

FLORIDA DEPARTMENT OF TRANSPORTATION
SECTION 4(F) DETERMINATION OF APPLICABILITY

650-050-45
Environmental
Management
06/17

Project Name:	Good Neighbor Trail Gap PD&E Study		
FM#:	437264-2	ETDM#:	N/A
Project Review Date:	1/14/2019	FAP#:	TBD
FDOT District:	7		
County(ies):	Hernando		

A DOA IS REQUIRED FOR EACH SECTION 4(f) PROPERTY AND PROPOSED ALTERNATIVE.

Project Description including Section 4(f) Specific Information:

The proposed Good Neighbor Trail through Brooksville will complete a gap in Florida's Coast to Coast Trail in the Brooksville area. The proposed "gap trail" will begin on SR 50/Cortez Boulevard, west of Cobb Road, and continue easterly through Brooksville, ending at the present Good Neighbor Trail near the intersection of Main Street and Russell Street. The total distance is approximately 3.1 miles. This project is a collaborative partnership among the City of Brooksville, the FDOT and the Hernando/Citrus Metropolitan Planning Organization (MPO). The proposed trail will go thru Tom Varn Park and Bud McKethan Park within a portion of the parks' designated for trail use by the City of Brooksville.

Type of Property

Check all that apply:

- ☒ Public Parks and Recreation Areas
- ☐ Wildlife and Waterfowl Refuges
- ☐ Historic Sites

Description of Property: Tom Varn Park and Bud McKethan Park in the City of Brooksville. Tom Varn Park is located at 306 Darby Lane and Bud McKethan Park is located at 800 John Gary Grubbs Boulevard (at Veterans Avenue).

Criteria of Selected Property Type(s):

☒ **Public Parks and Recreation Areas**

- Must be publicly owned which refers to ownership by local, state or federal government
 - Ownership can also include permanent easements and long-term lease agreements
- Must be open to the public during normal hours of operation
- The major purpose must be for park or recreation activities
- Must be designated or function as a significant park or recreational area.
 - Applies to the entire park or recreation area not just a specific feature

☐ **Wildlife and Waterfowl Refuge**

- Must be publicly owned which refers to ownership by local, state or federal government;
 - Ownership can also include permanent easements and long-term lease agreements;
- Must be open to the public but refuges are able to restrict access for the protection of refuge habitat and species;
- The major purpose must be for wildlife and waterfowl refuges;
- Must be designated or function as a significant as a wildlife and waterfowl refuges; -
 - Applies to the entire wildlife and waterfowl refuges not just a specific feature

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☐ **Historic Sites-** includes historic buildings, historic transportation facilities, archeological sites, traditional cultural places, historic & archeological districts and historic trails.

- o Must be of national, state or local significance and it must be eligible for listing or is listed on the National Register of Historic Places (NRHP); or
- o If a site is determined not to be eligible OEM may determine that the application of Section 4(f) is otherwise appropriate when an official (such as the Mayor, president of a local historic society) provides information to support that the historic site is of local importance.

Does the identified resource meet all of the criteria for the selected property type?

Yes, continue to complete the form ☒

No, STOP Section 4(f) does not apply ☐

Identify the Official(s) with Jurisdiction (OWJ) contacted: Brooksville City Manager Mark Kutney

Date correspondence sent to the OWJ: 12/10/2018

Has the Official(s) with Jurisdiction (OWJ) responded?

Yes ☒ No ☐

Has the 30 day response period passed since the initial OWJ correspondence was sent?

Yes ☒ No ☐

Please answer the questions below about the resource:

Note: A potential source for this information can include the property management plan, resource website and/or communications with the OWJ (*be sure to document these communications in writing*).

What is the size and location of the property (*include a map of the resource*)?

A map of the two parks is included in Figure 1. Tom Varn Park is approximately 75 acres in size and Bud McKethan Park is approximately 4.2 acres, according to the Hernando County Property Appraiser's records.

Who/what organization owns/manages the property?

The City of Brooksville Parks and Recreation Department (Mike Walker, Parks and Recreation Director)

What is the primary function (activities, features and attributes) within the meaning of Section 4(f) of the facility or property?

The two parks have many recreational uses including softball diamonds and stadium, horseshoes, racquetball, volleyball, walking paths, disc golf, childrens playground, picnic areas and three lighted tennis courts. The parks also include a Senior Enrichment Center.

