

CATEGORICAL EXCLUSION ACTION CLASSIFICATION FORM

TIP Project No.	<u>B-5517</u>
W.B.S. No.	<u>55017.1.FD1</u>
Federal Project No.	<u>BRZ-1547(11)</u>

A. Project Description:

The purpose of this project is to replace Rutherford County Bridge No. 293 on SR 1547 (Old Ballpark Road) over Hollands Creek. (Figure 1) Bridge No. 293 is 76 feet long. The replacement structure will be a bridge approximately 90 feet long, providing a minimum 27 feet, 10 inch (27'10") clear deck width. The bridge will include two 10-foot lanes and 3 feet, 11 inch (3'11") offsets. The bridge length is based on preliminary design information and is set by hydraulic requirements. The roadway grade of the new structure will be approximately 5 feet above the existing structure.

The approach roadway improvements will extend approximately 310 feet from the northwest end of the new bridge and 350 feet from the southeast end of the new bridge. The approaches will be widened to include a 20-foot pavement width providing two 10-foot lanes. Three-foot grass shoulders will be provided on each side of the approach roadway (7-foot shoulders where guardrail is included). The roadway will be designed as a Rural Local Route using Sub-Regional Tier Guidelines with a 40 mile per hour design speed.

Traffic will be detoured off-site during construction.

B. Purpose and Need:

NCDOT Bridge Management Unit records indicate Bridge No. 293 has a sufficiency rating of 30.28 out of a possible 100 for a new structure. The bridge is considered structurally deficient due to a substructure condition appraisal of 3 out of 9 according to Federal Highway Administration (FHWA) standards. Additionally, the structure is considered to be functionally obsolete due to structural evaluation of 3 out of a possible 9.

Bridge No. 293 was built in 1967. The superstructure consists of prestressed concrete channels and the substructure consists of precast prestressed concrete caps with timber piles on concrete sills. The structure is not presently posted. Components of both the concrete superstructure and concrete/timber substructure have experienced an increasing degree of deterioration that can no longer be addressed by maintenance activities; therefore, the bridge is approaching the end of its useful life. Replacement of the bridge will result in safer traffic operations.

C. Proposed Improvements:

Circle one or more of the following Type II improvements which apply to the project:

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).
 - a. Restoring, Resurfacing, Rehabilitating, and Reconstructing pavement (3R and 4R improvements)
 - b. Widening roadway and shoulders without adding through lanes
 - c. Modernizing gore treatments
 - d. Constructing lane improvements (merge, auxiliary, and turn lanes)
 - e. Adding shoulder drains
 - f. Replacing and rehabilitating culverts, inlets, and drainage pipes, including safety treatments
 - g. Providing driveway pipes
 - h. Performing minor bridge widening (less than one through lane)
 - i. Slide Stabilization
 - j. Structural BMP's for water quality improvement
2. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
 - a. Installing ramp metering devices
 - b. Installing lights
 - c. Adding or upgrading guardrail
 - d. Installing safety barriers including Jersey type barriers and pier protection
 - e. Installing or replacing impact attenuators
 - f. Upgrading medians including adding or upgrading median barriers
 - g. Improving intersections including relocation and/or realignment
 - h. Making minor roadway realignment
 - i. Channelizing traffic
 - j. Performing clear zone safety improvements including removing hazards and flattening slopes
 - k. Implementing traffic aid systems, signals, and motorist aid
 - l. Installing bridge safety hardware including bridge rail retrofit
3. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
 - a. Rehabilitating, reconstructing, or replacing bridge approach slabs
 - b. Rehabilitating or replacing bridge decks
 - c. Rehabilitating bridges including painting (no red lead paint), scour repair, fender systems, and minor structural improvements
 - d. Replacing a bridge (structure and/or fill)
4. Transportation corridor fringe parking facilities.
5. Construction of new truck weigh stations or rest areas.
6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
7. Approvals for changes in access control.

8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
12. Acquisition of land for hardship or protective purposes, advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
13. Acquisition and construction of wetland, stream and endangered species mitigation sites.
14. Remedial activities involving the removal, treatment or monitoring of soil or groundwater contamination pursuant to state or federal remediation guidelines.

