

*Readers' Guidance:*

*This chapter includes updates to the subject from that reported in the Draft EIR/EIS in April 2004.*

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## CHAPTER 7 - SECTION 4(f) EVALUATION

This chapter provides an evaluation of the proposed LRT alternatives relative to Section 4(f) of the Department of Transportation Act of 1966.

### 7-1 REGULATIONS

Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303), declares that “[i]t 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.”

Section 4(f) specifies that “[t]he Secretary [of Transportation] may approve a transportation program or project . . . requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge or site) only if:

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the Department of Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development, and relevant state and local officials, in developing transportation projects and programs that use lands protected by Section 4(f).

### 7-2 DEFINITION OF USE UNDER SECTION 4(F)

As defined in 23 CFR 771.135(p), the “use” of a protected Section 4(f) resource occurs when:

- land is permanently incorporated into a transportation facility through partial or full acquisition (i.e., “direct use”);
- there is a temporary occupancy of land that is adverse in terms of the preservationist purposes of Section 4(f) (i.e., “temporary use”); or
- there is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e., “constructive use”).

#### 7-2.1 Direct Use

A direct use of a Section 4(f) resource takes place 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 easements, or temporary easements that exceed regulatory limits noted below (see also 23 CFR 771.135(p)(7)).

## 7-2.2 Temporary Use

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of property that is considered adverse in terms of the preservationist purposes of the Section 4(f) statute. The FHWA regulations detail the conditions under which a temporary occupancy of property does not constitute a use of a Section 4(f) resource. The following requirements must be satisfied: (1) the occupancy must be of temporary duration (i.e., shorter than the period of construction) and not involve a change in ownership of the property; (2) the scope of work must be minor, with only minimal changes to the protected resource; (3) there are no permanent adverse physical effects on the protected resource, nor will there be temporary or permanent interference with activities or purpose of the resource; (4) the property being used must be fully restored to a condition that is at least as good as that which existed prior to the proposed project; and (5) there must be documented agreement of the appropriate officials having jurisdiction over the resource regarding the foregoing requirements.

## 7-2.3 Constructive Use

A constructive use of a Section 4(f) resource happens when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, access, and/or ecological impacts) so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only if the protected activities, features, or attributes of the resource are substantially diminished. This determination is made through: (1) identification of the current activities, features, or attributes of the Section 4(f) resource that may be sensitive to proximity impacts; (2) analysis of the potential proximity impacts on the resource; and (3) consultation with the appropriate officials having jurisdiction over the resource.

## 7-3 ARCHEOLOGICAL RESOURCES

The archeological resources analysis for the study area included by a record search and field reconnaissance of areas along the rail right-of-way to identify historic properties that are listed in the National Register of Historic Places (NRHP), or that would be eligible for listing. One recorded site, in San Dimas, lies adjacent to and under the proposed rail alignments.

## 7-4 HISTORIC RESOURCES

The cultural resources analysis for the study area included by a record search and field reconnaissance of areas along the rail ROW to identify historic properties that are listed in the National Register of Historic Places (NRHP), or that would be eligible for listing. This analysis indicated the following properties are along the proposed project ROW and could potentially be affected by the project:

- Two individual properties within the boundary of a property previously listed in the National Register (Stuart Company Plant and Office Building, in Pasadena, and Atchison Topeka & Santa Fe Railroad Station, in Claremont);
- Two properties previously determined eligible for the National Register;
- Seven properties determined eligible for the National Register as a result of the Metro Gold Line Foothill Extension Pasadena to Montclair Section 106 identification effort;

- One hundred-eleven properties with buildings or structures constructed in or before 1954 that do not meet National Register criteria because either they do not retain integrity from their period of significance, or are not associated with an important historic context; and
- The remaining properties in the APE are improved with buildings constructed in or after 1955 that are not eligible for the National Register because they possess no known association with an important historic context that would override the National Register's 50-year age criterion consideration.

## 7-5 PARKS

There are 28 parks located along the proposed ROW that could potentially be affected by the project as shown in the following table.

<b>TABLE 7.1 PARKS</b>			
<b>Parks</b>	<b>Distance</b>	<b>Sources of Impact</b>	<b>Potential Construction Impact</b>
Eaton Wash Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
The Arboretum of Los Angeles County	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Forest Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Newcastle Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Arcadia County Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
Eisenhower Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
Bonita Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Aloysia Moore Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Duarte Sports Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
Northview Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
Otis Gordon Sports Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
Santa Fe Dam Recreation Area	Adjacent	<u>Acquisition of property,</u> noise, air quality, visual	<u>Less than Adverse/Less than Significant</u>
Veterans Freedom Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Sandburg Middle School Park	0.2 mile	noise, air quality	Not Adverse/Not Significant
Big Tree Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
South Hills Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
Centennial Heritage Park	0.15 mile	noise, air quality	Not Adverse/Not Significant
Louie Pompei Sports Park	0.1 mile	noise, air quality	Not Adverse/Not Significant
Rhoads Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Pioneer Park	0.1 mile	noise, air quality	Not Adverse/Not Significant
Civic Center Park	0.15 mile	noise, air quality	Not Adverse/Not Significant
Wheeler Avenue Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Kuns Park	0.25 mile	noise, air quality	Not Adverse/Not Significant

