

Appendix A. Section 4(f) De Minimis Determination

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Introduction

This section of the document discusses de minimis impact determinations under Section 4(f). Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only de minimis impacts on lands protected by Section 4(f). This amendment provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a de minimis impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) de minimis findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to the Department pursuant to 23 USC 326 and 327, including de minimis impact determinations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

There is one recreational facility, the Santa Ana River Trail (SART) with co-located bicycle path, owned and operated by Orange County Parks that has been determined to trigger the requirements for protection under Section 4(f).

Project Description

Caltrans, in cooperation with Orange County Transportation Authority (OCTA), proposes to widen the northbound side of the SR 57 freeway in Orange County within the cities of Anaheim and Orange. The widening would occur from 0.3 mile south of the Orangewood Avenue undercrossing (post mile [PM] 11.5) north to the Katella Avenue undercrossing (PM 12.5), a distance of about one mile. The proposed work activities include the proposed construction of a 550-foot section of the fifth general purpose (GP) lane in the northbound direction of SR 57 through the Katella Avenue interchange, upgrades to the non-standard median and sight distances, addition of a second lane to the Katella Avenue off-ramp, and reconfiguration of the existing on- and off-ramps to improve operation between the Orangewood Avenue interchange and the Katella Avenue interchange.

Four alternatives were evaluated for the proposed widening. The alternatives included the No-Build (Alternative 1) and three Build Alternatives (Alternatives 2, 2A, and 2B). Alternatives 2A and 2B originated as options to Alternative 2, but were sufficiently different that they were evaluated as full alternatives in the environmental documentation. Alternative 2 was chosen as the locally preferred alternative by the Project Development Team on January 16, 2019. **Table A-1: Features of the Build Alternatives** identifies some of the key features of the Build Alternatives.

Table A-1. Features of the Build Alternatives

Features	Alternative 2 (Preferred Alternative)	Alternative 2A	Alternative 2B
Mainline widened and restriping of HOV and GP lanes to establish continuous fifth GP lane and address nonstandard design issues	Yes	Same as Alt. 2	Same as Alt. 2
Orangewood Avenue eastbound loop on-ramp	Moves access eastward, adds one lane	Moves access eastward, adds two additional lanes	Same as Alt. 2A
Orangewood Avenue westbound on-ramp	Moves access eastward, adds one lane to on-ramp	Eliminates on-ramp	Same as Alt. 2A
Orangewood Avenue intersection	Modified to 90-degree signalized intersection	Modified to 90-degree signalized intersection. Addition of second westbound left-turn lane.	Same as Alt. 2A
Auxiliary lane continuous from Chapman Avenue through the Orangewood Avenue interchange to the Katella Avenue off-ramp	Yes	Same as Alt. 2	Same as Alt. 2
Weaving length between Orangewood Avenue on-ramp(s) and Katella Avenue off-ramp	Increases to 1,580 ft., remains nonstandard	Increases to 2,000 ft., meets standards	Increases to 2,475 ft., exceeds standards
Katella Avenue off-ramp	Widen Stadium OH Bridge, adds second lane to off-ramp	New adjacent bridge structure, longer and adds second lane to off-ramp.	Same as Alt. 2

De Minimis Determination

Figure A-1 shows Section 4(f) resources within the cities of Orange and Anaheim that are 0.5-miles from the Project and that could be affected by the Project. These resources include both historic properties and publicly-owned parkland and recreational facilities that are open to the public. This section describes the Section 4(f) resources shown in **Figure A-1**.

El Camino Real Park

El Camino Real Park is located about a half mile east of the project study area. The park is owned and operated by the city of Orange. Park amenities include four baseball fields, six tennis courts, two basketball courts, two volleyball courts, six handball courts, a tot-lot, a community room and a large picnic pavilion.

Santa Ana River Trail/Bicycle Path

The Santa Ana River Trail (SART) is a National Recreational Trail that extends along the Santa Ana River from Huntington Beach to San Bernardino County. The Orange County segment of the trail begins at the Huntington Beach Bicycle trail and ends at the Orange/Riverside County line. The section of the trail that is affected by the Project is in the city of Orange just east of Angel Stadium between the Anaheim Regional Transportation Intermodal Center (ARTIC) and the Santa Ana River Bridge (i.e. SR 57). Within the project boundary, the trail is located along the top of the river's west levee crossing under SR 57 between Orangewood Avenue and Katella Avenue. The SART is wheelchair accessible and serves pedestrians, bicyclists and equestrians. The SART features an existing Class I bicycle facility within the project area that is 12 feet wide, asphalt paved and marked by two white paint boundaries, with a dashed yellow paint marker separating the southbound and northbound lanes. The trail is part of the regional OC Loop and has a direct connection to ARTIC, which encourages multimodal forms of transportation. There is limited vegetation along the trail (primarily along the SR 57 embankment west of the trail) and the shoulders of the trail are unpaved dirt.