D. Special Project Information:

The estimated costs, based on 2016 prices, are as follows:

Structure	\$ 297,000
Roadway Approaches	280,000
Structure Removal	30,000
Misc. & Mob.	131,000
Eng. & Contingencies	112,000
Total Construction Cost	\$ 850,000
Right-of-way Costs	59,000
Utility Costs	65,000
Total Project Cost	\$ 974,000

Estimated Traffic:

Current (2013)-		700 vpd
Year 2040	-	1400 vpd
TTST	-	1%
Dual	-	6%

Accidents: The NCDOT Traffic Safety Systems Section has evaluated a recent ten-year period (February 2005 through January 2015) and found no accidents occurring in the vicinity of the project.

Design Exceptions: There are no anticipated design exceptions for this project.

Pedestrian and Bicycle Accommodations: This portion of SR 1547 is not a part of a designated bicycle route nor is it listed in the STIP as a bicycle project. There is no indication of substantial bike or pedestrian usage. No bicycle or pedestrian facilities are required for this project.

Bridge Demolition: Bridge No. 76 is constructed entirely of timber and concrete and should be possible to remove with no resulting debris in the water based on standard demolition practices. The superstructure is composed of concrete and the substructure is composed of timber piles with concrete caps and sills. One of the interior bents is located at the stream channel.

Alternatives Discussion:

No Build – The no build alternative would result in eventually closing the road, which is unacceptable given the access provided by SR 1547 and the volume of traffic served by SR 1547.

Rehabilitation – The bridge was constructed in 1967 and the timber and concrete materials within the bridge are reaching the end of their useful life. While basic maintenance and repairs have occurred throughout the years, rehabilitation would require replacing the components which would constitute effectively replacing the bridge.

Replace in Place with an Off-site Detour – Bridge No. 293 will be replaced on the existing alignment. Traffic will be detoured off-site (Figure 1) during the construction period.

NCDOT Guidelines for Evaluation of Off-site Detours for Bridge Replacement Projects considers multiple project variables beginning with the additional time traveled by the average road user resulting from the off-site detour. The off-site detour for this project would include SR 1548 (Old Ross Road), SR 1538 (Whitesides Road), and SR 1546 (Spindale Street).

The majority of traffic on the road is through traffic. The detour for the average road user would result in less than one minute additional travel time (0.2 miles additional travel). Up to a 9-month duration of construction is expected on this project.

Based on the Guidelines, the criteria above indicate that on the basis of delay alone, the detour is acceptable. Bridge No. 293 is the boundary between two EMS response districts and local emergency responders indicated the detour is acceptable. NCDOT Division 13 has indicated the condition of all roads, bridges and intersections on the off-site detour are acceptable without improvement and concurs with the use of the detour.

Rutherford County Schools Transportation indicated that the closure of the bridge/road would have a high impact on school transportation services by adding considerable time to four bus routes and causing an unsafe bus stop at the Hollands Creek mobile home park on the north side of the bridge. NCDOT will coordinate with Rutherford County Schools to provide a suitable bus pick-up and turn-around area near the closed bridge to accommodate students in the mobile home park. This coordination will occur prior to right of way acquisition.

On-site Detour – An on-site detour was not evaluated due to the presence of an acceptable off-site detour.

Staged Construction – Staged construction was not considered because of the availability of an acceptable off-site detour.

New Alignment – Given that the alignment for SR 1547 is acceptable, a new alignment was not considered as an alternative.

Other Agency Comments:

NCDOT sought input from the following agencies as part of the project development for B-4812: U.S. Army Corps of Engineers, US Fish and Wildlife Service, Federal Highway Administration, US Environmental Protection Agency, Eastern Band of Cherokee Indians, NC Department of Natural and Cultural Resources-Division of Parks and Recreation, NC Department of Environmental Quality-Division of Water Resources, Rutherford County, Rutherford County Schools, Town of Spindale, Spindale EMS, and Hudlow Fire and Rescue.

The **N.C. Wildlife Resources Commission** in a standardized letter provided a request that they prefer any replacement structure to be a spanning structure.

Response: NCDOT will be replacing the existing bridge with a new bridge.

The **N.C. Wildlife Resource Commission** also commented that significant trout resources are not expected in the project area; therefore a trout moratorium is not requested.

Public Involvement:

A letter dated February 10, 2015 was sent by the Project Development and Environmental Analysis (PDEA) Unit to all property owners affected directly by this project. The letter was also sent to residents of the Hollands Creek mobile home park (dated March 31, 2016). Property owners and residents were invited to comment. No comments have been received to date.

