

APPENDIX B

**RESOURCES EVALUATED RELATIVE TO THE
REQUIREMENTS OF SECTION 4(F) AND
CONCURRENCE MEMORANDUM**

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Memorandum

*Serious drought.
Help save water!*

To: FILE

Date: August 10, 2016

EA: 3G820

From: CRISTIN HALLISSY
Branch Chief, Contra Costa and Northern Alameda Counties
Office of Environmental Analysis

Subject: **SECTION 4(F) TEMPORARY OCCUPANCY CONCURRENCE**

This memorandum supplements the Section 4(f) Evaluation conducted for the SR 242/Clayton Road Ramps project. The evaluation concluded that the project would require the temporary use of the SR 242 pedestrian undercrossing, but determined that the use qualifies as a Temporary Occupancy, which is an exception to the requirements of Section 4(f). Support for this determination and concurrence on these findings is outlined below.

The SR 242/Clayton Road Ramps project will provide interchange and local road improvements on SR 242 from 0.1 mile north of the I-680/SR 242 separation and 0.6 mile north of Concord Avenue undercrossing, in Concord, in Contra Costa County. The purpose of the project is to reduce congestion and improve traffic operations at the SR 242/Clayton Road and SR 242/Concord Avenue interchanges, thereby enhancing mobility in the area, and improving accessibility to key local destinations. The project would modify the existing partial interchanges at Clayton Road and Concord Avenue. Two design alternatives were developed to meet the project purpose and need, while avoiding or minimizing environmental impacts. Both build alternatives require the Temporary closure of the 242 pedestrian undercrossing.

The SR 242 pedestrian undercrossing is a publically owned State facility owned and operated by Caltrans. The pedestrian undercrossing is a reinforced concrete box structure with inner dimensions of 10 feet by 11 feet. This undercrossing is currently open to the public and frequently used by pedestrians and cyclists as a means to crossing SR 242 from the newly constructed Monument Corridor Trail. As the undercrossing is frequently used by the patrons of the Monument Corridor Trail, a recreational trail, and is a publically owned facility, it is considered a Section 4(f) resource.

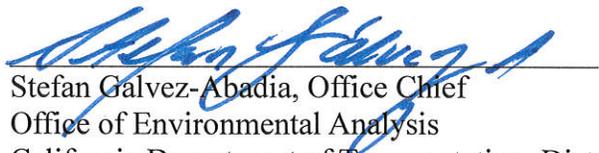
As part of the SR 242/Clayton Road Ramps project, the SR 242 pedestrian undercrossing would need to be lengthened by approximately 40 feet on either side of the freeway to accommodate the proposed Clayton Road northbound and southbound SR 242 ramps.

It is Caltrans' conclusion that there is not a use of the Section 4(f) resource because the project meets the exceptions of a "temporary occupancy" as set forth in FHWA regulations at 23 CFR 774.13(d). As detailed in the regulation, five conditions need to be satisfied in order to meet the

temporary occupancy exception. Those conditions, and the basis for Caltrans's determination as to how each is satisfied are summarized as follows:

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.
 - Construction of the project is anticipated to take approximately two years to complete. The pedestrian undercrossing would remain open during construction, except for the installation and removal of falsework/formwork during construction. The temporary closing for the falsework/formwork could be for up to one week at a time. However, when the pedestrian undercrossing is closed, a temporary detour plan would be provided with appropriate signage to direct users toward alternative access routes across SR 242 and to the Monument Corridor Trail.
 - Access to the Monument Corridor Trail would be maintained at all times during the construction of the project. None of the proposed improvements would require the acquisition of the trail alignments, and would not preclude the completion of the planned Monument Corridor Trail extension to Franquette Avenue and Willow Pass Road.
 - There will be no change in the ownership of the land.
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
 - The SR 242 pedestrian undercrossing would be lengthened by approximately 40 feet on either side of the freeway to accommodate the proposed Clayton Road northbound and southbound SR 242 ramps. The project also includes adding lighting in the underpass to improve the safety and operation of the facility. Overall, changes will be minimal and minor.
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or a permanent basis.
 - See item #1 above
 - A Transportation Management Plan (TMP) would be developed as part of the standard contract specifications of the project to address impacts to motor vehicle, bicycle, and pedestrian access during construction. The TMP would include briefing local public officials and developing a public information program to notify the public of upcoming closures and detours. The public information program would include outreach to ridesharing agencies, transit operators, and neighborhood and special interest groups. As part of the TMP, detour signage would be posted at the Monument Corridor Trail and Monument Corridor Trail access points, where appropriate.

