

SECTION 5

SECTION 4(F) EVALUATION

Section 5 of this report presents a Section 4(f) Evaluation with respect to the possible use of Perry Harvey Sr. Park in accordance with the provisions of Section 4(f) of the *Department of Transportation Act of 1966 (Title 49, USC, Section 1653 (f), amended and recodified in Title 49, USC, Section 303, in 1983)*. Section 4(f) requires that, “special effort be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” Based on available right-of-way (ROW) information, the Preferred Alternative (Design/Build Alternative 1) would require acquisition of property from the Perry Harvey Sr. Park. Section 5.1 presents the impacts to the Perry Harvey Sr. Park.

Although the Florida High Speed Rail (FHSR) proposed action would require the acquisition of two contributing historic structures within the Ybor City National Historic Landmark District (NHLD), this action would not result in a Section 4(f) involvement for the FHSR. This conclusion was reached, in consultation with the Federal Railroad Administration (FRA) and the Federal Highway Administration (FHWA), due to the fact that these two historic structures are located within the Tampa Interstate Study (TIS) Ultimate ROW and have already been determined to have Section 4(f) involvement with the previously approved TIS project. The use of these two historic structures has already been evaluated in the TIS Section 4(f) Evaluation and mitigation measures are included in a Memorandum of Agreement (MOA). The MOA is included as an appendix to the Tampa Interstate Study Final Environmental Impact Statement and Section 4(f) Evaluation¹ and consists of specific commitments and stipulations, including the documentation, relocation, and rehabilitation of historic structures, plus architectural/historical salvage for structures not relocated and rehabilitated. Because the TIS Interim Alternative is currently being constructed, rather than the Ultimate approved alternative, the MOA has not been completely fulfilled. However, mitigation for the structures located in the TIS Ultimate ROW will remain in the MOA until that portion is constructed. Because the TIS Ultimate approved alternative included provisions for multi-modal transportation, the existing MOA would apply to the FHSR project. Therefore, the FHSR project will comply with the requirement of the existing TIS MOA and a new Section 4(f) Evaluation for common resources will not be required. These historic resources will not be discussed further in this section.

5.1 SECTION 4(F) EVALUATION OF PERRY HARVEY SR. PARK

The acquisition of property from Perry Harvey Sr. Park is also required under the TIS Project; therefore, a Section 4(f) Evaluation was previously prepared by the Florida Department of Transportation (FDOT) and the FHWA for the park as part of the Tampa Interstate Study Environmental Impact Statement². Impacts to the park, resulting from the proposed interstate improvements, are listed in a report entitled, Tampa Interstate Study Section 4(f) Parks and Recreational Analysis³, dated April 1994. The Interim Improvements for the TIS project, which do not affect the park, are currently under construction. The Ultimate improvements for the TIS project, which would affect the park, are not scheduled in the foreseeable future. Since the FHSR would likely precede the Ultimate TIS improvements if a decision is made to proceed

with one of the build alternatives for FHSR, the FHSR would impact the park first. Thus, a Section 4(f) Evaluation for Perry Harvey Sr. Park is prepared under this Environmental Impact Statement (EIS).

5.1.1 Proposed Section 4(f) Action

The proposed action, to construct and operate high speed passenger rail between Tampa and Orlando, is described in Section 2 of this EIS. The affected Section 4(f) resource is located in Corridor A, which begins at the western terminus of the project area and travels east and north along Interstate 275 (I-275). Proposed Design/Build Alternatives 1, 2, 5, and 6 (see Figure 2-8), en route from the Tampa station location, travel northeasterly along I-275 connecting to the Interstate 4 (I-4) median. Proposed Design/Build Alternatives 3, 4, 7, and 8 (see Figure 2-8) travel southeasterly from the Tampa station and connect to the CSX rail ROW.