Please describe the location of available appurtenances and facilities (e.g. tennis courts, pools, shelter houses, sports fields, beaches) on the property:

Please refer to Figure 1 for the location of park facilities.

What is the function of/or the available activities on the property?

Available activities include softball, horseshoes, racquetball, volleyball, walking, disc golf, playground, picnic areas and tennis. The parks also include a Senior Enrichment Center.

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Access and Usage of the property by the Public:

The parks are open to the public 24 hours per day, accessible from West Jefferson Street (SR 50A) and Veterans Avenue south of West Jefferson Street.

Relationship to other similarly used lands/facilities in the vicinity:

The Jerome Brown Community Center (Sports Complex) is located immediately west of Tom Varn Park at 99 Jerome Brown Place (located off of Darby Lane)

Are there any unusual characteristics of the property that either limit or enhance the value of the resource? If so please explain:

The value of the parks are enhanced by the many community events which are held regularly in the parks.

Describe project activities that could potentially "use" the resource:

The proposed trail is located within the appropriately designated portions of the parks and would enhance the parks usage by improving access for non motorized users in addition to allowing bicyclists to use the trail to access the parks. Note that the proposed trail will be located within a previously designated trail right of way which was approved by the Brooksville City Council through several resolutions (see attached Resolutions 2016-05 and 2015-12).

If applicable, give a general description of the history of the Historic Site, Archaeological Site or Historic District:

Not applicable.

Based on the above information the recommended level of Section 4(f) evaluation for this property is:

Select the level of Section 4(f) evaluation: Exception / Exemption

Reason the selected level is appropriate:

The use of the parks is solely for the purpose of enhancing the activities, features and attributes that qualify the parks for Section 4(f) protection, and city officials agree with this assessment. FDOT is presuming that the parks are significant.

Supporting Documentation

The following items must be attached to this form:

1. A map of the resource based on the guidelines in the PD&E Manual Part 2, Chapter 7, including the proposed alternative being evaluated.
2. Statement of Significance from OWJ or FDOT's presumption of significance.
3. Determination of Eligibility or Listing in the National Register of Historic Places, Archaeological Site (include criterion of eligibility) or a Historic District if applicable.

Signatures

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT.

Signature: _____

Preparer

: _____
Date


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Signature: 
Environmental Manager, or designee