- No substantial long-term noise, aesthetic, water quality or air quality effects to the trails would occur. Additionally, construction of the project would not involve the temporary use of Monument Corridor trail, and would not result in any effects to the vegetation or wildlife on the recreational trails.
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project.
- The existing pedestrian underpass will be maintained and restored. The resulting underpass will be longer, but will also include new lighting to improve the safety and operation of the facility.
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.
- This memo documents Caltrans concurrence that the construction of the project is a Temporary Occupancy as set forth in 23 CFR 774.13(d).


Stefan Galvez-Abadia, Office Chief
Office of Environmental Analysis
California Department of Transportation, District 4

8/10/2016
Date

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RESOURCES EVALUATED RELATIVE TO THE REQUIREMENTS OF SECTION 4(F)

INTRODUCTION

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that the Secretary [of Transportation] may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried-out by Caltrans under its assumption of responsibility pursuant to 23 USC 327.

This analysis discusses parks, recreational facilities, wildlife refuges and historic properties found within or next to the Build Alternatives’ project limits that do not trigger Section 4(f) protection because either: 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, 4) the project does not permanently use the property and does not hinder the preservation of the property, or 5) the proximity impacts do not result in constructive use.

BACKGROUND

A “use” of a Section 4(f) resource occurs in the following circumstances:

Permanent Use

A permanent use of a Section 4(f) resource occurs when property is permanently incorporated into a proposed transportation facility. This might occur as a result of partial or full acquisition, permanent easements, or temporary easements that exceed limits for temporary use, as noted below.

Temporary Use

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of property that is considered adverse in terms of the preservationist purposes of the Section 4(f) statute. A temporary occupancy of property does not constitute a use of a Section 4(f) resource when the following conditions are satisfied:

- Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
- Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, access, ecological) that are so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only if the protected activities, features, or attributes of the resource are diminished. This determination is made through the following:

- Identifying the current activities, features, or attributes of the resource that may be sensitive to proximity impacts.
- Analyzing the potential proximity impacts on the resource.
- Consulting with the appropriate officials having jurisdiction over the resource.

PROJECT DESCRIPTION

The Department of Transportation (Caltrans), Contra Costa Transportation Authority (CCTA) and City of Concord (Concord), propose to provide interchange and local road improvements (the “project”) on State Route 242 (SR 242) from 0.1 mile north of the Interstate 680 (I-680)/SR 242 separation to 0.6 mile north of Concord Avenue undercrossing, within Concord, in Contra Costa County.

The SR 242/Clayton Road interchange would be reconfigured from a partial interchange to provide new northbound and southbound SR 242 on- and off-ramps. A new auxiliary lane would be constructed along southbound SR 242, between the Concord Avenue and the new southbound SR 242 off-ramp. New bridge structures would be constructed over Pine Creek to accommodate the new ramps. The existing northbound and southbound SR 242 ramps to and from Clayton Road

would remain, with the northbound SR 242 off-ramp widened to two-lanes. Proposed local roadway improvements include a combination of additional travel lanes and the extension of left-turn pockets on Willow Pass Road, Concord Avenue, Franquette Avenue, Clayton Road, Market Street, and Commerce Avenue.

The purpose of the SR 242/Clayton Road Ramps Project (project) is to reduce congestion and improve traffic operations at the SR 242/Clayton Road and SR 242/Concord Avenue interchanges, thereby enhancing mobility for all travel modes in the area, and improving access to key local destinations including the Concord Central Business District (CBD) and the Concord BART station.

