

Appendix F:
Seattle Parks *de minimis*
Concurrence Letter for Ravenna
Boulevard Park Resource

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U.S. Department
of Transportation
**Federal Transit
Administration**

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May 14, 2020

David Graves, AICP
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Seattle Parks and Recreation
300 Elliott Avenue West, Suite 100
Seattle, WA 98119

**Subject: Seattle Department of Transportation
RapidRide Roosevelt Project
Department of Transportation Act, Section 4(f)
de minimis Impact Determination**

Dear Mr. Graves:

The Federal Transit Administration (FTA), in cooperation with the Seattle Department of Transportation (SDOT), is proposing the RapidRide Roosevelt Project (Project). The Project would provide bus rapid transit (BRT) service along an approximately 6-mile route connecting Downtown Seattle with the neighborhoods of Belltown, South Lake Union, Eastlake, University District, and Roosevelt. SDOT intends to apply for federal funds administered by FTA for the Project, making it subject to the provisions of Section 4(f) of the Department of Transportation Act of 1966, and its implementing regulations at 23 Code of Federal Regulations (CFR) Part 774. This letter requests your written concurrence with FTA's Section 4(f) *de minimis* impact determination for the Project.

Compared to the existing conditions, the Project would increase transit speed and reliability through enhanced signal systems and signal timing, and roadway improvements. The Project would increase passenger carrying capacity, serving high existing ridership and future population and employment growth. The Project would connect bicyclists with new transit service and enhance bicycle and pedestrian safety throughout the corridor. It would primarily be constructed within the existing transportation right-of-way, which includes roadways and sidewalks. Service is targeted to begin in 2024.

Section 4(f) *de minimis* Criteria

Under the Section 4(f) requirements, FTA cannot approve a transportation project that requires the use of any publicly owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless a determination is made that:

1. There is no feasible and prudent alternative to using the property; and
2. The project includes all possible planning to minimize harm to the property resulting from the use; or
3. The use will have no more than a *de minimis* impact on the resource. A *de minimis* impact means a project will have no adverse effect to the activities, features, and attributes of the resource after consideration of any impact avoidance, minimization, and mitigation or enhancement measures.

Section 4(f) guidance encourages early coordination with officials with jurisdiction over the Section 4(f) resource to ascertain the position of the officials and to obtain their views. Section 4(f) regulations stipulate that officials with jurisdiction over the Section 4(f) resource must concur in writing with a *de minimis* impact determination (23 CFR Part 774.5(b)(2)). The regulations also require that the public has an opportunity to review and comment on a project's Section 4(f) effects prior to such written concurrence.

Section 4(f) Determination and Request for Written Concurrence

At the intersections of 11th/12th Avenues NE and Roosevelt Way NE, the Project would construct transportation-related facilities within the median of NE Ravenna Boulevard, which is a Section 4(f)-protected park (known as Ravenna Boulevard Park). Ravenna Boulevard Park is part of the Olmsted park system in Seattle. The Project would replace and construct new utility poles (including overhead contact system poles to support bus trolley wire), signal infrastructure (such as cabinets, conduit, and junction boxes), and sidewalk widening within the boulevard park boundaries. There are no recreational amenities or features where parkland would be affected by the Project.

In accordance with 23 CFR Part 774.5(b)(2), the public review and comment requirement has been met with the concurrent Environmental Assessment (EA) comment period from January 8, 2020 through February 14, 2020. Four public drop-in sessions for the EA and Section 4(f) Determination were held on January 28, January 29, January 30, and February 1, 2020. There were five comments regarding the findings of the Section 4(f) Determination on the Ravenna Boulevard Park, and all were generally in support of the Project. One commenter did not support putting the traction power substation required for the Project next to the boulevard if it would affect runners and dog walkers. Another commenter requested that SDOT add and/or restore green space and improve pedestrian crossings.

Given the potential Project impacts and the proposed mitigation, FTA believes that a Section 4(f) *de minimis* impact determination can be made for the Project's conversion of a minor amount of Ravenna Boulevard Park to transportation uses. The table below summarizes the impacts to the resource.