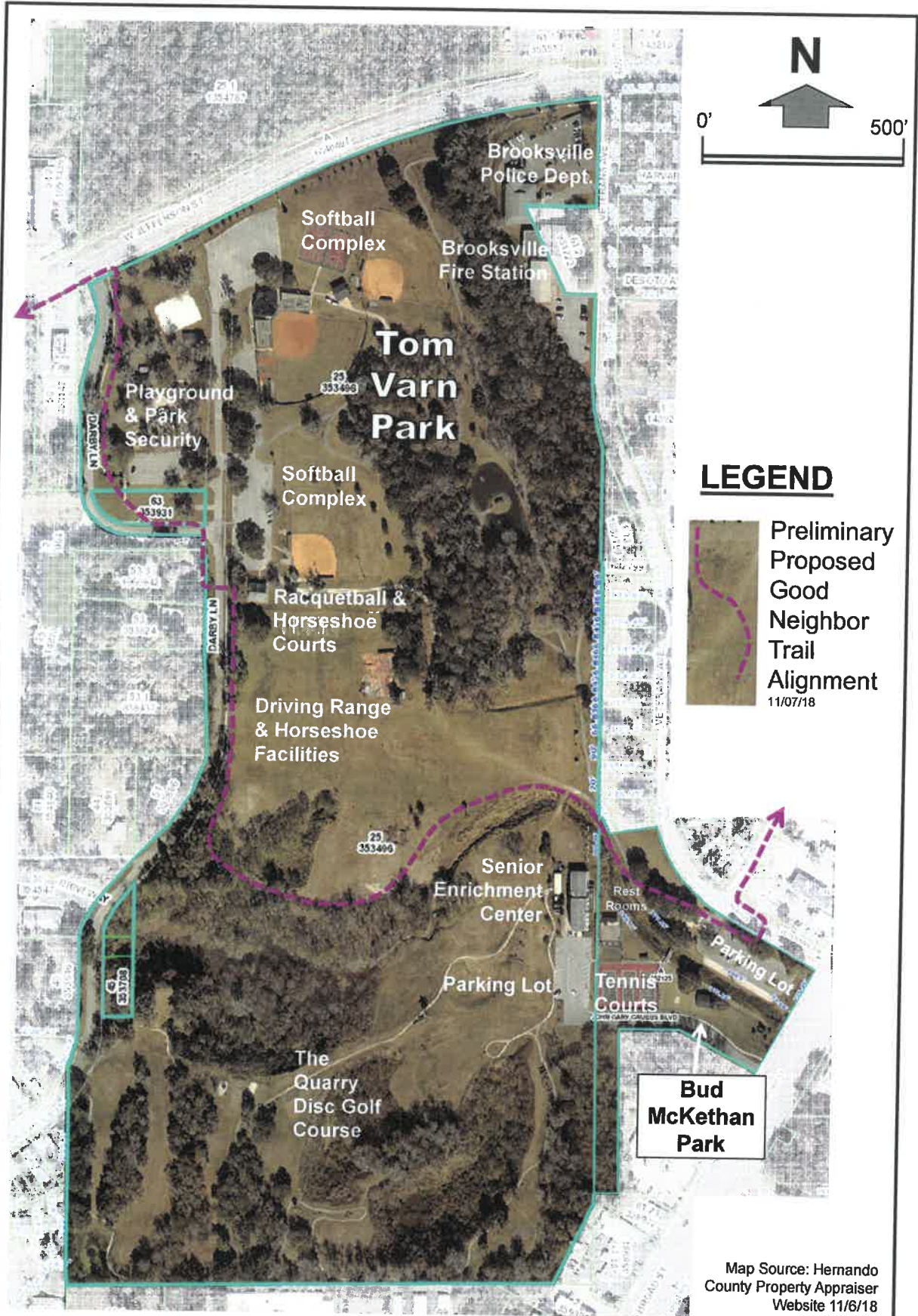
2/13/2019
Date

OEM
Concurrence:  2/15/2019

Signature:  2/15/19
Director of OEM, or designee

Click here to enter a date.
Date

Resource Mapping for Section 4(f) DOA and Approvals





Good Neighbor Trail Gap Study
FPID 437264-2

Sheets 9-12 from:

Good Neighbor Trail Gap Study



Draft Conceptual Plans – Sheet Layout



DRAFT

Rev. 10/01/18

Aerial Photos Date: 2017

Prepared for FDOT District 7



By American Consulting Engineers
With Jai Consulting Engineers

DRAFT

Access Healthcare

ProBuild

S.R. 50-A (W. JEFFERSON ST.)

415

410

FKA Hernando Co Mining Assoc Enrichment Ctr

Tom Varn Park

CONTINUE TRAIL THROUGH PARK ON CITY'S PREVIOUSLY APPROVED ALIGNMENT

EXISTING SIDEWALK ON SOUTH SIDE TO BE REMOVED WITH A SHARED USE PATH (TRAIL)

LEGEND WETLANDS BOUNDARY SURFACE WATERS BOUNDARY POTENTIALLY CONTAMINATED SITE	PROPOSED BRIDGE PROPOSED SIDEWALK PROPOSED TRAIL	PROPERTY LINES EXISTING ROW PROPOSED ROW TO BE ACQUIRED	Good Neighbor Trail (GNT) Conceptual Alternative Alignments		SHEET NO. 9
			American Consulting Engineers of Florida, LLC 2814 Cypress Ridge Blvd, Suite 200 Naples, FL 34109 Phone: (813) 973-5500 Fax: (813) 973-5501 Website: www.aecof.com		Project No: 43784-2 Drawing No: 9

DRAFT

Tom Varn Park

FKA Hernando Co Mining Assoc Enrichment Ctr

City Property

Jerome Brown Community Center

DARBY LN

70 71 72 73 74 75 76 77 78 79 80 81

EXIST. R/W

PROPOSED TRAIL

CONTINUE TRAIL THROUGH PARK ON CIPPE PREVIOUSLY APPROVED ALIGNMENT

0 15 30 Feet

North Arrow

Tom Varn
Park

City Property

Jerome Brown
Community Center

LEGEND

Legend:

- WETLANDS BOUNDARY
- SURFACE WATERS BOUNDARY
- POTENTIALLY CONTAMINATED SITE
- PROPOSED BRIDGE
- PROPOSED SIDEWALK
- PROPOSED TRAIL
- PROPERTY LINES
- EXISTING ROW
- PROPOSED ROW TO BE ACQUIRED

