

# NEW CARROLLTON AND LANDOVER YARDS IMPROVEMENTS

## DRAFT SECTION 4(f) EVALUATION



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY  
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## 1.0 SECTION 4(F) EVALUATION

Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, requires that agencies within the Department assess their potential effects on public parks and recreational lands, wildlife refuges, and historic resources. As part of this evaluation, agencies are directed to determine if a project's proposed action would result in a "use" of one the aforementioned types of facilities or properties, referred to as "Section 4(f) resources." Agencies cannot approve the use of Section 4(f) resources unless there is no feasible and prudent alternative to the use of land or the action includes all possible planning to minimize harm to the property resulting from use.

Identifying Section 4(f) properties within a project's study area is necessary to determine if any properties would be used. Under Section 4(f), a "use" is defined as a permanent incorporation, temporary occupancy, or a constructive use by the proposed action, defined as follows:

- **Permanent Incorporation** – occurs when land is permanently incorporated into a transportation facility. Permanent incorporation occurs when land from a Section 4(f) property is either purchased outright as transportation right-of-way or when the applicant for Federal-aid funds has acquired a property interest that allows permanent access onto the property such as a permanent easement for maintenance or other transportation-related purpose.
- **Temporary Occupancy**– occurs when property is not permanently incorporated into a transportation facility but the activity is considered to be adverse in terms of the preservation purpose of Section 4(f). Certain conditions must be met for a temporary use not to be considered adverse:
  - Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
  - Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
  - There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
  - The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
  - There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.
- **Constructive Use** – involves no actual physical use of the Section 4(f) property via permanent incorporation of land or a temporary occupancy of land into a transportation facility. A constructive use occurs when the proximity impacts of a project on an adjacent or near-by Section 4(f) property, after incorporation of impact mitigation, are so severe that the activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs when the protected activities, features, or attributes of the Section 4(f) property are substantially diminished.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended Section 4(f) to allow the FHWA, FTA, and FRA to determine that certain uses would have a de minimis, or no adverse effect, on a protected resource provided that the responsible party with jurisdiction over the affected property agrees in writing. In this context, a de minimis impact is a minor impact that does not adversely affect the activities, features, or attributes of the Section 4(f) property. The Moving Ahead Progress for the 21st Century Act (MAP-21) maintained the use of de minimis impacts.

### 1.1 Section 4(f) Resources

One Section 4(f) resource has been identified within a quarter mile of the New Carrollton Yard site. **Table 1-1** lists this resource and **Figure 1-1** shows the resource in relation to New Carrollton Yard. No Section 4(f) resources have been identified adjacent to or within close proximity to the Landover site.

**Table 1-1: Section 4(f) Resources**

| Site Location       | Resource              | Location                                       | Ownership/<br>Operated By                                       | Description   |
|---------------------|-----------------------|--|---|---|
| New Carrollton Yard | Whitfield Chapel Park | 5214 Whitfield Chapel Road<br>Lanham, MD 20706 | Maryland-National Capital Park and Planning Commission (MNCPPC) | Active park with: <ul style="list-style-type: none"> <li>• Playfield</li> <li>• Picnic Area</li> <li>• Playground</li> <li>• 2 Softball Diamonds</li> </ul> |

### 1.2 Potential Use of Section 4(f) Resources

The proposed improvements at New Carrollton Yard would not result in a permanent use, temporary use, or a constructive use of Whitfield Chapel Park. The improvements at New Carrollton Yard do not result in any noise or visual impacts. None of the predicted noise levels from New Carrollton Yard is expected to exceed FTA or WMATA noise criteria. Whitfield Chapel Park is buffered from New Carrollton Yard by the Capital Beltway (I-95/I-495), thus visually screening the park from the proposed improvements.

### 1.3 Avoidance Options and Measure to Minimize Harm

No avoidance option is proposed, as none of the improvements to New Carrollton and Landover Yards would result in a “use” of an identified Section 4(f) resource.



Figure 1-1: New Carrollton Yard and Section 4(f) Resources