Name of Resource	Impact on Resource	Proposed Mitigation	Section 4(f) Determination after Mitigation
Ravenna Boulevard Park	Replace approximately 1,800 square feet currently being used for transportation-related purposes, and permanently incorporate an additional 1,500 square feet of passive park property within the boulevard median.	<ul style="list-style-type: none"> • Design Project to minimize impacts to the median landscaped areas including avoiding tree removal where feasible. • Maintain the existing look and feel of Ravenna Boulevard Park to the greatest extent possible. The proposed Project design at Ravenna Boulevard Park will be provided to Seattle Parks and Recreation for review and comment. • Coordinate with Seattle Parks and Recreation prior to and during construction to minimize temporary impacts within and adjacent to the boulevard park. • Restore any impacted landscaped areas after construction. 	<i>de minimis</i>

The Project is illustrated in Figure 3 in the attached RapidRide Roosevelt Project Section 4(f) Documentation. Figure 3 shows the location of the Project in relation to the Ravenna Boulevard Park resource and identifies specific temporary and permanent impacts.

FTA intends to make a Section 4(f) *de minimis* impact determination on the impacts to the Ravenna Boulevard Park resource resulting from the Project. Because the park is managed and owned by Seattle Parks and Recreation, FTA requests this department’s written concurrence with this determination in the box provided below, pursuant to 23 CFR Part 774.5(b)(2). This written concurrence will be included in the environmental documentation for the Project.

Seattle Parks and Recreation Concurrence with the *de minimis* Impact Determination

Seattle Parks and Recreation, which is the official with jurisdiction over the Ravenna Boulevard Park property, concurs that the SDOT - RapidRide Roosevelt Project meets the conditions for a Section 4(f) *de minimis* impact determination pursuant to 23 CFR Part 774.5(b)(2) for impacts to Ravenna Boulevard.

Signature: David Graves Date: May 14, 2020

Name: David Graves Title: Strategic Advisor

May 14, 2020

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As the Project is further refined during final design, SDOT will coordinate with Seattle Parks and Recreation to review and finalize the design and construction activities. To follow up on this letter, Garth Merrill, the Project Manager at SDOT, will contact you to provide any information you may need, and also to offer a meeting to review this letter. If FTA can provide any assistance or additional information which would aid in your prompt reply, please feel free to contact John Witmer, FTA, at (206) 220-7964 or john.witmer@dot.gov.

Thank you for your consultation on the Project.

Sincerely,

LINDA M
GEHRKE

Digitally signed by
LINDA M GEHRKE
Date: 2020.05.07
09:29:39 -07'00'

Linda M. Gehrke
Regional Administrator

cc: Garth Merrill, Project Manager, SDOT
Joel Hancock, Environmental Lead, SDOT

Enclosure: RapidRide Roosevelt Project Section 4(f) Documentation

RapidRide Roosevelt Project Section 4(f) Documentation

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MEMORANDUM

RAPIDRIDE ROOSEVELT PROJECT SECTION 4(f) DOCUMENTATION

Prepared for

Seattle Department of Transportation



November 2019 (Updated January 2020)

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Introduction

This memorandum provides documentation necessary to support determinations required to comply with the provisions of Section 4(f) of the Department of Transportation Act of 1966, as amended (23 CFR 774; codified in 49 U.S.C. 303 and generally referred to as "Section 4(f)"). This memorandum has been prepared in accordance with the joint Federal Highway Administration/Federal Transit Administration (FTA) regulations for Section 4(f) compliance codified in 23 CFR 774.

The proposed project described in this chapter may receive Federal funding through the FTA and would have a "use" of property protected by Section 4(f) as defined in 23 CFR 774.17. Therefore, documentation of compliance with Section 4(f) is required.

Section 4(f) protects the following properties of national, state, or local significance:

- publicly owned, publicly accessible parklands and recreational lands;
- public wildlife/waterfowl refuges, regardless of public access; and
- historic sites, regardless of public or private ownership.

