

6.0 DRAFT SECTION 4(F) EVALUATION

6.1 Introduction

Section 4(f)

Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966 prohibits the use of land from publicly owned parks, recreation areas, wildlife or waterfowl refuges, or historic sites for any federally funded transportation program, unless it is determined that:

- There is no feasible and prudent alternative to using such land; and
- The project includes all possible planning to minimize harm to the land resulting from its use. The word “use” refers to taking or acquiring of land or property for construction of a permanent transportation facility, or if not taken or acquired, the substantial impairment of the land or property for its intended purpose as a publicly owned park, recreation area, refuge, or historic site.

Methodologies and Assumptions

Project History

The Mn/DOT statewide Geographic Information System (GIS) database, the MnDNR Public Recreation Information Maps (PRIM), on-site field review, and consultation with appropriate municipal and county representatives were used to identify public lands within the Northstar Corridor.

Three sites within the Northstar Corridor were identified in the DEIS/Section 4(f)/6(f) evaluation based on this review. The Springbrook Nature Center and Rice Creek West Regional Trail are both located in the City of Fridley. Phase 3 of the Cedar Lake Trail, a proposed extension, would be located in downtown Minneapolis, adjacent to the BNSF railroad tracks. The appropriate agencies were contacted to determine if the potentially impacted trails/nature center would have either a 4(f) or 6(f) designation.

As stated in *Section 2.4-3* of the FEIS, the potential track capacity improvements from MP 15.5 to 20.7, included under the commuter rail alternative in the DEIS/Section 4(f)/6(f) evaluation were not included in the preferred alternative defined and evaluated in the FEIS. With the removal of the track improvement in this area (from the FEIS), the previously documented impacts to the Springbrook Nature Center and Rice Creek West Regional Trail were avoided, and were therefore not included in the Final 4(f)/6(f) evaluation included as a separate section of the FEIS. The 4(f) evaluation included as a separate section of the FEIS was limited to the Proposed Cedar Lake Trail – Phase 3.

As documented in the 4(f)/6(f) evaluation of the FEIS (*Section 8.3.1*), the proposed stormwater pond at the Anoka station site was located within a scenic easement for the Rum River. As the stormwater pond is identified as a permitted action within the scenic easement, it was not considered a 4(f) resource.

With regards to historic sites, SHPO has concurred that with the implementation of the guidelines set forth in the Northstar programmatic agreement, the project will not adversely affect historic sites listed or eligible for listing on the NRHP.

Revised Preferred Alternative

Since the completion of the FEIS/Final 4(f)/6(f) evaluation, additional information regarding the right-of-way boundaries of the BNSF and the Springbrook Nature Center has been identified. Additionally, the proposed track improvements in the vicinity of the Nature Center are limited to a third mainline. The original track improvements studied in the DEIS included a third mainline and siding through this area. Based on the design of the third mainline through this area, there will not be encroachment into the Springbrook Nature Center facility. Representatives of Mn/DOT and its partners have coordinated with the Springbrook Nature Center staff and the City of Fridley to confirm the right-of-way boundary information and potential impacts. By avoiding impacts to the Springbrook Nature Center, the revised preferred alternative would not impact any 6(f) resources.

With regards to the Proposed Cedar Lake Trail – Phase 3, the City of Minneapolis has not moved forward with the construction of the proposed trail in the downtown area. At this time, no land has been purchased or set aside for the proposed trail. Hence, it is not considered a 4(f) use at this point. Representatives of Mn/DOT and its partners have been in close coordination with the City of Minneapolis regarding design alternatives to accommodate the proposed trail near the Downtown Minneapolis Intermodal station.

This 4(f) evaluation is limited to the impacts to the Rice Creek Regional Trail in the City of Fridley. Under the revised preferred alternative, there would not be any impacts to 6(f) resources.

6.2 Section 4(f) Evaluation

Public Lands

Site Description:

The Rice Creek West Regional Trail is located in the City of Fridley, crossing under the BNSF railroad tracks where Rice Creek enters Locke Lake, and heads south adjacent and parallel to the east side of the railroad tracks. The Rice Creek Regional Trail continues north, on the east side of the BNSF tracks, until it reaches the Fridley Community Park, where it heads east through the park. South of the Rice Creek/Locke Lake crossing, the trail, referenced as the Mississippi River Regional Trail, parallels the west side of the tracks, and crosses over Mississippi Street Northeast on a newly constructed pedestrian/bikeway structure adjacent to the BNSF bridges. It continues on the west side of the railroad tracks until 61st Street, where it heads west crossing East River Road (See Figure 6.1).