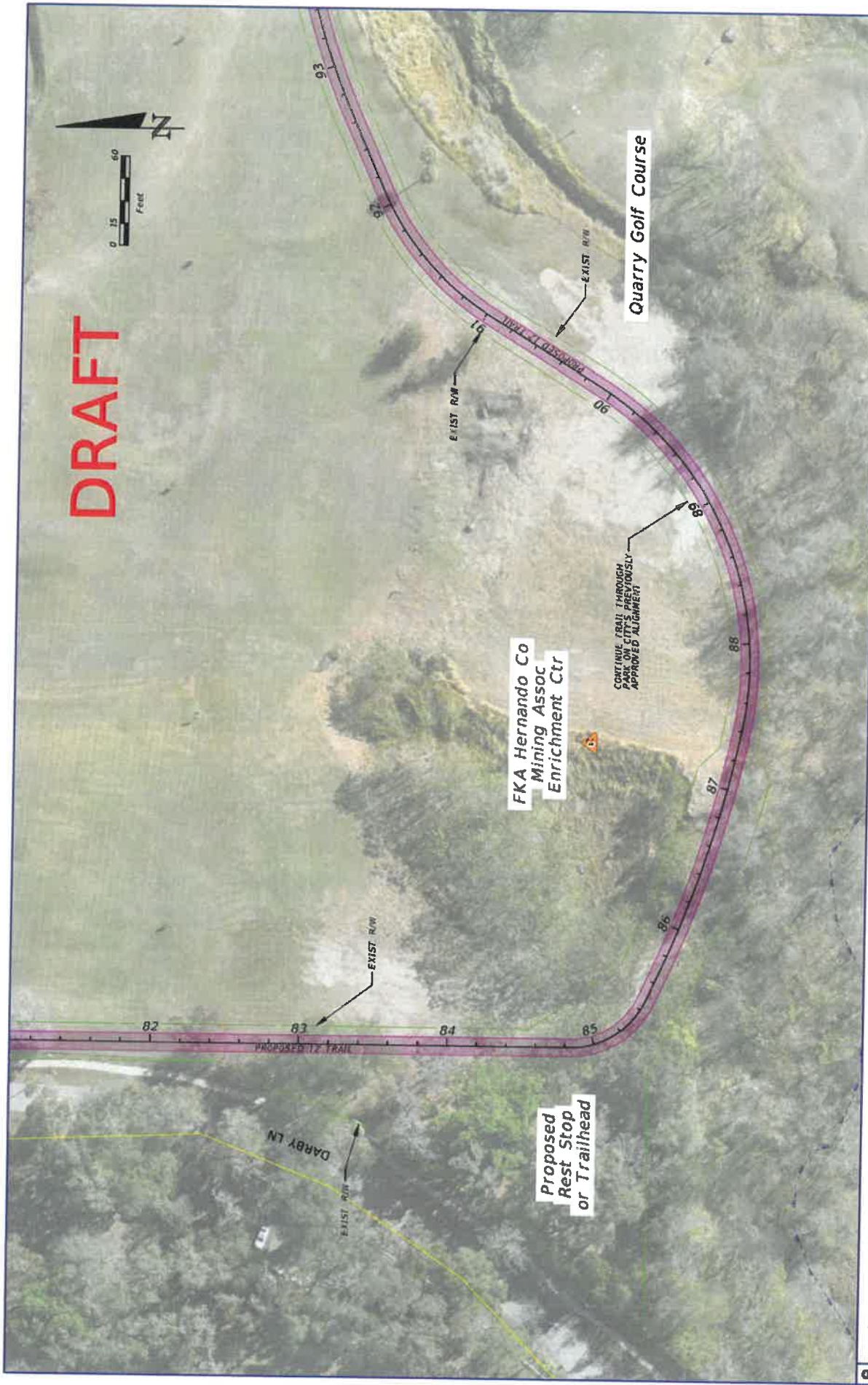
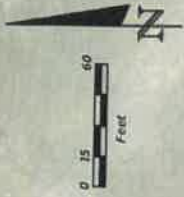
American
Consulting Engineers of Florida, LLC
2818 Cypress Ridge Blvd., Suite 200
Wesley Chapel, Florida 33544
Phone: (813) 436-2800 Fax: (813) 435-2601
Certificate of Authorization No. 3302

Good Neighbor Trail (GNT)
Conceptual Alternative Alignments

2

[illegible]