If parks, recreational areas, or refuges are determined not to be properties of national, state, or local significance by the official(s) with jurisdiction, and after review by FTA for reasonableness, then Section 4(f) protection generally does not apply. Absent a determination from the official with jurisdiction regarding the significance of these properties, FTA assumes that they are significant properties and applies the requirements of Section 4(f). Historic sites listed on, or eligible for listing on, the National Register of Historic Places (NRHP) are significant properties for Section 4(f) purposes.

Section 4(f) specifies that FTA may only approve a transportation project that requires the use land from applicable properties as described above if:

- There is no prudent and feasible alternative to the use of that land and all possible planning to minimize harm due to the use has been included as part of the proposed project, or
- The Administration determines that the use of the property, including any measure(s) to minimize harm, will have a *de minimis* impact on the property, as defined in 23 CFR 774.17.

As defined in 23 CFR 774.17, the "use" of a protected Section 4(f) property occurs when any of the following conditions are met:

- Direct Use: A direct use of a Section 4(f) property occurs when property is permanently incorporated into a proposed transportation project. This may occur as a result of partial or full acquisition of a fee simple interest, permanent easement, or temporary easement that exceeds regulatory limits.
- Temporary Use: A temporary use of a Section 4(f) property occurs when there is a temporary occupancy of property that is considered adverse in terms of the preservation purposes of the Section 4(f) statute. A temporary occupancy of property does not

constitute a use of a Section 4(f) resource when all of the following conditions are satisfied:

- Duration is less than the time needed for construction of the project and there is no change in ownership of the land;
 - The nature and magnitude of the changes to the Section 4(f) property are minimal;
 - There are no anticipated permanent adverse physical impacts, nor is there interference with the protected activities, features, or attributes of the property on either a temporary or permanent basis;
 - The land being used will be fully returned to a condition at least as good as that which existed prior to the project; and
 - There is a documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.
- **Constructive Use:** A constructive use of a Section 4(f) property occurs when a transportation project does not incorporate land from the resource, but the proximity of the project results in impacts so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired (23 CFR 774.15).

***De minimis* Impacts**

The requirements of Section 4(f) are satisfied with respect to a Section 4(f) resource if it is determined by the FTA that a transportation project would have only a “*de minimis* impact” on the Section 4(f) resource. The official(s) with jurisdiction over the resource must be notified of the Agency’s determination. A *de minimis* impact is defined under 23 CFR 774.17 as follows:

- For parks, recreation areas, and wildlife/waterfowl refuges, a *de minimis* impact is one that would not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f), and the official with jurisdiction has concurred with this determination after there has been a chance for public review and comment.
- For historic sites, *de minimis* impact means that the FTA has determined, in accordance with 36 CFR part 800, that either no historic property is affected by the project, or the project would have “no adverse effect” on the property in question. The official with jurisdiction must be notified that the FTA intends to make a *de minimis* finding based on their concurrence with the “no adverse effect” determination under 36 CFR 800. This is usually done in the effect determination letter sent to the official with jurisdiction for their concurrence.

Project Description

The RapidRide Roosevelt Project (Project) is a new RapidRide corridor that the City of Seattle is implementing as part of its Transit Plus Multimodal Corridor Program by 2024. This effort is a partnership between the City and King County Metro to deliver reliable, convenient, high-quality transit to Seattle’s growing population. Together, the Seattle Department of Transportation (SDOT) and King County Metro are working to build on the success of existing RapidRide service

by partnering on transit service improvements, capital investment, and design treatments. The Project would provide bus rapid transit service along an approximately 6-mile-long corridor in a dedicated lane or in mixed traffic between Downtown Seattle and the Roosevelt neighborhood in northeast Seattle, serving the Belltown, South Lake Union, Eastlake, and University District neighborhoods.

The RapidRide Roosevelt project corridor would be approximately 6 miles long. It would be constructed within the existing transportation right-of-way, which includes roadways and sidewalks. The alignment would provide transit-only lanes, business access and transit lanes, and general purpose (mixed) traffic lanes in various sections of the route. The Project alignment and features are shown in Figures 1 and 2.

