



## Request for Public Comment

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

MD 28: MD 97 to Bailey's Lane Sidewalk Installation in Montgomery County

#### PROJECT DESCRIPTION

The Maryland Department of Transportation State Highway Administration (MDOT SHA) is considering installing sidewalk and pedestrian amenities along MD 28 (Norbeck Road) between MD 97 and Bailey's Lane in Montgomery County. This project will impact the East Norbeck Local Park owned and managed by the Maryland-National Capital Park and Planning Commission (M-NCPPC) 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 improvements are necessary to increase pedestrian safety and mobility along MD 28. Sidewalk will be constructed along the south side of MD 28 and will include crosswalks at the Bailey's Lane intersection to provide a connection to East Norbeck Local Park located on the north side of MD 28. A traffic signal will also be installed at the intersection and will include pedestrian signals at the crosswalks connecting to the park entrance.

##### 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 will 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 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 officials 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 along MD 28 from MD 97 to Bailey's Lane will require a perpetual easement from East Norbeck Local Park, which is owned and managed by M-NCPPC, in order to construct and maintain the proposed traffic signal. Although the permanent right-of-way required from the park is considered a "use" as defined under Section 4(f), there will be no negative impact on the activities, features, and attributes that qualify the recreation area 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, in accordance with Section 4(f). M-NCPPC is being informed of MDOT SHA's intent to seek a Section 4(f) *de minimis* impact finding. With this notice, the public is afforded the opportunity to provide comments on this finding.

##### How do I comment?

Please contact Ms. Dorey Uong, MDOT SHA Project Manager at (301) 513-7390 or [duong@sha.state.md.us](mailto:duong@sha.state.md.us), or Ms. Kirby Cole, MDOT SHA Consultant Environmental Manager at (410) 545-2874 or [kcole@sha.state.md.us](mailto:kcole@sha.state.md.us); or visit us at [www.roads.maryland.gov](http://www.roads.maryland.gov).