5.1.2 Description of Perry Harvey Sr. Park

Owned by the City of Tampa, Perry Harvey Sr. Park is managed by the City of Tampa Parks Department. The park is officially designated as a neighborhood park in the City of Tampa Comprehensive Plan. It is bordered to the north and northwest by I-275, to the east and south by a public housing complex (Central Park Village), and to the west by Orange Street/Avenue. Perry Harvey Sr. Park is located within downtown, directly west of the Ybor City NHL, a highly urbanized area of Tampa. See the Perry Harvey Sr. Park aerial location map in Figure 5-1. The Perry Harvey Sr. Park site is composed of four distinct parcels, totaling 9.2 acres (ac.). Perry Harvey Sr. Park is an accumulation of several properties deeded to the City of Tampa by individual property owners, as well as a small number of deeds that were never located. Of the available deeds, none contained clauses that would require the property to revert to the prior owners upon any land use change.

Though an exercise/jogging path wraps around the entire park site (all four parcels), the majority of recreational attractions are located in the two southernmost park parcels. With the Central Park Village housing complex positioned directly adjacent and central to the recreational facilities, the park usage ranges from approximately 100 to 150 persons per day. In addition to meeting the recreational needs of the housing complex community, Perry Harvey Sr. Park provides recreational opportunities for 75 to 100 additional people per week from the City of Tampa's intramural recreational leagues. The Perry Harvey Sr. Park facilities include: a restroom, basketball courts, covered pavilions, a "skatebowl," playground, sand lot, and asphalt tennis courts. The City of Tampa has plans to demolish a restroom facility located on the parcel nearest the interstate, and re-roof the existing restroom located adjacent to the park office (see Figure 5-1).

Perry Harvey Sr. Park is divided into four distinct parcels due to a pre-existing roadway pattern. With a retaining wall (I-275) and dead-end roads (Estelle Street and Kay Street) creating divisions, the parcels to the north are fairly remote with no recreational facilities. Access into the park is available through Scott Street, which bisects the park property while providing entry into the Central Park Village housing complex. Primary access and parking (50 spaces) for Perry Harvey Sr. Park are located at Cass Street and Central Avenue. These will be maintained.

Additional access with limited parking is available at Kay Street near the tennis courts. However, the only designated parking spaces are those, located at Cass Street and Central Avenue, within the southernmost parcel.

Due to its proximity to the Central Park Village housing complex, Perry Harvey Sr. Park is easily accessible for young park attendees. The park also attracts skateboarding enthusiasts from throughout the city and Hillsborough County due to its unique paved skateboarding bowl, located within the southernmost parcel. Of the 155 parks within the City of Tampa limits, Riverfront Park, located 1.1 miles (mi.) southwest, offers similar recreational facilities, as well as the only other skateboarding facility within the City of Tampa.

5.1.3 Impacts on Perry Harvey Sr. Park

The construction of Alternatives 1, 2, 5, and 6 would require the acquisition of 0.184 ac. of Perry Harvey Sr. Park. The alternatives impact the northwest edge of Perry Harvey Sr. Park as shown in Figure 5-1. The existing exercise/jogging path located in the northernmost section of the park (north of Estelle Street) would be terminated approximately 40 feet (ft.) east of its current terminus at Henderson Avenue.

During the evaluation of retained alignments, Perry Harvey Sr. Park was also reviewed for constructive use impacts, referred to as proximity effects, resulting from the design/build alternatives. It was determined that there would be a potential for moderate noise level increases (proximity effects), as discussed in Section 4.2.3. An evaluation of vibration, access, aesthetics, and ecological encroachment indicates that the project will not substantially impair or diminish the use of the park and a determination was made that there will be no constructive use.

5.1.4 Avoidance Alternatives

No-Build Alternative

The No-Build Alternative assumes that a FHSR system would not be built between Tampa and Orlando. The requirements of the legislative mandate for the Florida High Speed Rail Authority (FHSRA) to build a high speed ground transportation system would not be met. The No-Build Alternative, which leaves all existing infrastructure as is, with no introduction of high speed passenger rail service, avoids Section 4(f) impacts and would not require the use of Perry Harvey Sr. Park. The No-Build Alternative, however, would not meet the project purpose and would not achieve the benefits of addressing vehicular congestion on I-4 or provide convenient transportation alternatives for commuter, business, and tourist traffic. With the No-Build Alternative, existing modes would have to satisfy all travel demand.