SDOT is seeking federal funding through FTA; therefore, the Project must comply with the federal statute for Section 4(f) of the U.S. Department of Transportation Act of 1966.

Description of Section 4(f) Resources

There are two Section 4(f) resources that would be impacted by the Project: Ravenna Boulevard (park/recreation resource) and Ravenna Boulevard (historic resource); these two resources are described below.

Ravenna Boulevard (park/recreation resource)

The Ravenna Boulevard Section 4(f) park resource is a landscaped median (trees, grass) that is used informally (e.g. for dog walking, jogging) by residents in the surrounding neighborhoods. This resource does not contain any recreational amenities/improvements. The intent of the Ravenna Boulevard park boulevard system is to provide a recreation and transportation option and connect open spaces and parks to each other. Ravenna Boulevard is considered a significant park resource by the official with jurisdiction (Seattle Parks & Recreation Department). Project impacts to this resource have been determined to be *de minimis*.

Ravenna Boulevard (historic resource)

Historic Ravenna Boulevard was designed in 1903 by the Olmsted Brothers and extends through a neighborhood of early 20th century homes from Ravenna Park to Green Lake. In the *Seattle Parks and Boulevards (1903-1968) National Register of Historic Places Multiple Property Documentation* (MPD) Form (2016) it is noted that the Olmsted Brothers (who were responsible for designing Ravenna Boulevard) defined "boulevards" as 200-foot wide formal streets of uniform width. In contrast, "parkways" were defined as "a two-lane avenue bisected by a strip," which best describes Ravenna Boulevard. Both boulevards and parkways "incorporate a roadway and serve as ROWs [right-of-way]." Based on this information the boundaries of historic Ravenna Boulevard include both the median and flanking roadways. The MPD provided no information indicating the width of Ravenna Boulevard extended beyond the street. Using a conservative approach to delineate the boundaries of this historic property, the Project defined the boundaries of Ravenna Boulevard as extending beyond the roadway to include the sidewalk and planting strip on either side of the streets.

The Ravenna Boulevard historic resource was determined eligible for the National Register of Historic Places in 2008 and 2015. Project impacts to this resource have been determined to be *de minimis*.



Figure 1. RapidRide Roosevelt Alignment – North



Figure 2. RapidRide Roosevelt Alignment – South

De Minimis Impacts

Ravenna Boulevard (park/recreation resource)

At the Ravenna Boulevard park resource, there is currently approximately 1,800 square feet of park property being utilized for transportation-related purposes (sidewalk and curb); the Project would permanently incorporate an additional 1,500 square feet of park property. At the intersections of 11th/12th Avenues NE and Roosevelt Way NE, the Project includes placement of transportation-related facilities including new poles (OCS poles to support bus trolley wire), signal infrastructure (such as cabinets, conduit, and junction boxes), and sidewalk widening within the Ravenna Boulevard park resource. Project impacts at the Ravenna Boulevard park resource are shown on Figure 3.

The size of the impacted parkland is minor relative to the overall size of the Ravenna Boulevard park resource, which extends east-west for approximately 1.4 miles and is approximately 40 feet wide. There are no recreational amenities or features where parkland would be permanently incorporated and the temporary occupancy of this resource during construction would not interfere with recreational activities; there would be no temporary occupancy of any parkland outside of that which would be permanently incorporated by the Project. The Project would not result in any noise, visual, or access-related impacts to this park resource.

SDOT is working to minimize impacts within the Ravenna Boulevard park resource (i.e. median) and to landscaped areas during design when locating new transportation-related facilities. SDOT's overall goal is to limit impacts to the park boulevard and surrounding grass and trees, and maintain the existing look and feel of Ravenna Boulevard to the greatest extent possible. When planning future protected bike lane barriers, SDOT will prioritize safety but try to find options that blend in with the existing character of the park boulevard.

Per the Section 4(f) regulations (23 CFR §774.17), a *de minimis* impact for a park resource is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f). Based on the assessment of Project impacts described above, FTA has made a preliminary determination that the Project would have a *de minimis* impact on the Ravenna Boulevard park resource. The Project will request concurrence from Seattle Parks & Recreation with the *de minimis* impact determination.