The purpose, need, and description of the project are further discussed in **Chapter 1, Proposed Project**, of the SR 242/Clayton Road Ramps Project IS/EA.

RESOURCES EVALUATED RELATIVE TO THE REQUIREMENTS OF SECTION 4(F)

Information in this section is based on the Community Impact Assessment (CIA) prepared for the project, approved by Caltrans in July 2015. The Build Alternatives are located in the same area with respect to public parks and recreational facilities; therefore, project effects discussed in this section apply to both Build Alternatives. There are no effects specific to one of the individual Build Alternatives.

Public Parks

There are three parks within 0.5 mile of the project limits: Ellis Lake Park, Meadow Homes Park, and Todos Santos Plaza (see **Table 1**). These parks, illustrated in **Figure B-1**, are all located within Concord. All three of the public parks are protected under the provisions of Section 4(f).

Table 1: Public Parks within 0.5-Mile of the Project Limits

Facility	Address	Distance from Project Limits
Ellis Lake Park	Cowell Road and Galindo Street	0.5 mile, East
Meadow Homes Park	2199 Sunshine Drive	0.5 mile, East
Todos Santos Plaza	Willow Pass Road and Grant Street	0.5 mile, East

Source: Google Earth Pro, 2015

Property of the nearby parks identified above in **Table 1** would not be acquired as part of the proposed Build Alternatives, thereby avoiding direct effects. No temporary construction work would occur on these properties. Since the proposed project would not alter the location of SR 242, the distance between the parks and the freeway corridor would not change when compared to existing conditions. As such, construction of the Build Alternatives would not disturb wildlife, vegetation, facilities, functions, or accessibility of the parks. Additionally, due to the relative distance to the project limits, the construction of the Build Alternatives would not result in any aesthetic, air quality, noise, or water quality impacts to the nearby parks. The project would therefore not result in any use or adverse effects on the parks. Therefore, the provisions of Section 4(f) are not triggered.

Trails and Bikeways

In 2003, Concord developed a comprehensive Trails Master Plan to provide the framework for future planning of trails and bikeways to serve as both a recreational and an alternate transportation mode within the city. The 2003 Trails Master Plan focuses on a trails and bikeway

network that will provide origin and destination connections in and around the city. While the Trails Master Plan primarily focuses on trails, several on-street bike routes are presented that would cross through the study area. Such streets are primarily residential streets and are referred to as Class IIIA.¹ Since the adoption of the 2003 Trails Master Plan, Concord has implemented many of the bike routes that pass through the study area. In addition, Concord has constructed segments of striped (Class II) bike lanes on several major arterial/collector roadways. The existing and planned bike routes in the study area are shown in **Figure B-1**.

Concord has just recently initiated the preparation of a Bicycle, Pedestrian and Safe Routes to Transit Plan that will serve as a blueprint to help develop a transportation network that meets the needs of all users- including pedestrians, bicyclists and public transit patrons, as well as motorists. As a part of the plan, Concord will examine safety issues, including bicycle and pedestrian injuries and collisions, identifying locations that need attention. This information will be used to develop a plan for future improvements to Concord's non-motorized transportation infrastructure as well as position the City for grant funding to make those improvements a reality. At this time, no additional information is available regarding updates to the planned bike routes described in this section.

The existing trail system (Class I, off-street bikeways or multiuse paths) within Concord is mostly regional trails that were constructed by the East Bay Regional Park District. The system consists of the Iron Horse Trail, the Monument Corridor Trail (formerly planned as the Mayette Hanson Connector), the Contra Costa Canal Trail, the California Riding and Hiking Trail, and the Delta-De Anza Trail. The Iron Horse Trail and the Monument Corridor Trail are the only facilities within 0.5-mile of the project limits. The Iron Horse Trail provides a continuous path along the west side of Walnut Creek, approximately 0.3-miles from the project limits. The Monument Corridor Trail is currently under phased construction and, when completed, will run along an abandoned railroad line on the east side of SR 242 from Monument Boulevard to Willow Pass Road. The trail segment from Monument Boulevard to Market Street (just east of Meadow Lane) was recently constructed and is open to the public. Concord is now in the final design phase for the extension of the trail along the abandoned Market Street right-of-way and under SR 242 through the existing pedestrian undercrossing tunnel. Once on the west side of the freeway the planned trail extension will change to sidewalks and shared bike routes along Franquette Avenue, where it would join the Iron Horse Trail at Willow Pass Road.