Based on the lack of responses, a Public Meeting was determined unnecessary.

E. Threshold Criteria

The following evaluation of threshold criteria must be completed for Type II actions

<u>ECOLOGICAL</u>	<u>YES</u>	<u>NO</u>
(1) Will the project have a substantial impact on any unique or important natural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Does the project involve habitat where federally listed endangered or threatened species may occur?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Will the project affect anadromous fish?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) If the project involves wetlands, is the amount of permanent and/or temporary wetland taking less than one-tenth (1/10) of an acre and have all practicable measures to avoid and minimize wetland takings been evaluated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) Will the project require the use of U. S. Forest Service lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) Will the quality of adjacent water resources be adversely impacted by proposed construction activities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Does the project involve waters classified as Outstanding Resources Waters (ORW) and/or High Quality Waters (HQW)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(8) Will the project require fill in waters of the United States in any of the designated mountain trout counties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(9) Does the project involve any known underground storage tanks (UST's) or hazardous materials sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PERMITS AND COORDINATION

YES

NO

- | | | | |
|------|--|--------------------------|----------|
| (10) | If the project is located within a CAMA county, will the project significantly affect the coastal zone and/or any "Area of Environmental Concern" (AEC)? | <input type="checkbox"/> | <u>X</u> |
| (11) | Does the project involve Coastal Barrier Resources Act resources? | <input type="checkbox"/> | <u>X</u> |
| (12) | Will a U. S. Coast Guard permit be required? | <input type="checkbox"/> | <u>X</u> |
| (13) | Could the project result in the modification of any existing regulatory floodway? | <input type="checkbox"/> | <u>X</u> |
| (14) | Will the project require any stream relocations or channel changes? | <input type="checkbox"/> | <u>X</u> |

SOCIAL, ECONOMIC, AND CULTURAL RESOURCES

YES

NO

- | | | | |
|------|--|--------------------------|--------------------------|
| (15) | Will the project induce substantial impacts to planned growth or land use for the area? | <input type="checkbox"/> | <u>X</u> |
| (16) | Will the project require the relocation of any family or business? | <input type="checkbox"/> | <u>X</u> |
| (17) | Will the project have a disproportionately high and adverse human health and environmental effect on any minority or low-income population? | <input type="checkbox"/> | <u>X</u> |
| (18) | If the project involves the acquisition of right of way, is the amount of right of way acquisition considered minor? | <u>X</u> | <input type="checkbox"/> |
| (19) | Will the project involve any changes in access control? | <input type="checkbox"/> | <u>X</u> |
| (20) | Will the project substantially alter the usefulness and/or land use of adjacent property? | <input type="checkbox"/> | <u>X</u> |
| (21) | Will the project have an adverse effect on permanent local traffic patterns or community cohesiveness? | <input type="checkbox"/> | <u>X</u> |
| (22) | Is the project included in an approved thoroughfare plan and/or Transportation Improvement Program (and is, therefore, in conformance with the Clean Air Act of 1990)? | <u>X</u> | <input type="checkbox"/> |
| (23) | Is the project anticipated to cause an increase in traffic volumes? | <input type="checkbox"/> | <u>X</u> |

- | | | | |
|------|---|-------------------------------------|--------------------------|
| (24) | Will traffic be maintained during construction using existing roads, staged construction, or on-site detours? | <u> X </u> | <input type="checkbox"/> |
| (25) | If the project is a bridge replacement project, will the bridge be replaced at its existing location (along the existing facility) and will all construction proposed in association with the bridge replacement project be contained on the existing facility? | <u> X </u> | <input type="checkbox"/> |
| (26) | Is there substantial controversy on social, economic, or environmental grounds concerning the project? | <input type="checkbox"/> | <u> X </u> |
| (27) | Is the project consistent with all Federal, State, and local laws relating to the environmental aspects of the project? | <u> X </u> | <input type="checkbox"/> |
| (28) | Will the project have an "effect" on structures/properties eligible for or listed on the National Register of Historic Places? | <input type="checkbox"/> | <u> X </u> |
| (29) | Will the project affect any archaeological remains which are important to history or pre-history? | <input type="checkbox"/> | <u> X </u> |
| (30) | Will the project require the use of Section 4(f) resources (public parks, recreation lands, wildlife and waterfowl refuges, historic sites, or historic bridges, as defined in Section 4(f) of the U. S. Department of Transportation Act of 1966)? | <input checked="" type="checkbox"/> | <u> </u> |
| (31) | Will the project result in any conversion of assisted public recreation sites or facilities to non-recreation uses, as defined by Section 6(f) of the Land and Water Conservation Act of 1965, as amended? | <input type="checkbox"/> | <u> X </u> |
| (32) | Will the project involve construction in, across, or adjacent to a river designated as a component of or proposed for inclusion in the National System of Wild and Scenic Rivers? | <input type="checkbox"/> | <u> X </u> |