Ravenna Boulevard (historic resource)

Project construction activities would have temporary effects on adjacent historic properties and would make minor permanent physical changes to historic Ravenna Boulevard. At the Roosevelt Way NE and 11th Ave NE/12th Ave NE intersections with the historic Ravenna Boulevard, Project transportation-related facilities (traffic signal and overhead contact system (OCS) poles, sidewalk improvements, and traffic signal cabinet replacements) would be added to 1,500 square feet of the historic property's landscaped median. Within the boundaries of historic Ravenna Boulevard, changes to the roadway (repaving) and sidewalk corners (placement of OCS poles and sidewalk improvements) would be in keeping with existing transportation-related uses at these intersections; based on this assessment, construction activities would have no adverse effect to historic properties. Project facilities to be constructed at the Ravenna Boulevard historic resource are shown on Figure 3.

During operation of the Project visual effects to historic properties would occur from new OCS along 11th Ave NE and 12th Ave NE and Roosevelt Way NE and a new bus station that would be added within the viewshed of historic Ravenna Boulevard; these minor visual effects were concluded to not be an adverse effect to the historic Ravenna Boulevard resource.

Installation of a traction power substation (TPSS) at any of the four potential TPSS site locations being considered by the Project would not have an adverse effect on the Ravenna Boulevard historic resource. These Project features would have no adverse effect on historic properties because they are in keeping with existing transportation-related uses.

SDOT is working to minimize impacts within the Ravenna Boulevard historic resource and to landscaped areas during design when locating new transportation-related facilities. SDOT's overall goal is to limit impacts to Ravenna Boulevard and the surrounding grass and trees, and maintain the existing look and feel of Ravenna Boulevard to the greatest extent possible. When planning future protected bike lane barriers, SDOT will prioritize safety but try to find options that blend in with the existing character of the historic Ravenna Boulevard.

The Project improvements to be constructed within and adjacent to the Ravenna Boulevard historic resource have been found to have no adverse effect to this historic resource under Section 106 because they are in keeping with existing transportation-related facilities and represent a small change to this linear resource. Per the Section 4(f) regulations (23 CFR §774.17), a *de minimis* impact for a historic resource means that the FTA has determined, in accordance with 36 CFR part 800 that the project will have "no adverse effect" on the historic property in question. FTA, in consultation with the Washington State Historic Preservation Office (SHPO), determined on September 26, 2019 that the Project would result in No Adverse Effect on historic buildings or structures (the October 1, 2019 concurrence letter from SHPO regarding this determination is provided in Appendix G of the RapidRide Roosevelt Project Environmental Assessment).

