



Request for Public Comment

Section 4(f) of the US Department of Transportation Act- *de minimis* Finding

I-495 & I-270 Managed Lanes Study, Montgomery County

The Maryland Department of Transportation State Highway Administration is proposing improvements along I-495 and I-270 in Montgomery County, Maryland. This project would impact Malcolm King Park, which is owned and managed by the City of Gaithersburg and protected under Section 4(f) of the US Department of Transportation Act of 1966 (Section 4(f)).

QUESTIONS AND ANSWERS ABOUT THE PROJECT

Why is this work necessary and what improvements are proposed?

The I-495 & I-270 Managed Lanes Study's (MLS) purpose is to develop a travel demand management solution(s) that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits, and enhances existing and planned multimodal mobility and connectivity. The needs for the MLS are:

- Accommodate Existing Traffic and Long-Term Traffic Growth
- Enhance Trip Reliability
- Provide Additional Roadway Travel Choices
- Accommodate Homeland Security
- Improve Movement of Goods and Services

Two goals for the MLS are also identified in addition to the purpose and needs: (1) the use of alternative funding approaches for financial viability and (2) environmental responsibility.

The proposed work includes implementing a two-lane, High Occupancy Toll (HOT) managed lanes network on portions of I-495 and I-270. On I-495, the Preferred Alternative consists of adding two, new HOT managed lanes in each direction from the George Washington Memorial Parkway in Fairfax County, Virginia to west of MD 187. On I-270, the Preferred Alternative consists of converting the one existing High Occupancy Vehicle (HOV) lane in each direction to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs.

Why are comments being requested?

23 CFR 774.5(b) of Section 4(f) allows the Federal Highway Administration (FHWA) to determine that certain transportation uses of Section 4(f) land would have no adverse effect on the protected resource. With respect to publicly owned parks and recreation areas, a finding of *de minimis* impact may occur if a transportation project, including any proposed mitigation, does not "adversely affect the activities, features and attributes" of the Section 4(f) resource. When this is the case, public notice and opportunity for public review and comment on the finding is required. In addition, the finding of FHWA requires written concurrence from the officials with jurisdiction over the resource. Before concurring, the officials with jurisdiction must consider any public comments received.

What are the impacts to protected Section 4(f) resources?

Malcolm King Park is a 72.9-acre publicly owned park and recreation area located at 1200 West Side Drive in Gaithersburg. Most of the park is wooded and serves as a buffer for Muddy Branch. Malcolm King Park has a variety of park amenities, including a basketball court, picnic area, playground, tot lot, hiking trails, and tennis courts.

Based on efforts to further avoid and minimize impacts to the City of Gaithersburg parkland on the Preferred Alternative, MDOT SHA was able to completely avoid the use of Morris Park which had an impact of 1.1 acres in the Draft Environmental Impact Statement (DEIS). Additionally, MDOT SHA was able to further reduce impacts to Malcolm King Park by 0.8 acres from the impact of 1.3 acres identified in the Supplemental DEIS. The MLS Preferred Alternative would now result in a Section 4(f) use of 0.5 acre of Malcolm King Park, including 0.4 acre of permanent impact and less than 0.1 acre of temporary impact. The potential Section 4(f) use would occur at the edge of the park, near the existing I-

270 ramps. These impacts would be required to accommodate a constructability area related to the widening of I-270; augmenting an existing culvert; stabilizing the Muddy Branch outfall; and improvements to an existing outfall culvert. No recreational facilities within the park would be impacted. In addition, measures to mitigate for impacts to this park would include providing replacement parkland at an offsite location identified in coordination with the City of Gaithersburg.

After taking into account measures to minimize harm and mitigate impacts to Malcolm King Park, the impacts are not expected to adversely affect the activities, features and attributes that qualify the park for protection under Section 4(f).

MDOT SHA, through this notice, is notifying the public that it will request that FHWA make a *de minimis* (or minor) impact finding and is providing the public the opportunity to provide comments on this finding in accordance with Section 4(f).

How do I comment?

Please contact Ms. Caryn Brookman, Environmental Program Manager at oplanesMLS@mdot.maryland.gov.