used for such relocation efforts, be repealed in its entirety, so that the duties imposed by said ordinance would be of no further force and effect and the remaining funds referenced in the ordinance, in the approximate amount of \$1.8 million, would be used instead for such other transportation capital improvements projects as may be approved by the City Council for construction in the northeast quadrant of the City?

_____ YES
_____ NO

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of August, A.D. 2006.

Mayor

ATTEST:

City Clerk