DRAFT



LEGEND WETLANDS BOUNDARY SURFACE WATERS BOUNDARY POTENTIALLY CONTAMINATED SITE PROPOSED BRIDGE PROPOSED SIDEWALK PROPOSED TRAIL PROPERTY LINES EXISTING ROW PROPOSED ROW TO BE ACQUIRED	American Consulting Engineers of Florida, LLC 2714 Cypress Ridge Blvd, Suite 200 Cypress Ridge, FL 33615 Phone: (813) 431-1800 Fax: (813) 431-2881 Email: info@american-consulting.com Website: www.american-consulting.com		Good Neighbor Trail (GNT) Conceptual Alternative Alignments	SHEET NO. 11
	Proposed Project No. 437264-2 1/28/2018 1:30 P.M.			



Tom Varn Park, Quarry Golf Course/Enrichment Center & GNT Trail ROW Area



LEGEND

 Tom Varn Park, the Quarry Golf Course and GNT Trail ROW Area

Research provided by the Hernando County Property Appraiser
This project was prepared by the City of Brooksville Community Development Department
The map is for informational purposes only and should not be used to determine the precise location of any feature.
Map: Brooksville City - January 26, 2016



Bud McKethan Park



F:\ESRI\ArcMap Projects\Brooksville Utilities 12132013.mxd

170 85 0 170 Feet

LEGEND



Bud McKethan Park

Brooksville provided by the Hernando County Geographic Information System (GIS) Department. This map is for informational purposes only and should not be used to determine the precise location of any feature. January 20, 2014

OWJ Communication / Statement of Significance



City of Brooksville
12-13-18

Florida Department of Transportation

RICK SCOTT
GOVERNOR

11201 North McKinley Drive
Tampa, FL 33612

ERIK FENNIMAN
SECRETARY

December 6, 2018

Mr. Mark A. Kutney, AICP, ICMA-CM
Brooksville City Manager
201 Howell Avenue,
Brooksville, FL 34601

Re: WPI Segment No. 437264-2 – Good Neighbor Trail Gap Study – Section 4(f)

Dear Mr. Kutney,

The Florida Department of Transportation has been working with city staff on a Project Development and Environment (PD&E) study since May 2017, for the extension of the Good Neighbor Trail from west of SR 50/Cortez Blvd/Cobb Road to the existing Good Neighbor Trail beginning point on Main Street. Specifically, we have been closely coordinating with Bill Geiger and Mike Walker in addition to Cliff Manuel with Coastal Engineering.

As part of the federal study process we must address involvement with public park lands which are considered as potential Section 4(f) resources according to the U.S. DOT Act of 1966 (49 USC 303). In this case, we believe that potential impacts to Tom Varn and Bud McKethan Parks can be considered as an exception to the requirement for Section 4(f) approval due to the fact that the city has previously dedicated a proposed trail alignment right of way through these two parks.

Title 23 CFR Sec. 774.13, paragraph g, provides the following exception to the requirement for Section 4(f) approval: (*OWJ = Officials with Jurisdiction*)

- g. Transportation enhancement projects and mitigation activities, where:
 - 1. The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
 - 2. The OWJ over the Section 4(f) resource agrees in writing to paragraph (g)(1) of this section.

Mr. Mark A. Kutney
Page 2
December 6, 2018

In order to obtain approval for this proposed exception, we need your agreement that Section g quoted above correctly applies to the proposed trail alignment which runs through the two parks noted above.

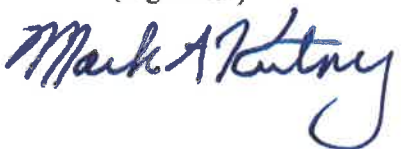
If you (or your designee) could sign below and return this letter (or a PDF scan of it) to my attention, it would facilitate the approval process and allow us to submit documentation to the FDOT's Office of Environmental Management for approval, on behalf of the Federal Highway Administration. Please contact me by email or phone if you have any questions, at kirk.bogen@dot.state.fl.us or at (813) 975-6448.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by FHWA and FDOT.