The No-Build Alternative includes planned and programmed transportation projects within the study area that are on the financially constrained “needs” plan. Those projects are summarized in Section 1, Purpose and Need. Although roadway demand continues to grow, the No-Build Alternative would not offer diversion from the roadway to FHSR. As a result, capacity and level of service (LOS) would decrease sooner than if FHSR was built. The resulting need to improve capacity and the LOS of the Tampa to Orlando transportation corridor will likely result in the



alignment identified for the FHSR being utilized for additional travel lanes. This will result in similar environmental consequences identified with the proposed project.

Design/Build Alternatives

The potential FHSR routes were previously compared and documented in the Florida High Speed Rail Corridor Screening Report (October 2002)⁴. For the Tampa area, these routes were the I-4 median and the CSX A- and S-Rail Lines. In order to effectively examine all alternatives to reach the I-4 median or the CSX A- and S-Lines from the western terminus (Central Business District [CBD] station site), the FHSRA developed and evaluated seven alignments. Of the initial study alignments, five avoid Perry Harvey Sr. Park. These alignments, A, B, C, D, and E, are summarized in the following paragraphs (See Figure 5-2).

Alignment A (Dark Green)

Alignment A, located on the north side of I-4, was developed early in the FHSR study in September 2002. Numerous social impacts eliminated this fatally flawed alignment prior to a detailed evaluation. Specifically, this proposed northern alignment would have traveled through the Ybor City NHL, Tampa Heights Historic District, Mobley Park Apartments, a newly constructed Section 8 (partial) housing project, and changed the access into the recently constructed Stetson Law School complex (imminent construction date). It also would have required a fourth or fifth level to cross the I-275/I-4 interchange. Given its substantial Section 4(f) uses and the significant impacts, Alignment A was determined as not a feasible or a prudent alternative.

Alignment B (Blue)

Alignment B was found to be fatally flawed and eliminated during the initial study. Alignment B was to be located within the “Ultimate” reconstructed median through the I-275/I-4 interchange between the CBD and 18th Street. There is currently no envelope or space for FHSR within the median from North Boulevard (west of the Hillsborough River) east through the I-275/I-4 interchange to 18th Street and I-4. Interim improvements have just been initiated for the I-275/I-4 interchange area. An envelope will be available within the “Ultimate” reconstruction of I-275. Proposed Alignment B was eliminated because the FHSR would be implemented prior to the “Ultimate” reconstruction and is not accommodated in the near term (Interim) interstate improvements. No schedule has been set or funds identified for the very costly “Ultimate” reconstruction. Alignment B was determined as not a feasible or a prudent alternative.

Alignment C (Red)

Alignment C was found to be fatally flawed and eliminated early in the study (during the Screening Process, October 2002) due to impacts to the community of Ybor City. Proposed Alignment C begins at the Hillsborough River and crosses over I-275 moving in a southeasterly direction until reaching Morgan Street and Cass Street. The alignment follows Cass Street in an easterly route until reaching Union Station. At Union Station, Alignment C moves adjacent to the

CSX A-Line along 8th Avenue curving in a northeasterly angle along the CSX ROW, reaching the median at U.S. 41.

Ybor City contains an overlap of historic district boundaries, including National Register of Historic Places (NRHP) listed, NHL, and local designated district (Barrio Latino). Traveling adjacent to Union Station, Alignment C could possibly affect the continued or future use of the NRHP-listed station, and would take the parking lot of the historic St. Paul African Methodist Episcopal (AME) Church. Passing just south of Central Park Village, Alignment C would also change the access to this public housing community. Given the significant impacts to the community of Ybor City, the Central Park Village, and two historic structures, Alignment C was determined as not a feasible or a prudent alternative.

