



## ***REQUEST FOR PUBLIC COMMENT***

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

#### **CSX Rail Crossings: Canal Road and Lander Road**

### **PROJECT DESCRIPTION**

The Maryland State Highway Administration (SHA) is proposing to install cantilever signal arms at the intersections of Lander Road and CSX Rail, and Canal Road and CSX Rail, in Frederick County. Portions of the project area are adjacent to the C&O Canal National Historical Park.

### **QUESTIONS AND ANSWERS ABOUT THE PROJECT**

#### **Why is this work necessary and what improvements are proposed?**

The purpose of this project is to improve crossing safety at the target intersections by installing cantilever signal arms. Currently, the crossings are un-signalized and have poor sight distance.

The proposed work will include: installing track sensors, trenching for electrical conduit, installing cantilever signal arms and electrical cabinets, constructing a 6' by 6' flood platform for adjacent operations sheds, and resurfacing portions of the crossings.

#### **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?**

During the course of construction, machinery will be operating in the area immediately adjacent to the crossings and rail lines. The operation of this machinery will result in surface and subsurface soil disturbance. The project may also result in the permanent installation of crossing facilities within the C&O Canal National Historical Park property. Although these activities within the recreation area constitute 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). SHA, through this notice, is notifying the public that it will request that the Federal Highway Administration make a *de minimis* (or minor) impact finding, in accordance with Section 4(f). The C&O Canal National Historical Park Superintendent, as the official with jurisdiction, concurred with the *de minimis* finding on July 12<sup>th</sup>, 2013. The public is requested to provide comments on this finding.

#### **Do You Have Additional Questions or Comments?**

Please contact Mr. Robert Herstein, SHA Project Manager, (410) 787-5867 or toll-free (888) 963-0307 or Mr. William N. Tardy, SHA Environmental Manager, (410) 545-8565 or toll-free (866) 527-0502, [www.roads.maryland.gov](http://www.roads.maryland.gov).