



STATE HIGHWAY  
ADMINISTRATION

## Request for Public Comment

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

#### *Sidewalk Improvements at FDR Blvd. in St. Mary's County*

## PROJECT DESCRIPTION

The Maryland Department of Transportation State Highway Administration (MDOT SHA) is considering sidewalk improvements at FDR Boulevard and MD 235 in St. Mary's County. This project will impact Three Notch Trail, a publicly owned public park 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 current sidewalk associated with the Three Notch Trail in this location is not currently compliant with the Americans with Disabilities Act (ADA) requirements. The improvements to this portion of the trail will replace portions of concrete sidewalk, remove portions of concrete sidewalk, reconstruct the ADA ramp, reconstruct the curb, and install detectable warning surfaces where the trail meets the crosswalk for FDR Boulevard, bringing the portion of the trail and adjacent sidewalk into ADA compliance. Construction is anticipated to take approximately two weeks.

### **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 sidewalk improvements at FDR Boulevard and MD 235 require right-of-entry agreements from Three Notch Trail which is owned by the St. Mary's County Board of Commissioners. Although the right-of-entry agreements required from the recreation area and the direct construction on the existing trail are considered a "use" as defined under Section 4(f), there will be no negative impact on 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). The Director of the Department of Recreation and Parks and the President of the St. Mary's County Board of Commissioners were informed of our intent to seek a *de minimis* impact finding on November 9, 2018. With this notice, the public is afforded the opportunity to provide comments on this finding.

### **How do I comment?**

Please contact Mr. Keith Kucharek, MDOT SHA Project Manager, (410) 841-1087 or toll-free (866) 462-0020, [kkucharek@sha.state.md.us](mailto:kkucharek@sha.state.md.us) or Ms. Cassie Greenhawk, MDOT SHA Environmental Manager, (410) 545-5651 or toll-free (866) 527-0502, [cgreenhawk@sha.state.md.us](mailto:cgreenhawk@sha.state.md.us); [www.roads.maryland.gov](http://www.roads.maryland.gov).