Alignment D (Purple)

Alignment D is considered viable for further evaluation. Proposed Alignment D would leave the CBD station moving eastward along Fortune Street curving southeasterly at Marion Street. The alignment then curves eastward onto Cass Street and continues due east until reaching Union Station. This alignment passes just south of the Central Park Village housing complex. At Union Station, Alignment D moves adjacent to the CSX S-Line along Adamo Drive, until reaching Interstate 75 (I-75). Alignment D stretches northward within the median of I-75 until reaching the I-4 median. Located adjacent to Union Station, Alignment D could possibly affect the continued or future use of the NRHP-listed station, and would demolish the parking lot of the historic St. Paul AME Church. Passing just south of Central Park Village, Alignment D would also change the access to this public housing community. In comparison to Alignments A, B, C, and E, Alignment D has the least impacts, avoids the NHL, was considered a viable avoidance alternative, and received further evaluation during this Project Development & Environment Study. Design/Build Alternatives 3, 4, 7, and 8 (Alignment A2) fall within the area of Alignment D in the vicinity of Perry Harvey Sr. Park as described in the Florida High Speed Rail Corridor Screening Report (October 2002).

Design/Build Alternatives 3, 4, 7, and 8 (Alignment A2) avoid impacts to Perry Harvey Sr. Park. However, these alternatives impact three historic sites in Tampa where the alignment passes through a commercial urban area to connect to the CSX rail line. The alignment passes through the parking lot of the St. Paul AME Church and directly impacts the adjacent parsonage, both of which are eligible for listing on the NRHP. The church would not be directly affected. However, the taking of land from the parking lot and the taking of the Parsonage could affect its use. The alignment for Design/Build Alternatives 3, 4, 7, and 8 also passes directly north of the Tampa Union Station, which is listed on the NRHP, and requires a small amount of ROW from the historic boundary. Given the impacts to the three historic sites, these alternatives were determined as not a feasible or a prudent alternative to the use of 0.184 ac. of the Perry Harvey Sr. Park in the Preferred Alternative.

Alignment E (Yellow)

Alignment E was found to be fatally flawed and was eliminated early in the initial study process (see the Florida High Speed Rail Corridor Screening Report, October 2002). Proposed



Alignment E leaves the CBD station area moving eastward along Fortune Street and curves southeasterly at Marion Street. Shifting to an eastward movement at Morgan Street and Cass Street, Alignment E continues southeasterly until reaching the CSX ROW at Jefferson Street. The alignment continues along the CSX ROW until reaching Union Station. At Union Station, Alignment E moves adjacent to the CSX A-Line along 8th Avenue, curving in a northeasterly angle along the CSX ROW, reaching the median at U.S. 41.

Due to impacts to the northern edge of the newly designated Franklin Street Historic District; potential ROW acquisitions, noise, and visual impacts to Ybor City; the taking of the parking lot of the historic St. Paul AME Church; and potential impacts to the NRHP-listed Union Station, Alignment E was determined as not a feasible or a prudent alternative.

5.1.5 Measures to Minimize Harm

Design/Build Alternatives 1, 2, 5, and 6 originally required acquisition of 1.071 ac. of the Perry Harvey Sr. Park. In order to minimize impacts caused by the alignment, a refinement to the conceptual design was developed. Certain design speed refinements reduce the impacts to the park and, as a result, only 0.184 ac. of the park would be impacted.

5.1.6 Coordination

City of Tampa Parks Department

Early efforts to coordinate with property owners and interested parties included collecting parcel deeds, verifying parcel ownership, documenting existing park facilities, verifying proposed park improvements, and researching park demographics.

Meetings were held with the City of Tampa, Perry Harvey Sr. Park administrators, and other interested parties early in the project to present the FHSR project and to obtain comments and suggestions. As a result, a letter from the City of Tampa Parks Director suggests that although there are improvements planned for the Perry Harvey Sr. Park, they do not consist of any new structural improvements, or any improvements to the area where acquisition is necessary. The City Parks Director further states “this **is** a significant park for the citizens of the downtown Tampa area” (See City of Tampa Parks Director letter in Appendix B).

