



## I-70 studies extend into academics

By **BOB BERWYN**  
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SUMMIT COUNTY — Some of Colorado's leading schools have taken an interest in the future of the Interstate 70 mountain corridor.

Through studies of the Colorado Department of Transportation's draft I-70 mountain corridor study, engineering and law students at the Colorado School of Mines and the University of Denver may have identified some fundamental flaws. A series of "hidden assumptions" could undermine the credibility of any subsequent decision, researchers said.

Work is still in progress, but early results suggest CDOT's massive environmental impact statement "was skewed to reach a pre-determined conclusion," according to Dr. George Sherk, part of the academic team involved in the study.

A comment period on CDOT's draft I-70 study ended May 24. The agency's timeline calls for a decision about one year from now.

Sherk, who teaches at both universities, said the colleges' research is part of a long history of working on real projects at the School of Mines.

"It's a senior independent study project, where they're basically asked to critique what's been presented to them," Sherk said. "It's simply a student project. We're not taking an official position on the issue."

Five teams of two researchers broke CDOT's environmental statement down into components, including a hard look at how it might stand up to the test of over-riding federal environmental laws, including the Clean Water Act.

Sherk said one of the most serious flaws in CDOT's study is the lack of up-front evaluation of potential impacts to 23 abandoned mill sites.

At issue are potential discharges of toxic heavy metals, including mercury and cyanide, into Clear Creek. Sherk said that CDOT's assumptions regarding its ability to mitigate for those impacts probably wouldn't withstand a legal test against the National Environmental Policy Act (NEPA).

"It seems to reflect a wishful thinking of what the law should be," Sherk said.

Federal law simply doesn't allow toxic metals to be discharged into waters of the U.S., said Ed Rapp, a former School of Mines instructor who is familiar with the research.

Both Rapp and Sherk said they felt nearly certain CDOT's I-70 decision will end up in court, explaining that the agency will need to prove that they didn't make an "arbitrary and capricious" decision and wasn't based on predetermined conclusions.

The student research also reinforced comments from other I-70 stakeholders, suggesting that CDOT's cost comparisons for various alternatives and modes was an apples-and-oranges deal, tilted toward favoring extensive

six-lane construction over alternate modes.

Input from the I-70 Mountain Corridor Coalition, which recently met and developed its own comments on CDOT's plans, indicated similar concerns, especially with regard to a fixed \$4 billion cap that appeared to eliminate serious consideration of alternatives, as in buses or mag-lev rails.

Rapp said another section of the student analysis focused on federal historic landmark laws. CDOT's draft study "stymies a look at potential conflicts with National Historic Landmark requirements," Rapp said.

Rapp said the students have more than just a purely academic interest. Some may very well end up working on the project in a professional capacity, and they will be using I-70 for work and play.

"They're going to be the generation who will have to implement and live with these decisions," he said.

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