F. Additional Documentation Required for Unfavorable Responses in Part E

Response to Question 2:

Indiana bat

Biological Conclusion: Unresolved

According to the NCDOT publication Bat Survey Protocols (NCDOT 2007), Indiana bats have been documented in Rutherford County only in winter months, during which the species hibernates primarily in caves and mines, but may also roost in bridges and abandoned buildings. No caves or mines exist within the study area; however, the bridge over Hollands Creek provides marginally suitable roosting habitat. A review of the NCNHP database on March 24, 2015 revealed no known occurrences of this species within 10 miles of the project study area. Surveys for the Indiana bat within the project study area will be conducted by the NCDOT-Biological Surveys Group. Construction authorization will not be requested until Endangered Species Act (ESA) compliance is satisfied for this species.

Northern long-eared bat

Biological Conclusion: Unresolved

It has not been determined if habitat for the Northern long-eared bat is present within the project study area. A review of the NCNHP database on March 24, 2015 revealed no known occurrences of this species within 10 miles of the project study area. The NCDOT-Biological Surveys Group will be responsible for further habitat assessment, and, if needed, surveys for the Northern long-eared bat. Construction authorization will not be requested until ESA compliance is satisfied for this species.

Response to Question 30:

The project requires the acquisition of right-of-way on both sides of Old Ballpark Road. The town of Spindale owns a 44-acre property on the east side of Old Ballpark Road, adjacent to the bridge. The parcel includes several softball fields operated by the town as the J. D. Melton Memorial Park (also referred to as the Spindale Police Club). The proposed bridge replacement would necessitate the conversion of approximately 0.42 acres of the publicly-owned park property to a transportation use (for right-of-way). This area is wooded and is well outside the active and usable recreation area of the park. The existing softball fields and supporting facilities, including parking areas, would not be affected by this acquisition. Avoidance of the park property would likely result in additional impacts to the mobile home park on the west side of Old Ballpark Road, possibly including relocations. Additional efforts to minimize right of way impacts will be considered during the final design phase of the project.

After discussions with the town of Spindale, NCDOT sent a letter dated April 19, 2016, notifying the town of FHWA's intent to make a *de minimis* impact finding. On May 18, 2016 the Spindale town manager signed a statement concurring that the proposed right-of-way acquisition would not adversely affect the activities, features or attributes that qualify the park property for protection under Section 4(f). The letter, including the signed statement, is included in the Appendix. In addition, comments were solicited from the public through ads in the community newspaper, *The Daily Courier*. The comment period extended from April 21 through May 18, 2016. No comments were received. Based on concurrence from the public official with jurisdiction over the property and public comments, FHWA has made a finding of *de minimis* impacts by the signing of this document.

G. CE Approval

TIP Project No.	<u>B-5517</u>
W.B.S. No.	<u>55017.1.FD1</u>
Federal Project No.	<u>BRZ-1547(11)</u>

Project Description:

The purpose of this project is to replace Rutherford County Bridge No. 293 on SR 1547 (Old Ballpark Road) over Hollands Creek. (Figure 1) Bridge No. 293 is 76 feet long. The replacement structure will be a bridge approximately 90 feet long, providing a minimum 27 feet, 10 inch (27'10") clear deck width. The bridge will include two 10-foot lanes and 3 feet, 11 inch (3'11") offsets. The bridge length is based on preliminary design information and is set by hydraulic requirements. The roadway grade of the new structure will be approximately 5 feet above the existing structure.

The approach roadway improvements will extend approximately 310 feet from the northwest end of the new bridge and 350 feet from the southeast end of the new bridge. The approaches will be widened to include a 20-foot pavement width providing two 10-foot lanes. Three-foot grass shoulders will be provided on each side of the approach roadway (7-foot shoulders where guardrail is included). The roadway will be designed as a Rural Local Route using Sub-Regional Tier Guidelines with a 40 mile per hour design speed.