Final Agency Coordination Meeting

Coordination meetings were held with the FDOT, FRA, and the FHWA to discuss measures to minimize harm to Perry Harvey Sr. Park. The Design/Build Alternatives were reviewed and discussed resulting in minimization of impacts to the park as identified in Section 5.1.5. The impact minimization efforts have been coordinated with the City of Tampa.

Department of Interior

The Draft Environmental Impact Statement (DEIS) was provided to the Department of Interior in August 2003 for their review and comment. No comments have been received to date. The Final Environmental Impact Statement (FEIS) will be provided for their review and comment.

5.1.7 Preferred Alternative

The Preferred Alternative (Design/Build Alternative 1) is described in Section 2.6. Within the vicinity of the Perry Harvey Sr. Park, the Preferred Alternative begins in Tampa at the proposed Tampa Downtown Station (south of I-275/I-4 Interchange) and runs south of, and parallel to, I-275 and I-4 to approximately 14th/15th Streets where the alignment crosses into the I-4 median, as shown in Figure 5-3. For the most part, Alignment F falls within the FHWA approved TIS ROW, however, a minor amount of additional land will be required from the northwest edge of the Perry Harvey Sr. Park for the FHSR. Based upon available ROW information, the construction of the Preferred Alternative will require 0.184 ac. of Perry Harvey Sr. Park. The ROW requirements will be further refined during design and ROW mapping when detailed information is available. The following numbers are clarifications of the amount of land needed for the FHSR and the previously FHWA approved TIS:

- Original TIS taking = 0.66 ac.
- Amount of TIS take needed for FHSR = 0.041 ac.
- Additional amount needed for FHSR = 0.143 ac.
- Total Section 4(f) impact = $0.041 + 0.143 = 0.184$ ac.

The Preferred Alternative impacts the northwest edge of Perry Harvey Sr. Park as shown in Figure 5-1. The existing exercise/jogging path located in the northernmost section of the park (north of Estelle Street) would be terminated approximately 40 ft. east of its current terminus at Henderson Avenue.

5.1.8 Mitigation

As a result of continuing coordination, the FHSRA requested through a letter to the City of Tampa that it concur in writing with the proposed mitigation that provides for compensation for the impacts to Perry Harvey Sr. Park, which will be determined during the ROW phase of the FHSR project. Response from the City of Tampa indicates that compensation for impacts to the park can be accomplished through the eminent domain process (See City of Tampa Parks Director letter dated March 11, 2004, in Appendix B).

As stated previously, the TIS Ultimate ROW includes provisions for multi-modal transportation that applies to the FHSR project. The FHSR project will comply with the specific commitments and stipulations identified in the existing TIS MOA for the Ultimate ROW requirements.

Conclusion

The acquisition of 0.184 ac. of ROW at Perry Harvey Sr. Park is an unavoidable impact of the project, since a prudent and feasible alternative does not exist. Measures to minimize harm were evaluated and implemented to the greatest extent possible.

It was determined that there would be a potential for moderate noise level increases (proximity effects), as discussed in Section 4.2.3. An evaluation of vibration, access, aesthetics, and ecological encroachment indicates that the project will not substantially impair or diminish the use of the park and a determination was made that there will be no constructive use.

Based on the above considerations, there is no feasible and prudent alternative to the use of land from the Perry Harvey Sr. Park and the proposed action includes all possible planning to minimize harm to the park resulting from such use.

5.2 REFERENCES

1. Tampa Interstate Study Final Environmental Impact Statement and Section 4(f) Evaluation; Greiner, Inc.; Tampa, Florida; November 1996.
2. Tampa Interstate Study Environmental Impact Statement; Greiner, Inc.; Tampa, Florida; 1993.
3. Tampa Interstate Study Section 4(f) Parks and Recreational Analysis; Greiner, Inc.; Tampa, Florida; April 1994.
4. Florida High Speed Rail Corridor Screening Report; PBS&J; Tampa, Florida; October 2002.