Coordination Activities

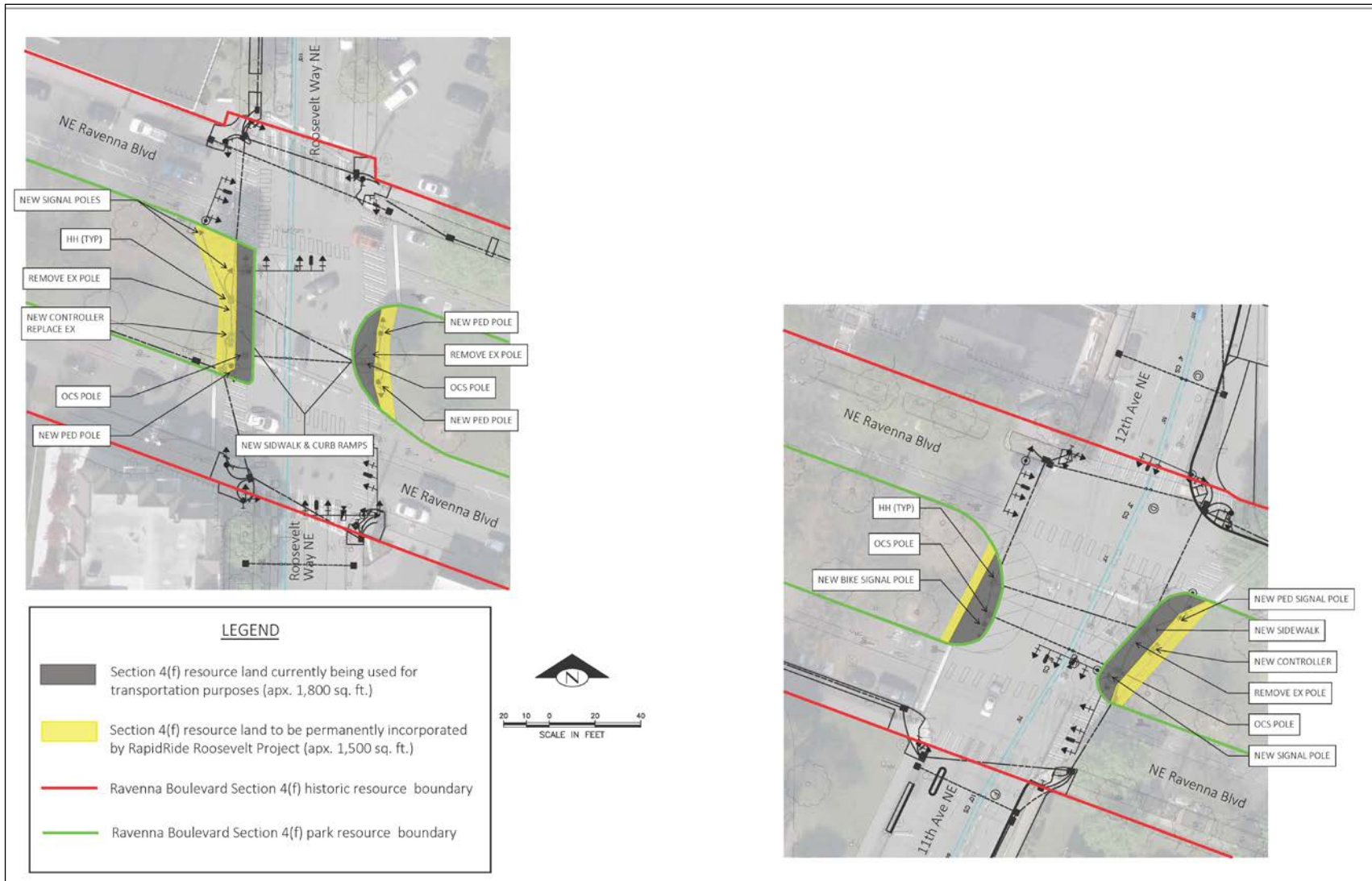
The *de minimis* impact descriptions for Ravenna Boulevard (park resource) and Ravenna Boulevard (historic resource) contained in this memorandum are included in the *RapidRide Roosevelt Project Environmental Assessment*. The EA will be made available for agency and public comment. FTA and SDOT will solicit public feedback on the *de minimis* determination for this resource through the EA publication and subsequent public outreach. FTA will request concurrence from Seattle Parks & Recreation Department on the *de minimis* impact after the EA public comment period.

With regard to the Ravenna Boulevard historic resource, FTA and SDOT are coordinating with the Washington State Department of Archaeology and Historic Preservation throughout the Section 106 process and also consulted with the Friends of Seattle's Olmsted Parks to solicit feedback and address concerns where feasible for the proposed design on and adjacent to the Ravenna Boulevard historic resource. FTA has notified the SHPO of its intent to make a *de minimis* impact determination based on SHPO's concurrence with the Section 106 No Adverse

Effect determination. More detail on the coordination performed as part of the Section 106 process can be found in the *RapidRide Roosevelt Project Cultural Resources Technical Report* (Jacobs, 2019).

Determination of Section 4(f) Use

Based on the discussion provided in this memorandum, there would be a use of Section 4(f) resources by the Project - there would be two *de minimis* impacts. There would not be any constructive or temporary uses.



References

Historical Research Associates. 2016. *Seattle Parks and Boulevards (1903-1968) National Register of Historic Places Multiple Property Documentation*. December.

Jacobs. 2019. *RapidRide Roosevelt Cultural Resources Technical Report*. July.