Traffic will be detoured off-site during construction.

Categorical Exclusion Action Classification:

 TYPE II(A)
 X TYPE II(B)

Approved:

08-19-2016 Stacy Oberhausen
Date Stacy Oberhausen, PE - Project Development Group Supervisor
Project Development & Environmental Analysis Unit

8-19-16 Tracy A. Walter
Date Tracy Walter, PE - Project Planning Engineer
Project Development & Environmental Analysis Unit

8-19-16 Robin Pugh
Date Robin Pugh, AICP - Consultant Project Manager
Simpson Engineers & Associates

8-19-16 David B. Simpson, Jr.
Date David B. Simpson, Jr., PE Consultant Project Engineer
Simpson Engineers & Associates

For Type II(B) projects only:

8/22/16 John F. Sullivan, III
Date John F. Sullivan, III, PE - Division Administrator
Federal Highway Administration



PROJECT COMMITMENTS

Rutherford County
Bridge No. 293 on SR 1547 (Old Ballpark Road)
Over Hollands Creek
Federal Aid Project No. BRZ-1547(11)
W.B.S. No. 55017.1.FD1
TIP Project No. B-5517

Division 13 Construction, Resident Engineer's Office

Prior to right-of-way acquisition, NCDOT will coordinate with Rutherford County Schools to provide a suitable bus pick-up and turn-around area near the closed bridge to accommodate students in the Hollands Creek mobile home park.

Rutherford County Schools will also be contacted at least one month prior to road closure in order to have time to adequately reroute school buses. As much of construction as possible will be scheduled during summer months.

NCDOT will contact the following local emergency service providers at least one month prior to road closure to make the necessary temporary reassignments to primary response units: Hudlow Fire Department; Spindale Fire Department; and Rutherford County EMS.

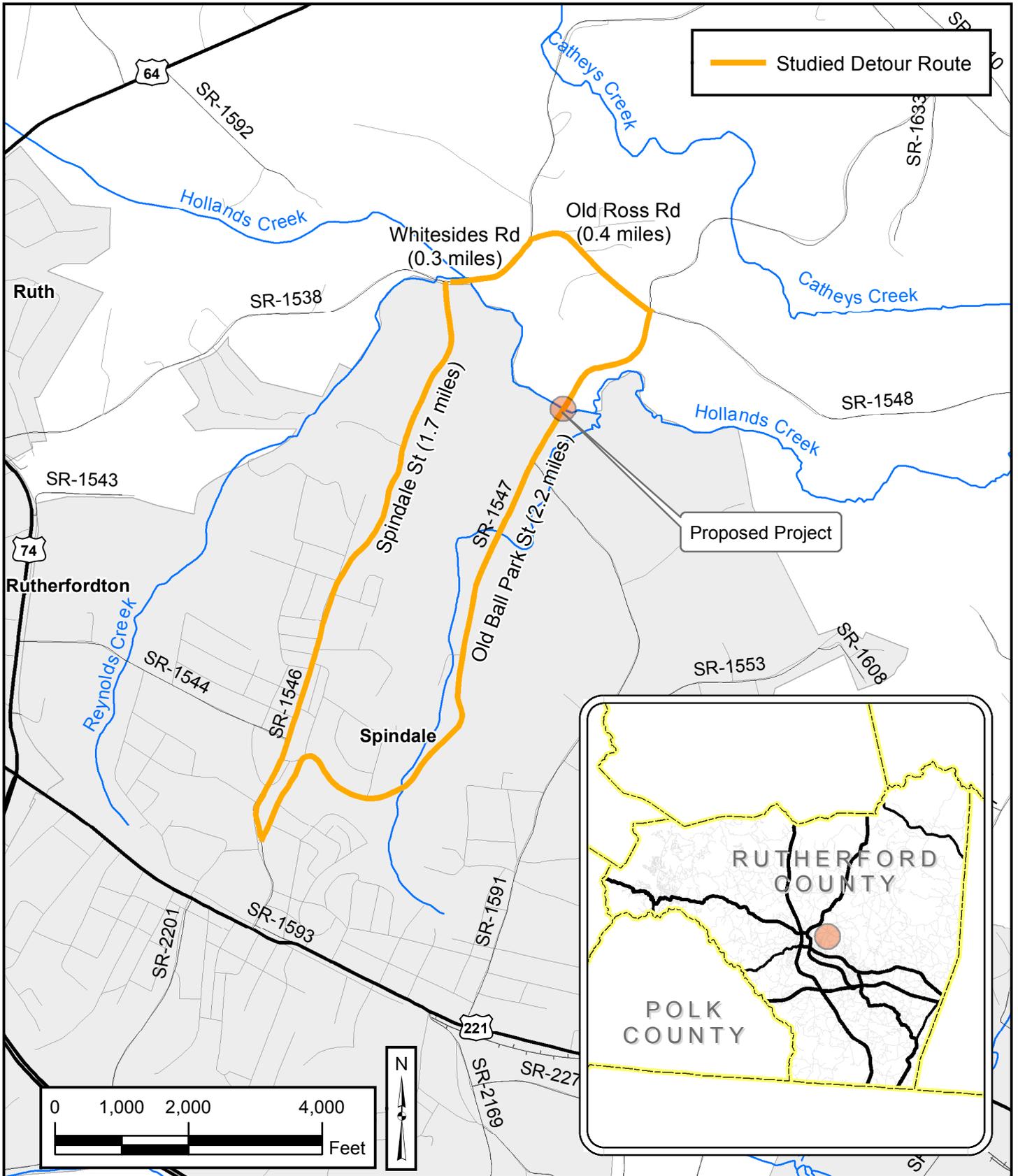
This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