TABLE 7.1 PARKS			
Parks	Distance	Sources of Impact	Potential Construction Impact
Challenger Park	0.1 mile	noise, air quality	Not Adverse/Not Significant
Palomares Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
Shelton Park	0.25 mile	noise, air quality	Not Adverse/Not Significant
College Park	Adjacent	noise, air quality, visual	Not Adverse/Not Significant
El Barrio Park	0.1 mile	noise, air quality	Not Adverse/Not Significant

Source: Myra L. Frank & Associates, 2003

## 7-6 TRAILS

There are no existing trails located along the proposed right-of-way that could potentially be affected by the project. There are pending proposals to develop trails within the right-of-way between the cities of La Verne and Upland. The proposals were initiated when LACMTA perceived the rail right-of-way to be underutilized.

## 7-7 PROPOSED FINDING

The proposed project ~~does not~~ would require the acquisition of ~~any-one~~ Section 4(f) protected properties, ~~so there would be no direct use of such properties~~ a 6.90 acre strip of land out of the 860 acre Santa Fe Dam and Recreation Area. The area proposed for acquisition does not include any recreational assets. It features an unpaved road that provides access to a monitoring facility. The following section provides a discussion of feasible and prudent alternatives and efforts to minimize harm. This information documents that the use of the Section 4(f) property would be warranted.

Construction of ~~any proposed LRT~~ the balance of the Build Alternatives would occur within existing rail right-of-way, or on now-vacant parcels or occupied parcels that would need to be acquired for project purposes. Construction activities are not expected to ~~require the utilization of, or~~ have substantial adverse impacts on any Section 4(f) protected properties. The California SHPO concurred on July 1, 2004 that the alternatives identified in the Draft EIS/EIR would have no adverse effect on National Register eligible resources (primarily historic depots). There have been no modifications to the alternatives subsequent to the Draft EIS/EIR that would change this determination. Construction activities that occur adjacent to historic, park and wildlife resources ~~are expected to~~ would be of short duration and would be conducted in accordance with permit conditions that are designed to protect the environment, thus limiting potential impacts during construction. Accordingly, no Section 4(f)-qualified temporary impacts are expected.

Impacts generated by any LRT Alternative that have the potential to create constructive use impacts to protected resources would be air quality, noise, or traffic. All of the protected resources are currently subject to effects from these impact categories under current conditions. The current effects arise from the proximity of the resources to an active rail line and their location in an urban environment. The incremental increases in impacts that could occur from implementation of any LRT Alternative was identified in Chapter 3 and were reported to be not adverse. Thus, none of the LRT Alternatives would create constructive use of Section 4(f)-protected resources.

## 7-8 DISCUSSION OF FEASIBLE AND PRUDENT ALTERNATIVES, PLANNING TO MINIMIZE HARM

### 7-8.1 Potential Alternative Sites for the Maintenance and Operations Facility

Foothill Extension project requires a Maintenance and Operations Facility for to daily and ongoing maintenance of light rail vehicles. The fleet for the proposed project is approximately 80 vehicles. The Foothill Extension corridor is a fully urbanized area, with very few vacant parcels overall, and especially adjoining the existing rail right of way in which the project is to be constructed. Only three vacant sites of sufficient size adjacent to the alignment were identified during the planning process. Two of these have been acquired for residential development. Only the proposed, vacant site in Irwindale (approximately 24 acres in total size) remains viable. Assembly of an alternative site would require substantial displacements of businesses or residences. Accordingly, the proposed site appears to be the only feasible and prudent alternative for the location of a Maintenance and Operations Facility.

The proposed site is constrained by the fact that it is a former quarry site, requiring an unusual facility layout to avoid the quarry area, which is more than 200 feet deep. (See **Figure 7-1**). Facilities must basically wrap around the quarry, which is about 10 acres in size. In order to provide proper rail access into the facility, two connections to the main rail line to the north of the site are needed. Due to the quarry pit's location near the western boundary of the property, a narrow band of land for the Santa Fe Dam and Recreation Area is needed, so that the rail access line can be located a safe distance from the edge of the pit. The band of land ranges in width from out 50 to 150 feet, and has a length of about 22,000 feet. Its total area is approximately 6.9acres.