The SR 242 pedestrian undercrossing is frequently used by the patrons of the constructed segment of the Monument Corridor Trail and is a publically owned State facility, owned and operated by Caltrans. This undercrossing is currently open to the public and frequently used by pedestrians and cyclists as a means to crossing SR 242 from the newly constructed Monument Corridor Trail. As the undercrossing is frequently used by the patrons of the Monument Corridor Trail, a recreational trail, and is a publically owned State facility by Caltrans, it is considered a Section 4(f) resource.

The SR 242 pedestrian undercrossing would need to be lengthened by approximately 40 feet on either side of the freeway in order to accommodate the proposed Clayton Road northbound and southbound SR 242 ramps. The pavement and the concrete box structure would be lengthened to construct the ramps.

As discussed above, for the purposes of Section 4(f), temporary easements do not normally constitute "use", as long as listed five conditions are met [(23 CFR 774.13(d))]. All of listed

¹ Class IIIA trails are bicycle routes on residential streets.

conditions would be met by the project for the following reasons. Access to the Iron Horse Trail and the Monument Corridor Trail would be maintained at all times during the construction of the project. None of the proposed improvements would require the acquisition of the trail alignments, and would not preclude the completion of the planned Monument Corridor Trail extension to Franquette Avenue and Willow Pass Road.

Depending on the construction activities, the pedestrian undercrossing closures would primarily be limited to nighttime; however, the Contractor would be required to keep the undercrossing open during the day, with the exception of when the falsework/framework is being installed and removed. The pedestrian undercrossing could be closed for up to one week at a time to install and then ultimately remove falsework/formwork for construction. When the pedestrian undercrossing is closed, a temporary detour plan would be provided with appropriate signage to direct users toward alternative access routes across SR 242 and to the Monument Corridor Trail. Users traveling from Franquette Avenue on the west side of SR 242 would be detoured approximately 3,733 feet north along the Willow Pass Road undercrossing, and then south along Market Street, to meet the Monument Corridor Trail at Meadow Lane. The project also includes lighting upgrades within the Monument Corridor Trail to improve the safety and operation of the facility. The Monument Corridor Trail would continue to be a publicly-owned facility after project construction. The temporary closures of the Monument Corridor Trail would be less than the duration of the construction for the project.

A Transportation Management Plan (TMP) would be developed as part of the standard contract specifications of the project to address impacts to motor vehicle, bicycle, and pedestrian access during construction. The TMP would include briefing local public officials and developing a public information program to notify the public of upcoming closures and detours. The public information program would include outreach to ridesharing agencies, transit operators, and neighborhood and special interest groups. As part of the TMP, detour signage would be posted at the Monument Corridor Trail and Monument Corridor Trail access points, where appropriate.

The Build Alternatives do not permanently use any of the trails that qualify as Section 4(f) resources, nor do the temporary construction impacts substantially impair the purpose or the functionality of the facility. The temporary construction-related impacts on the Monument Corridor Trail are considered minor, and as such result in no constructive use. Concurrence from Caltrans would be needed for the conditions of temporary construction outlined above.

Although the project would require temporary occupancy of a Section 4(f) resource for the proposed extension, the project would not constitute a “use” for the reasons described above. No substantial long-term noise, aesthetic, water quality or air quality effects to the trails would occur. Additionally, construction of the project would not involve the temporary use of Monument Corridor trail, and would not result in any effects to the vegetation or wildlife on the recreational trails.