Former Burlington Northern Santa Fe (BNSF) Railroad (P-30-176663)

A segment of the formerly BNSF owned railroad right of way runs through the project boundary as it crosses under the Stadium Overhead Bridge at the ARTIC. This is now owned by OCTA. The railroad corridor is recommended eligible for listing on the NRHP; however, the segment of the railroad that crosses under the Stadium Overhead Bridge has not been previously evaluated for listing on the NRHP as a contributing segment. Based on the preliminary engineering plans it is expected that widening the overhead bridge will consist of crane-placed precast girders over the railroad within the OCTA right of way at the existing pedestrian platforms. This activity will span over the railroad and thus will not impact the railroad's integrity as a historic resource. The Project does not affect historic properties and therefore, no further analysis was conducted to determine the historic eligibility of this segment of the railroad.

Figure A-1: Resources Considered for Section 4(f) Analysis



Source: WSP, 2018.

Use of Section 4(f) Property

Santa Ana River Trail

The proposed Project (all Build Alternatives) includes widening the Santa Ana River Bridge, which would entail modifying the bridge embankments, extending the pier walls beneath the bridge, and widening the bridge deck. Widening the bridge would require erecting temporary support structures (falsework) to hold bridge components in place while it is being constructed. The falsework would need to span the SART/Bicycle Path where the bridge crosses over the trail. In addition to erection of the falsework, construction crews and equipment would need to periodically cross the SART/Bicycle Path to gain access to the riverbed and freeway bridge structure. To gain access to the riverbed and bridge, construction crews would use an existing maintenance road located at the toe of slope along the northbound SR 57 embankment (**Figure A-2: Maintenance Road Access**). The maintenance road is within Caltrans right of way and leads to a gate with access to the SART/Bicycle Path and the west levee of the river (~PM 12.1). The maintenance road provides the closest and most efficient path of access to the river and bridge. Equipment crossing(s) would be managed by flagmen to ensure trail user safety and continued access. Modification of the pier walls is expected to last 9 months (36 weeks) with access to the river across the SART/Bicycle Path needed for the duration of the 36-week construction period. To install and tear down the falsework, the trail would be temporarily closed for a period of 12 hours at the beginning and end of the 9-month construction period. During construction, the trail would remain open to users during public access hours (7 a.m. – 6 p.m. Nov. 1 to Feb 28 and 7 a.m. – 9 p.m. Mar. 1 to Oct 31). The temporary closures would occur during non-public access hours. In the unlikely event of extended closure hours that may include the public access hours, the public will be directed to use a detour route as shown in **Figure A-3: SART/Bicycle Path Detour Plan**.

Figure A-2: Maintenance Road Access



Source: WSP, 2018.

Figure A-3: SART/Bicycle Path Detour Plan



Source: WSP, 2018.

No change in ownership of this portion of the trail would occur. Construction storage and staging would be accommodated within Caltrans right of way. Construction of the entire project is anticipated to begin January 2023 and be completed by December 2025.

Measures to Minimize Harm to Santa Ana River Trail

The Santa Ana River Trail (SART), a Regional Recreational Trail and a protected Section 4(f) Resource is used by Pedestrians, Equestrians and Cyclists. During Design and Construction Phases, a Traffic Management Plan (TMP) be coordinated with the Orange County Flood Control District (OCFCD) and Orange County Parks (OCP) to address safety for trail and bike path users.

To minimize impacts to the trail and ensure trail user safety, the following measures will be incorporated into the construction contract:

PF-LU-1 Caltrans Standard Specification Section 5-1.39, Damage Repair and Restoration:

Restoration: Before Contract acceptance, restore damaged work to the same state of completion as before the damage. Restoration of damaged work includes restoration of erected falsework and formwork.

PF-LU-2 Caltrans Standard Specifications Section 7-1.03 Public Convenience:

Construction activities must not inconvenience the public or abutting property owners. Schedule and conduct work to avoid unnecessary inconvenience to the public and abutting property owners. Avoid undue delay in construction activities to reduce the public's exposure to construction. Upon completion of rough grading or placing any subsequent layer, bring the surface of the roadbed to a smooth and even condition, free of humps and depressions, and satisfactory for the use of the public. After subgrade preparation for a specified layer of material has been completed, repair any damage to the roadbed or completed subgrade, including damage caused by public use.