Sincerely,



Kirk Bogen, P.E.
FDOT District 7 Environmental Management Engineer

Concurrence		
	(Signature)	(Date)
Mark A. Kutney		12/19/18
City Manager		

Cc: Mike Walker, Parks & Recreation Director
Bill Geiger, Community Development Director
Justin Hall, District 7 GEC (Design Phase Project Manager)
Lilliam Escalera, District 7 PD&E Study Project Manager
Robin Rhinesmith, District 7 Environmental Administrator

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Project Name:	<u>Good Neighbor Trail Gap PD&E Study</u>		
FM#:	<u>437264-2</u>	ETDM#:	<u>N/App</u>
Project Review Date:	<u>1/14/2019</u>	FAP#:	<u>TBD</u>
FDOT District:	<u>7</u>		
County(ies):	<u>Hernando</u>		

Project Description including Section 4(f) Specific Information:

The proposed Good Neighbor Trail through Brooksville will complete a gap in Florida's Coast to Coast Trail in the Brooksville area. A project location map is shown in Figure 1. The proposed "gap trail" will begin on State Road (SR) 50/Cortez Boulevard, west of Cobb Road, and continue easterly through Brooksville, ending at the present Good Neighbor Trail near the intersection of Main Street and Russell Street. The total distance is approximately 3.1 miles. This project is a collaborative partnership among the City of Brooksville, the FDOT and the Hernando/Citrus Metropolitan Planning Organization (MPO). This proposed connector trail will tie in to the planned Good Neighbor Trail on SR 50 to the west of this proposed trail. The proposed trail will traverse a section of Tom Varn and Bud McKethan parks in Brooksville, which is the subject of this Section 4(F) DOA and Exception/Exemption.

Type of Property: Public Parks and Recreation Areas

Description of Property: Tom Varn Park is located in Brooksville at 301 Darby Lane, and Bud McKethan Park is located directly to the south at 800 John Gary Grubbs Boulevard (located off of US 41/Broad Street). The two parks have many recreational uses including softball diamonds and stadium, horseshoes, raquetball, volleyball, walking paths, disc golf, childrens playground, picnic areas and three lighted tennis courts. The parks also include a Senior Enrichment Center.

Establishing Section 4(f) Exception Eligibility (from 23 CFR 774.13):

The facts of the case must match the circumstances as described below:

- ☐ Restoration, rehabilitation or maintenance of transportation facilities that are on or eligible for the National Register when:
- (1) The Administration [FDOT] concludes, as a result of the consultation under 36 CFR 800.5, that such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, and
 - (2) The OWJ over the Section 4(f) resource have not objected to the FDOT conclusion.
- ☐ Archaeological sites that are on or eligible for the National Register when:
- (1) The Administration [FDOT] concludes that the archaeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration [FDOT] decides, with agreement of the OWJ, not to recover the resource; and
 - (2) The OWJ over the Section 4(f) resource have been consulted and have not objected to the Administration [FDOT] finding.
- ☐ Designations of park and recreation lands, wildlife and waterfowl refuges, and historic sites that are made, or determinations of significance that are changed, late in the development of a proposed action. With the exception of the treatment of archaeological resources in §774.9(e) discovered during construction, the Administration [FDOT] may permit a project to proceed without consideration under Section 4(f) if the property interest in the Section 4(f) land was acquired for transportation purposes prior to the designation or change in the determination of significance, and if an adequate effort was made to identify properties protected by Section 4(f) prior to acquisition. However, if it is reasonably foreseeable that a property would qualify as eligible for the National Register prior to the start of construction, then the property should be treated as a historic site and does not qualify for the Section 4(f) exception.
- In applying this exception the analyst must consider whether:
- (1) The property acquisition was completed prior to the designation or the change in the determination of significance.
 - (2) The Cultural Resources Assessment Survey (CRAS) report was considered complete and sufficient at the time of its submittal.

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- (3) The CRAS report identified the property in question as a resource that would require re-examination or that would become significant prior to construction.
- (4) The property in question is an archaeological site important primarily for the information it contains.