Wildlife and Waterfowl Refuges

There are no wildlife or waterfowl refuges within the project limits. The closest federal or state wildlife refuge is the Point Edith Wildlife Area, located over 3 miles north of the project limits. Owing to the relative distance to the refuge, the project would not have any reasonably foreseeable direct, temporary, or constructive use of any wildlife or waterfowl refuge area. Therefore, the provisions of Section 4(f) are not triggered.

Historic Sites

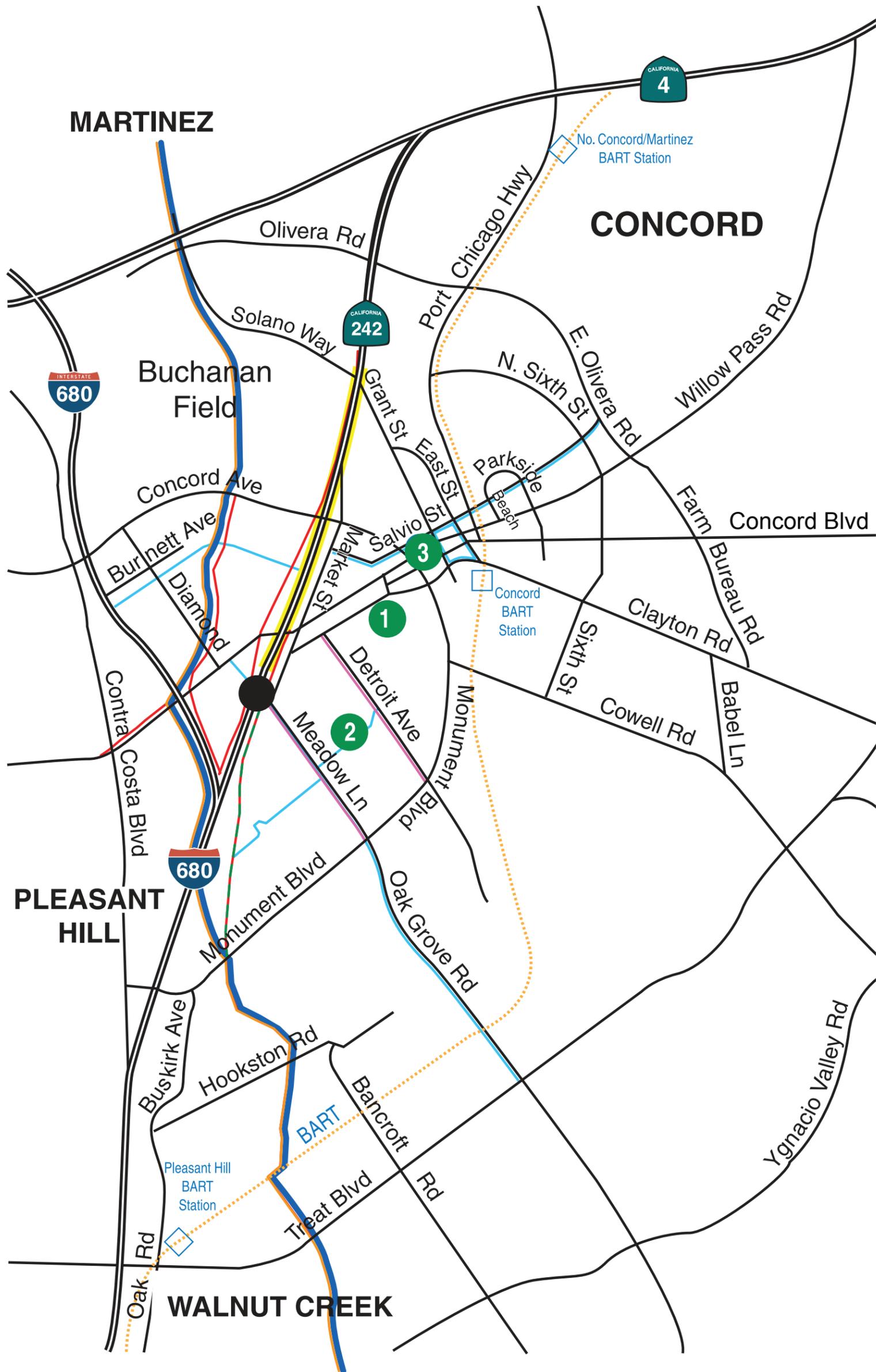
One historic property in the project's Architectural Area of Potential Effect (APE) has been previously determined eligible for the National Register of Historic Places (NRHP) and is a historical resource for the purposes of CEQA: a buried portion of the Mokelumne Aqueduct. At this location it is an underground resource comprised of three pipelines built at different times. The pipelines are buried within an approximately 100 foot wide right-of-way that runs parallel and adjacent to the west side of SR 242.

