

SW CO Advocates, Inc.

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March 14, 2016

Re: GCC Additional Mitigation Measures - Compatibility and Trucks dated March 10, 2016

Dear Daniel, Damian and Joe,

This letter is in response to the above referenced letter forwarded to us by Sheryl Rogers on March 11, 2016. We understand from Gina Nance's email that you will be meeting with GCC on Monday afternoon (March 14th). This letter addresses only the proposals set forth in the above referenced letter. Further comments for the April 14th Planning Commission hearing will be forthcoming later this week.

“These measures are proposed to particularly address the County's remaining concern regarding compatibility of 100 coal trucks/day average during construction of the road improvements GCC has previously agreed to complete.”

We have now had four Planning Commission hearings; November 13, 2014, December 11, 2014, October 8, 2015 and February 25, 2016 and four Continuances. The condition of CR 120 North has continued to deteriorate and the level of truck traffic has continued to increase. GCC has not provided any Professional/Technical or Expert opinion or study that addresses the safety of 100 trucks (200 ADTs) on CR 120 North at its current level of service, especially with the added impacts of road construction. Nothing in GCC's Road Runner report supports what is now being proposed; but that there is a good deal in the technical reports that suggests it is unsafe and unwise.

The LSC Transportation Consultants, Inc, Technical Memorandum dated January 15, 2016 states

“Provided the interim mitigation measures are implemented, the gravel portion of the roadway will be able to temporarily accommodate an ADT of about 400 to 500 vehicles per day for a limited interim period until the ultimate roadway improvements can be completed. This total volume would include, but should be limited to a maximum of, a six-day, average daily coal transport truck volume of about 110 vehicles per day (55 westbound and 55 eastbound). Allowance for this level of traffic would be more of a reasonable compromise (to allow the mine to continue to operate in the interim) than an ideal situation given the roadway deficiencies. **This ADT range may be lower depending on the roadway construction traffic management plan developed.**”

100 coal trucks/day average during construction of the road improvements fails to achieve compatibility with existing, adjoining land uses pursuant to the following standards.

- a. Traffic generated by the proposed project creates a safety hazard;
- b. Traffic generated by the proposed project is beyond the capacity of north County Road 120 between State Highway 140 and the project site;
- c. Traffic generated by the proposed project disturbs neighbors due to noise, dust, vibration, and late hours of operation;
- d. Traffic generated by the proposed project adversely changes the character of the neighborhood;
- e. Traffic generated by the proposed project significantly disturbs the privacy of the neighbors; (LPLUC Secs. 82-191 to 193).

1. Mitigation Measure - Cap of Daily Maximum Truck Number at 10%

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

2. Mitigation Measure - 2016 Pavement of One Mile Stretch of CR 120 North from End of Current Pavement

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

Residents will have to endure road construction twice. How long will paving take? Will the road be reduced to one lane or closed completely? Where will trucks be rerouted? What will the hours of road construction be? Will Karen Hunzeker still be able to park her truck in front of her house? What type of “temporary” pavement will be required? If the “permanent” pavement never gets built, will the County maintain the “temporary” pavement in perpetuity? Have you studied the track-on for trucks leaving the mine to assure that “this issue is resolved”?

GCC has not submitted adequate information for analysis or determination of the impacts or mitigation from paving a 1 mile section.

3. Mitigation Measure - Install Flashing Warning Lights and Safety Signage

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

This signage should be installed immediately as recommended by the LSC Transportation Consultants, Inc, Technical Memorandum dated January 15, 2016. If this is needed for safety, it needs to be done now.

4. Mitigation Measure - Batching of Trucks in Groups of Three

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

Where would the trucks stage or wait to enter 120 N? How long will the truck batches take to travel to/from the mine? Is there a minimum travel distance between trucks required for safety? How will this impact site distance around curves, or for vehicles turning on to or off of CR 120? Will batching require additional passing lanes or “pull off areas for truck batches?