- ☐ Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:
 - (1) 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;
 - (2) 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;
 - (3) 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;
 - (4) 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
 - (5) There must be documented agreement of the OWJ over the Section 4(f) resource regarding the above conditions.
- ☐ Park road or parkway projects under 23 U.S.C. 204 which is the Federal Lands Access Program, providing access to transportation facilities located on or adjacent to, or provide access to Federal Lands.
- ☐ Certain trails, paths, bikeways, and sidewalks, in the following circumstances:
 - (1) Trail-related projects funded under the Recreational Trails Program, 23 U.S.C. 206(h)(2);
 - (2) National Historic Trails and the Continental Divide National Scenic Trail, designated under the National Trails System Act, 16 U.S.C. 1241-1251, with the exception of those trail segments that are historic sites as defined in 23 CFR 774.17, such as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the NRHP. The term includes properties of traditional religious and cultural importance to an Indian tribe that are included in, or are eligible for inclusion in the NRHP.
 - (3) Trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way without limitation to any specific location within that right-of-way, so long as the continuity of the trail, path, bikeway, or sidewalk is maintained; and
 - (4) Trails, paths, bikeways, and sidewalks that are part of the local transportation system and which function primarily for transportation unless they are historic.
- ☒ Transportation enhancement projects and mitigation activities, where:
 - (1) The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
 - (2) The OWJ over the Section 4(f) resource agrees in writing to the use described in (1) of this section.

Establishing Section 4(f) Exemption Eligibility (Refer to Chapter 7.3.4 for further information and criteria)

- ☐ Section 1303 of the FAST Act incorporates the ACHP Program Comment exemption for common post-1945 concrete and steel bridges and culverts into Section 4(f), eliminating review requirements for these structures under Section 4(f). This exemption applies to specific types of bridges and culverts built after 1945, including various forms of reinforced concrete slab bridges, reinforced concrete beam and girder bridges, steel multi-beam bridges or multi-girder bridges, and culverts and reinforced concrete boxes (See Section V Program Comment).
- ☐ (Section 11502 (23 U.S.C. 138(f)/49 U.S.C. 303(h)) exempts from Section 4(f) review the use of rail. The exemption to **Section 4(f)** applies regardless of whether the railroad or rail transit line, or element thereof, is listed on or is eligible for listing on the National Register of Historic Places.

The exemption applies to the following resource types which might otherwise be considered abandoned or not in use:

- Railroad and transit lines over which service has been discontinued under the process described in 49 U.S.C. 10903;
- Railroad and transit lines that have been railbanked (a voluntary agreement between a railroad company and a trail agency to use an out-of-service rail corridor as a trail until a railroad might need the corridor again for rail service as described in 16 U.S.C. 1247(d)); and

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- Railroad and transit lines that have been otherwise reserved for the future transportation of goods or passengers.

☐ 23 CFR 774.11(e)(2). The interstate highway system is exempt from being treated as a historic resource under Section 4(f), unless the U.S. Secretary of Transportation determines individual elements possess national or exceptional historic significance and should receive protection.
Interstate highway-related facilities in Florida determined historically significant by the Secretary of Transportation and therefore not exempt under Section 4(f) are:

- I-275 Bob Graham/Sunshine Skyway Bridge
- I-75 Alligator Alley- Milepost range 19.6-49.3
- I-75 Snake Wall
- I-95 Myrtle Avenue Overpass

☐ (23 CFR 774.11(h)) When a property formally reserved for a future transportation facility temporarily functions for park, recreation, or wildlife and waterfowl refuge purposes in the interim, the interim activity, regardless of duration, will not subject the property to Section 4(f).

☐ 23 CFR 774.11 (i) When a property is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource occurs, then any resulting impacts of the transportation facility will not be considered a use as defined in §774.17. Examples of such concurrent or joint planning or development include, but are not limited to:

- Designation or donation of property for the specific purpose of such concurrent development by the entity with jurisdiction or ownership of the property for both the potential transportation facility and the Section 4(f) property; or
- Designation, donation, planning, or development of property by two or more governmental agencies with jurisdiction for the potential transportation facility and the Section 4(f) property, in consultation with each other.

Explanation supporting the Section 4(f) property meets all of the criteria of the Exception or Exemption

The proposed trail as located in Tom Varn and Bud McKethan Parks will enhance the recreational features of the parks by providing improved and safer access to the parks for pedestrians, bicyclists and other nonmotorized trail users. Furthermore, with the connection to the Coast to Coast Connector Trail, the parks will experience increased exposure, popularity and useage.

Documentation

The following items must be attached to this form to ensure proper documentation of the Section 4(f)

Exception/Exemption:

1. DOA form and documentation
2. Required communications with the OWJ (i.e. concurrence letters) for the Exception/Exemption as applicable

Signatures

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT.

Signature: _____

Preparer



2/13/2019

Date

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06/17

Signature:



Environmental Manager, or designee


Click here to enter a date.

Date

2/13/2019

OEM

Concurrence:



2/15/2019

Signature:



Director of OEM, or designee

2/15/19

Click here to enter a date.

Date