



Request for Public Comment

Section 4(f) of the U.S. Department of Transportation Act- *de minimis* Finding

Elmhirst Parkway (Bridge M-0353) at Elmhirst Lane in Bethesda

PROJECT DESCRIPTION

The Montgomery County Department of Transportation (MC DOT) is considering improvements to the existing bridge structure on Elmhirst Parkway at Elmhirst Lane in Bethesda. This project is located adjacent to the Elmhirst Parkway Neighborhood Conservation Area which is a publicly owned public park protected under Section 4(f) of the U.S. Department of Transportation Act.

QUESTIONS AND ANSWERS ABOUT THE PROJECT

Why is this work necessary and what improvements are proposed?

The purpose of the project is to improve structural and operational deficiencies of the existing Bridge M-0353 on Elmhirst Parkway over the Rock Creek tributary in Bethesda. The proposed work will include construction of a new in-kind replacement structure with stained concrete headwalls and wing walls to match the appearance of the original stone.

Why are comments being requested?

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allows the Federal Highway Administration (FHWA) to determine that certain transportation uses of Section 4(f) land will have no adverse effect on protected resources. With respect to publicly owned parks and recreation areas, a finding of *de minimis* impact may occur if a transportation project does not "adversely affect the activities, features and attributes" of the Section 4(f) resource. When this is the case, the finding of FHWA requires written concurrence from the official(s) with jurisdiction over the resource. In addition, public notice and opportunity for public review and comment on the finding is required.

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

The improvements at Elmhirst Parkway Bridge M-0353 will require fee simple right-of-way from the (Elmhirst Parkway Neighborhood Conservation Area), owned by the Maryland National-Capital Parks and Planning Commission (M-NCPPC). Although the right-of-way required from the recreation area is considered a "use" as defined by Section 4(f) of the U.S. Department of Transportation Act (1966), there will be no negative impact on activities, features, and attributes that qualify the recreation area for protection under Section 4(f). MC DOT, through this notice, is notifying the public that it will request the Federal Highway Administration make a *de minimis* (or minor) impact finding, in accordance with Section 4(f). M-NCPPC, as officials with jurisdiction, concurred with the *de minimis* finding in a letter dated April 22, 2014. The public is requested to provide comments on this finding.

How do I comment?

Please provide comments to Mr. Brian Copley, PE, Montgomery County DOT, Capital Project Manager, Division of Transportation Engineering at 240.777.7227 or email; brian.copley@montgomerycountymd.gov by May 23, 2014.