Hydraulic Unit

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine the status of the project with regard to applicability of NCDOT'S Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

Division Construction, Natural Environment Section, NCDOT-Project Management

Construction authorization will not be requested until Endangered Species Act (ESA) compliance is satisfied for the Indiana bat and the Northern Long-eared bat.



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

VICINITY MAP
BRIDGE REPLACEMENT
BRIDGE NO 293 OVER
HOLLANDS CREEK
 RUTHERFORD COUNTY
 TIP PROJECT B-5517

County: RUTHERFORD	
Div: 13	TIP# B-5517
WBS: 55017.1.FD1	
Date:	FEB 2015

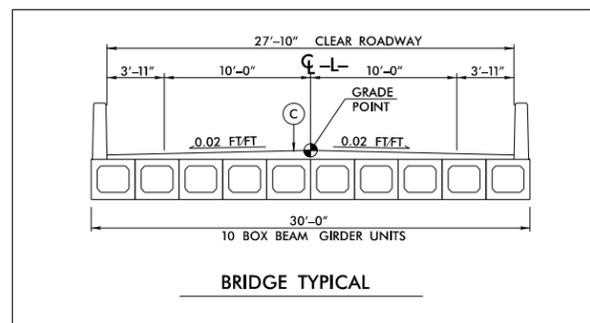
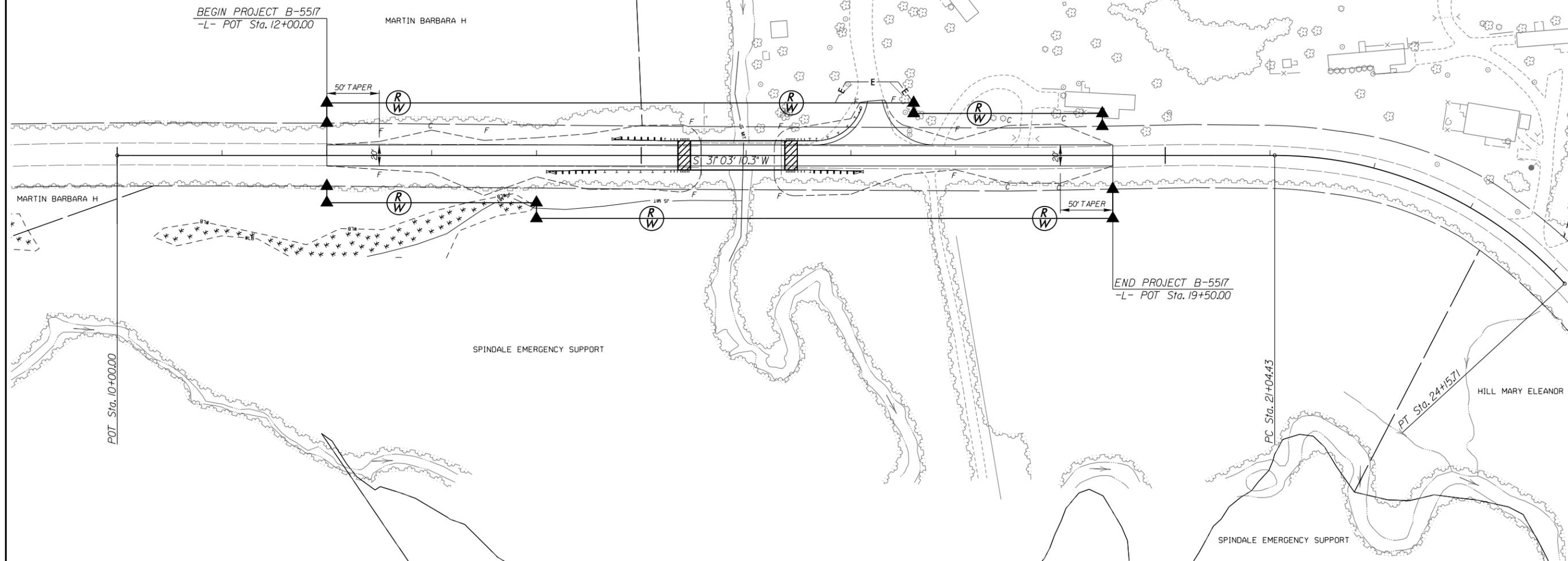
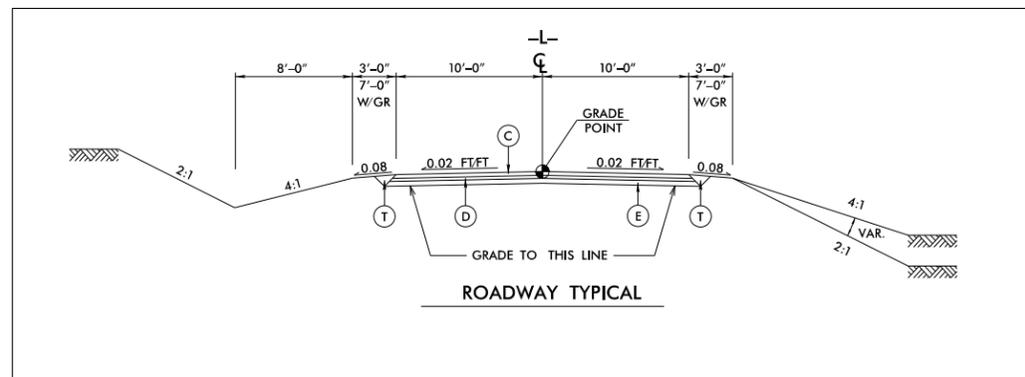
Figure
1