At 100 trucks per day this is 33 batches in each direction, or 66 batches total. There is no way as a practical matter that these can be scheduled, or that residents can keep track of the schedule or try to schedule their trips around them.

GCC has not provided adequate information for analysis or determination of the impacts or mitigation of Truck Batching. We are aware of no technical analysis of the safety of this kind of operation.

5. Mitigation Measure - GCC Employees to Use CR 120 South until Phase II Road Improvements are Completed

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

Sheryl Rogers states in her email dated March 11, 2016:

“With respect to item 5 in GCC's letter and your clients' desire for some of the traffic to use 120 South, the County has determined that 120 South is not a feasible alternative at this time as we lack an adequate analysis of the road and safety issues.”

GCC should provide adequate analysis of the road and safety issues for CR 120 South, and CR 116/119 prior to any road construction. Employees should be required to use an alternative route until all phases of road improvements are complete.

We do not believe that GCC has not submitted an adequate analysis of the road and safety issues on 120 North, either.

6. Mitigation Measure - Permanently Maintain Reduced 10 mph Truck Speed Limit

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

Lower truck speeds create greater visual impacts and although the level of truck noise may be reduced, the length of the noise interruption/impact is increased. Truck speed limits should be determined by the Engineer to provide the safest driving conditions.

7. Mitigation Measure - Wide Shoulder Along Improved CR 120 North

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

GCC is not proposing to provide any additional improvements other than what is already required for a *Local, 10 plus units* road in the LPLUC Sec. 74-91.

8. Mitigation Measure - Buffering

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

A noise barrier wall may reduce some truck noise but it will block the views and light from the residences. Tall barrier walls are not compatible with rural roadways. The proposed barrier wall at McCues will cause dangerous site distance issues for the entrance to HRR subdivision. At Hunzeker's, the wall will obstruct views from the home and when exiting to the roadway, will decrease the light into the home and cause drainage problems, collect trash and refuse from roadway. Does GCC intend to construct these walls before, during or after the paving of the 1 mile stretch?

McCues and Hunzeker and other 120 N residents have repeatedly asked for more road design, alignment and ROW information to understand where these walls might be placed and how they might mitigate noise and dust impacts. Mark Schultz has repeatedly offered a road realignment design that will eliminate the need for a wall at McCues. Would agreeing to GCC's proposal then foreclose any possibility of future road realignment because it would require removal of the barriers?

GCC has not provided any of the requested or necessary information/design detail to determine if these walls will be feasible or provide any meaningful mitigation. We need to deal with the alignment issues before this can ever be resolved.

9. Mitigation Measure - Emergency Response Plan

THIS IS NOT A MITIGATION MEASURE THAT ADDRESSES COMPATIBILITY OF 100 COAL TRUCKS/DAY AVERAGE DURING CONSTRUCTION OF THE ROAD IMPROVEMENTS.

GCC should be required to provide a plan for emergency vehicle access to CR 120 North residents.

GCC has refused to address the reduction in Truck traffic to 2010 levels, until road improvements are completed, as recommended by LSC Transportation Consultants, Inc. in their Technical Memorandum, by the HGCAP, the Concerned Citizens of Hay Gulch, the 120 N Group and numerous individual residents of Hay Gulch. They have also failed to provide adequate information and analysis from their expert, RR Engineering, to support their ability to SAFELY AND COMPATIBLY operate "100 coal trucks/day average during construction of the road improvements."

We continue to urge that the truck limit needs to be set based on technical and engineering analysis of what is safe, not as a "negotiated amount" driven by GCC's commercial objectives and commitments made **after** they were notified that their commercial operations within the County were in violation of the adopted Code.

Once again, GCC has received a continuance and FAILED to provide any meaningful proposal.

Respectfully submitted,

Cynthia Roebuck, ED
SW CO Advocates, Inc.

on behalf of:

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Frank McCue, 2541 CR 120, Hesperus, CO 81326
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