### 7-8.2 Planning to Minimize Harm

The overall acreage of the Santa Fe Dam and Recreation Area is about 869 acres. The property is owned by the US Army Corps of Engineers. The recreational aspects of the property are under the management of the Los Angeles County Parks and Recreation Department. There are no recreation resources on the area proposed for acquisition. The closest recreation resource is a paved hike and bike trail, which is more than 1000 feet from the proposed acquisition. The area now includes an unpaved roadway that provides access to a monitoring facility. Proposed construction of rail lines on the property would no damage any recreational asset, so no planning for this issue is needed.

This area of the park is bordered on the north by I-210, so it is subject to the effects associated with a high volume freeway. Just to the southwest of the area to be acquired, it an US Alcohol and Tobacco facility, and associated high volumes of truck movements. Thus, the area proposed for acquisition is not characterized by quiet or solitude. Because of this existing condition, no planning for the typical concern about noise in a park was undertaken.

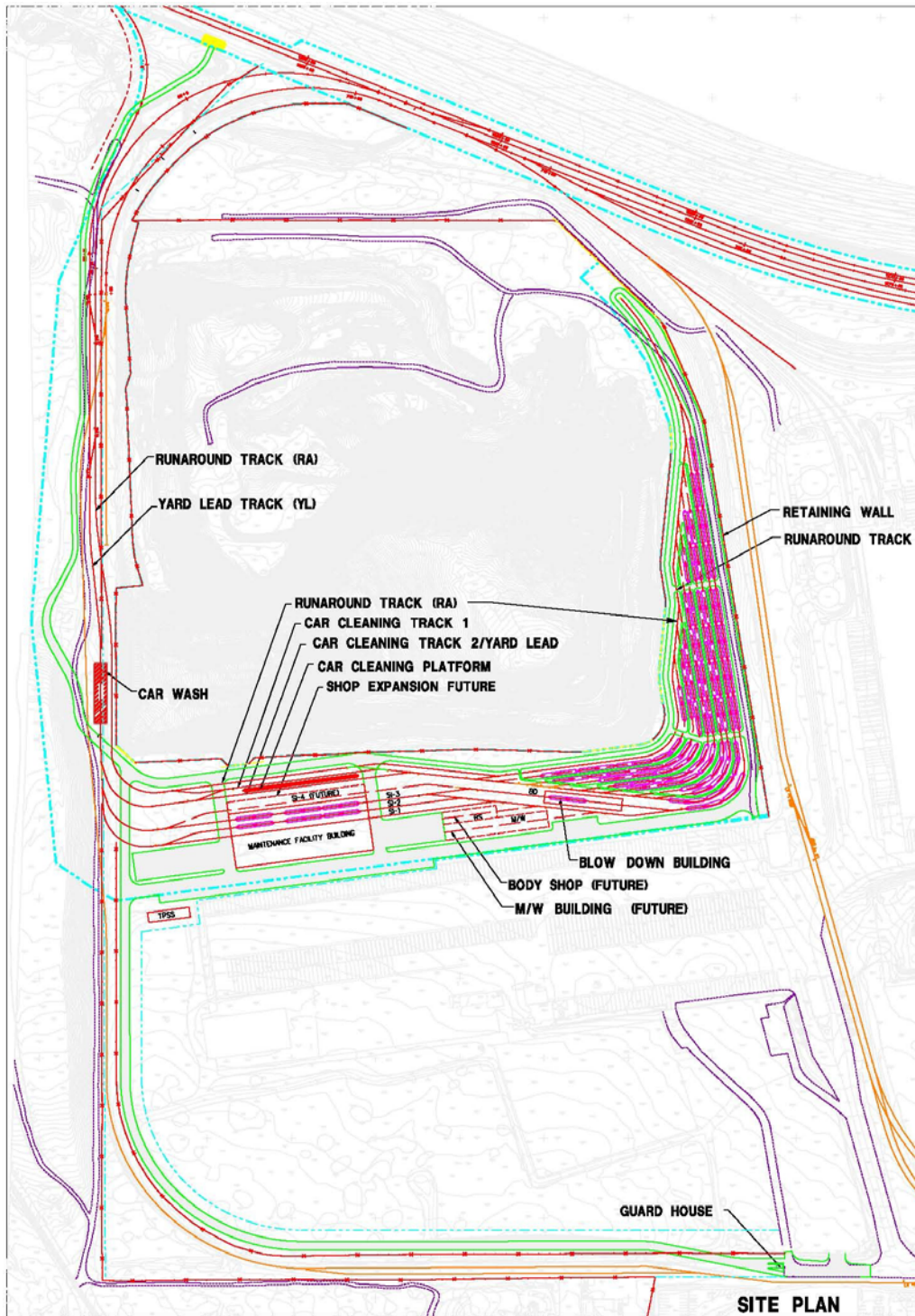


FIGURE 7-1: FOOTHILLEXTENSION MAINTENANCE AND OPERATIONS FACILITY