RUTHERFORD COUNTY

B-5517

REPLACE IN PLACE WITH OFFSITE DETOUR

PROJECT REFERENCE B-5517 - RUTHERFORD 293	SHEET NO. 4
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION	
MOTT MACDONALD & E, LLC LICENSE NO. F-0669	
Prepared in the Office of:	M MOTT MACDONALD
PO Box 700 Fuquay-Varina, NC 27526 www.mottmac.com	
HORIZONTAL SCALE 25' 0" 25' 50'	
BRIDGE APPROACH SLAB FOR -L- PROFILE SEE SHEET 5	



-L-

PI Sta. 22+69.67
Δ = 47° 33' 34" (RT)
D = 15° 16' 43.9"
L = 311.28'
T = 165.24'
R = 375.00'

ANTICIPATED DESIGN DATA			
DESIGN SPEED	= 40 MPH	DESIGN EXCEPTION	= None
ADT (2013)	= 700	DESIGN STANDARDS	= SUB REGIONAL TIER
ADT (2040)	= 1400	MAX GRADE	= 13%
DHV	= N/A	K SAG	= 64
K	= N/A	K CREST	= 44
DUAL	= 6%	SE MAX	= 06
TTST	= 1%	CLASSIFICATION	= LOCAL RURAL
MIN. RADIUS	= 485	TERRAIN	= MOUNTAINOUS