Activities and Use:

The Rice Creek West Regional Trail/Mississippi River Regional Trail is a paved bikeway/pedestrian trail. Based on 2004 statistics compiled by the Metropolitan Council of the Twin Cities, the Anoka County portion of the Rice Creek Regional trail documented 393,900 uses, and the Mississippi River Regional trail documented 134,200 uses.

Relationship to Similar Adjacent Lands:

The Rice Creek West Regional Trail connects with the Mississippi Rive Regional Trail that combines regional and local trails and facilities. This trail offers linkage from Coon Rapids Dam Regional Park through the cities of Coon Rapids, Fridley, and Columbia Heights, into Minneapolis.

Access:

Access points to the trail are all along the bikeway/pedestrian trail.

Ownership/Clauses:

The trail was constructed by the Anoka County Department of Parks and Recreation with funding from the Metropolitan Council. The Department has an agreement with the BNSF to lease the land in the vicinity of the potential track improvements (see agreement between Anoka County Department of Parks and Recreation following the text and figures in this section).

Unusual Site Features:

There are no unusual site features.

Location and Amount of Taking:

Potential track improvements under the revised preferred alternative include adding a third mainline on the east side (railroad north) of the existing tracks between MPs 16.6 and 21.1 (within the cities of Fridley and Coon Rapids). A portion of this new track will have temporary right-of-way impacts to the Rice Creek Regional Trail during the construction of the new bridge over Rice Creek/Locke Lake. The potential impacts would be within a section of the trail where an existing lease agreement between the BNSF and Anoka County is in place. Specifically, up to 350 feet of trail would be temporarily closed to allow for construction of the new bridge to accommodate the third main, and construction staging/access (See Figure 6.2). It is anticipated that based on the required construction activities in this location, the trail would be closed in this area for up to 8 weeks. During construction, the trail crossing under the existing BNSF bridges will be closed. Based on the location of the trail in relation to the existing BNSF tracks, including the existing BNSF bridges over Rice Creek/Locke Lake, along with the area required to accommodate construction of the third mainline (including new bridge over Rice Creek/Locke Lake), there are no feasible or prudent alternatives to the temporary closure of the trail in this area. Upon completion of construction, the trail would be reopened.

Alternatives Including Proposed Action and Avoidance Alternatives and Their Impacts

As stated in the methodology section, the proposed third mainline track improvement was eliminated from the DEIS to the FEIS phase of the project. Since the approval of the FEIS, the BNSF has entered into a Capacity Improvements Engineering Agreement with the NCDA that specifically calls for the inclusion of a third mainline from MP 15.1 to 21.1 to provide adequate track capacity for safe and effective rail operations.

The original third mainline alignment was located on the west side (railroad south) of the existing mainline. As presented in the DEIS/Draft 4(f)/6(f) evaluation, a third mainline alignment on the west side (railroad south) would permanently impact up to 540 feet of the trail, all of which is on leased land from the BNSF. The trail was proposed to be relocated onto Rice Creek Way and Ashton Avenue, returning to the existing bike/pedestrian path through the City Park, to maintain continuity with the new bike/pedestrian crossing over Mississippi Street Northeast.

In an effort to avoid permanent impacts to the trail, representatives of Mn/DOT and its partners have worked with the BNSF to develop the proposed third mainline alignment on the east (railroad north) side of the existing mainline. Locating the third main in the area avoids any direct impacts to the Rice Creek Regional Trail, while providing safe and efficient train operations through this area.

Measures to Minimize Harm

As noted above, the impacts to the trail would be temporary in nature, limited to an eight-week construction period. Measures to minimize disruption could include staging construction during low-use periods on the trail. Based on consultation with the Anoka County Parks, during the construction period, trail closure signs will be posted in the Community Park of Fridley (along the trail), and to the south at the Locke Park entrance point of the trail. Trail users to the south (near Locke Park) will be directed onto East River Road (existing trail route). Based on surrounding land uses and conditions on the east side of the trail, a detour to access the west side of the trail is not considered feasible. Hence, the trail closure signs would be posted over a quarter of a mile away from the actual closure site. In effort to provide adequate trail closure information to facility users, advance “closure signs” will also be posted at the following trail locations (see Figure 6.3):

- Trail crossing at University Avenue (east of trail closure)
- Mississippi Street Northeast bridge crossing (south of trail closure)
- East River Road (multiple locations to the north and east of trail closure)

Mn/DOT and its project partners will also work closely with the Anoka County Parks department regarding the issuance of timely and informative press releases regarding upcoming trail closures associated with construction of the Northstar Corridor Rail project in this area.

Coordination

Mn/DOT and other representatives from the NPO have met on an ongoing basis with representatives from the City of Fridley and the Anoka County Parks Department regarding potential impacts to the trail. As noted above, the measures to minimize harm have been developed in consultation with the Anoka County Parks department.