A 14-mile-long above ground segment of the aqueduct in San Joaquin County and eastern Contra Costa County was recorded and evaluated in 2003. This 2003 study concluded the Mokelumne Aqueduct appeared eligible for listing in the NRHP and CRHR by survey evaluation for their association with East Bay development and for being the work of a master engineer (under Criterion A/1 and C/3) at the local level with two periods of significance: 1929 (the date of completion of the first pipeline) and 1949 (the date of completion of the second pipeline). The 2003 study, however, only evaluated the first two pipelines constructed and did not evaluate the third pipeline of the aqueduct, built in 1963, because it was not yet old enough to require evaluation. In 2005, SHPO concurred with the findings of the 2003 study.

The Historical Resources Evaluation Report (HRER) prepared for the current SR 242/Clayton Road Ramps Project recorded the aqueduct system at four points along an approximately 1.8 mile segment in and near the APE. No elements of the aqueduct were visible at the four points recorded because it is buried approximately 7 feet below ground surface. The HRER determined that the majority of the Mokelumne Aqueduct within the project APE was relocated on a new alignment in 1960-1961 in preparation for construction of SR 242, which was then built on the original aqueduct system right-of-way. The relocation of the aqueduct system consisted of replacement of the original (1929) pipeline with new pipe; and removal of the 1949 pipeline from the original right-of-way and reuse of it in the new right-of-way. The segment of the aqueduct system within the project APE lost its integrity of design, workmanship, materials, location, setting, and feeling during the relocation and does not appear to have gained historical significance in its own right. A small segment of the original aqueduct within the project limits runs parallel to the freeway, from approximately 450 feet south of the existing SR 242 Monument Corridor Trail, to the southern limits of the project limits and beyond. This short portion of the original two aqueduct system pipelines within the APE does maintain its integrity and continues to contribute to the historic linear property. However, the construction footprint would be located east and adjacent to the old aqueduct system water lines by approximately 50 feet and would require minimal excavation to depths no more than 3 feet below the ground surface. While the old segment of the aqueduct system is within the project APE, the limits of construction for the project would not affect this resource. The HRER also concluded that the third (1963) pipeline does not appear eligible for listing in the NRHP because it lacks historic significance, nor is it a historical resource for the purposes of CEQA. Therefore, the provisions of Section 4(f) for historic sites are not triggered.

No Build Alternative

Under the No-Build Alternative, no changes would be made to SR 242 within the overall project limits. No construction activities would occur, and there would be no change in the operations of the existing freeway facility. The No-Build Alternative would have no effect on public parks; recreational facilities; wildlife and waterfowl refuges; or historic sites that are covered under the provisions of Section 4(f) resources.



Legend

- | | | |
|----------------------------|--|-----------------------|
| Project Limits | Proposed Class I trails - Collector | Walnut Creek |
| Park | Newly Constructed Mayette Hanson Connector | 1. Ellis Lake Park |
| Pedestrian Undercrossing | Iron Horse Trail | 2. Meadow Homes Park |
| Existing bike routes/lanes | BART route | 3. Todos Santos Plaza |
| Planned bike routes/lanes | | |



Public Parks and Bikeways

Figure **B-1**

Source: City of Concord Trails Master Plan (2003); City of Concord Parks and Recreation, List of Concord Parks (2014); City of Pleasant Hill Parks and Recreation, Parks and Facilities (2013).

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