8/12/2016 7:36:42 AM
R:\Roadway\Pro\B5517_rdy_psh.dgn
Ph: 56555

APPENDIX



Transportation

PAT McCrory
Governor

NICHOLAS J. TENNYSON
Secretary

April 19, 2016

Mr. Scott Webber, Manager
Town of Spindale
125 Reveley Street
Spindale, North Carolina 28160

Subject:

Concurrence Request – *De minimis* Section 4(f) Finding for the J. D. Melton Memorial Park in Rutherford County, North Carolina. [TIP Project No. B-5517; Federal Aid No. BRZ-1547(11)]

Dear Mr. Webber:

The North Carolina Department of Transportation (Department) proposes to replace Bridge No. 293 in Rutherford County on Old Ballpark Road (SR 1547) over Hollands Creek. (See attached Vicinity Map.) The replacement bridge will be slightly wider than the existing bridge, including two 10-foot lanes with offsets. Roadway approaches will also be widened to include two 10-foot lanes. The roadway grade of the new structure will be approximately 5 feet above the existing structure. As a result, additional right of way will be needed on both sides of Old Ballpark Road. The proposed improvements would necessitate the conversion of approximately 0.42 acres of the adjacent J. D. Melton Memorial Park property to a transportation use (right of way).

As a Town of Spindale recreational facility, the J. D. Melton Memorial Park is afforded special protections under Section 4(f) of the Department of Transportation Act (recodified in 49 U.S.C. 303 and 23 U.S.C. 138). Under the provisions of Section 4(f), if a proposed transportation project would result in adverse effects to a park or recreational facility, the transportation agency must conduct an evaluation to demonstrate that there is no prudent and feasible alternative to the use of the Section 4(f) property. Because this evaluation can be expensive and potentially result in project delays, an exemption is provided in cases where the official with jurisdiction over the park or recreation area concurs in a determination that the impacts are not adverse. This concurrence enables the Federal Highway Administration (FHWA) to make a *de minimis* (minimal impact) finding, which satisfies the requirements of Section 4(f) and precludes the need for a Section 4(f) Evaluation. *De minimis* impacts on publicly owned parks and recreation areas are defined as those that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource.

The purpose of this letter is to request your concurrence that the proposed replacement of Bridge No. 293 on Old Ballpark Road (SR 1547) will not adversely affect the activities, features and attributes of J. D. Melton Memorial Park, thus allowing the FHWA to make the *de minimis* impact finding.

Summary of Project Impacts

As noted, the proposed project would require the use of approximately 0.42 acres of right of way from the 44-acre park property along Old Ballpark Road. This area is wooded and is outside the active and usable recreation area of the park. The existing softball fields and supporting facilities, including parking areas, would not be affected by this acquisition. Avoidance of the park property



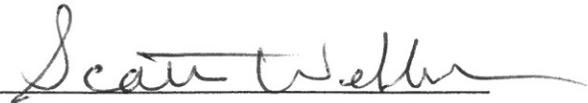
would result in additional impacts to the mobile home park on the west side of Old Ballpark Road, possibly including relocations. Efforts to minimize right of way impacts will be considered during the final design phase of the project.

Concurrence with the No Adverse Effects Determination

If you agree that the acquisition of right of way as shown on the attached figure would not adversely affect the recreational activities, features, and attributes that qualify the J. D. Melton Memorial Park for protection under Section 4(f), the NCDOT requests that you sign and date this letter in the spaces below:

As the official with jurisdiction over J. D. Melton Memorial Park, I concur in a determination that the proposed transportation project as described in this letter and shown on the attachment would not adversely affect the activities, features, and attributes that qualify the J. D. Melton Memorial Park for protection under Section 4(f). I have also been informed that, based on my concurrence, the FHWA intends to make a *de minimis* finding regarding impacts to J. D. Melton Memorial Park, thus satisfying the requirements of Section 4(f).

Signature: _____



Date: _____

5-18-2016

After signing and dating this letter, please return a copy to the NCDOT Planning Engineer, Marshall Edwards, Project Development and Environmental Analysis, 1548 Mail Service Center, Raleigh, NC 27699-1548. Should you have any questions or concerns, please contact Marshall Edwards, at 919-707-6019 or via email medwards@ncdot.gov. Please reference the NCDOT project number B-5517 when contacting the NCDOT Planning Engineer.

The NCDOT appreciates your assistance in making this transportation project possible. Thank you for your cooperation.

Sincerely,



Rob Hanson, P.E.

Project Development and Environmental Analysis Unit