PF-LU-3 Caltrans Standard Specifications Section 7-1.04 Public Safety: Do not construct a temporary facility that interferes with the safe passage of traffic. Control dust resulting from the work, inside and outside the right of way. Move workers, equipment, and materials without endangering traffic. Whenever your activities create a condition hazardous to the public, furnish, erect and maintain those fences, temporary railing, barricades, lights, signs, and other devices and take any other necessary protective measures to prevent damage or injury to the public. Provide flaggers whenever necessary to ensure that the public is given safe guidance through the work zone.

Based on the summary above, the Project's effect on the Santa Ana River Trail (a Section 4(f) resource) and the resulting impacts satisfies the criteria for a *de minimis* impact determination.

Public Notice Process and Consultation with Official(s) with Jurisdiction

Pursuant to Section 4(f) of the Department of Transportation Act of 1966 (Title 49 USC Section 303) and 23 CFR 774.17, the Santa Ana River Trail (SART) is recognized as a Section 4(f) resource. As the Official with Jurisdiction (owner and operator) of the trail, Orange County (OC) Parks was notified by mail (see attached letter) regarding impacts to the SART/Bicycle Path.

During circulation of the draft environmental document from October 11, 2018 to November 9, 2018 the public was afforded an opportunity for public review and comment on the Section 4(f) determination. In addition, Caltrans initiated formal consultation with OC Parks (Official with Jurisdiction). A formal letter informing OC Parks of Caltrans' intent to make a *de minimis* impact determination for the SART was transmitted to Stacy Blackwood at OC Parks on August 25, 2018. The letter provided a summary of Caltrans' evaluation and determination, as well as other relevant information from the report. OC Parks was the only member of the public to provide comments on the *de minimis* determination. Their comments were requesting clarification on how detour information would be conveyed to trail users, whether afterhour operations would be required to construct and/or dismantle falsework and whether Caltrans would be seeking Section 4(f) *de minimis* concurrence. Caltrans responses to these comments can be found in Chapter 4 of the Final ED, Comments and Coordination. Caltrans made a *de minimis* determination for the SART that the project would not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) and received written concurrence from OC Parks on February 7, 2019. See Appendix E, SART 4(f) Concurrence Letter.

Resources Evaluated Relative to the Requirements of Section 4(f): No-Use Determination

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

This section of the document discusses parks, recreational facilities, wildlife refuges, and historic properties found within or next to the project area that do not trigger Section 4(f) protection because: 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, or 4) the Project does not permanently use the property and does not hinder the preservation of the property. The property is a Section 4(f) property, but no “use” will occur.

There is one public park and one historic property eligible for National Register of Historic Places (NRHP) within 0.5 miles of the project study area. Based on the Natural Environment Study/Jurisdictional Delineation (February 2018), there are no wildlife and waterfowl refuges within 0.5 miles of the project study area. Per the Historic Property Survey Report (May 2018),

there are no historic sites within the Area of Potential Effect (APE) that were NRHP eligible historic sites.

El Camino Real Park

El Camino Real Park is located about 1,000 feet east of the intersection of N Eckoff Street and Orangewood Avenue and over 2,000 feet east of the Orangewood Avenue/SR 57 interchange. The Project would primarily be located within the existing freeway right of way which does not intersect the park boundaries. The park would not be affected by proximity to the Project as the proposed improvements would occur west of the intersection of N Eckhoff Street and Orangewood Avenue. There would be no changes to accessibility and no impacts related to visual, noise or air quality. The proposed improvements would not result in a severe impairment of the activities, features, or attributes of the park. The property is a Section 4(f) property, but no “use” will occur.

Former Burlington Northern Santa Fe (BNSF) Railroad

Alternative 2 proposes to widen the existing Stadium Overhead (OH) bridge structure over the former BNSF Railroad (now owned by OCTA and operated by SCRRA) to allow for construction of the fifth GP lane and closure of the existing gap, as well as to carry the Katella Avenue northbound off-ramp traffic. The Preferred Alternative would require a 1,359-square foot revised highway easement with OCTA over the former BNSF Railroad to allow for rights to construct and operate the widened bridge structure. The easement would be similar to the existing easement that Caltrans has with OCTA for operation of the Stadium OH Bridge structure. Widening the overhead bridge will consist of crane-placed precast girders over the railroad within the OCTA right of way at the existing pedestrian platforms. This activity will span over the railroad and thus will not impact the railroad’s integrity as a historic resource. The Project does not hinder the preservation of the property. The property is a Section 4(f) property, but no “use” will occur.