

## **APPENDIX B**

### **4(f) Evaluation**



## Resources Evaluated Relative to the Requirements of Section 4(f)

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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.

This section of the document discusses parks, recreational facilities, wildlife refuges and historic properties found within or next to the Build Alternative 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.

### PROJECT DESCRIPTION

The California Department of Transportation (Caltrans), in cooperation with the Solano Transportation Authority (STA) and the Metropolitan Transportation Commission (MTC), proposes to provide High Occupancy Vehicle/High Occupancy Toll lanes (HOV/HOT or express lanes) in both westbound and eastbound directions of Interstate 80 (I-80) from west of Red Top Road to east of Interstate 505 (I-505), within Solano County, California. The I-80 Express Lanes Project (project) would construct approximately 18 miles of express lanes in the I-80 corridor through conversion of existing HOV lanes and highway widening for new express lanes. The project limit is approximately 20 miles because of the need to install express lanes signs and equipment 1 mile in advance of the actual express lane entrance. The general location of the proposed improvements extends along I-80 from post mile (PM) R10.4 to 30.2 and passing through the cities of Fairfield and Vacaville.

The project may be constructed under a single construction contract or in phases depending on available funding. If phasing occurs, the first phase of the project (West Segment) would include the conversion of the existing HOV lane to a new express lane facility along I-80 from the Red Top Road interchange to the Air Base Parkway interchange, including the area around the I-80/I-680 interchange. In the West Segment, existing HOV lanes in both the eastbound and westbound directions would be restriped and repurposed into express lanes. The second phase (East Segment) would construct a new express lane in both the eastbound and westbound directions of I-80 from the Air Base Parkway interchange through the I-80/I-505 interchange. The Build Alternative comprises both the West Segment and East Segment.

Within the West Segment of the project limits, the conversion of the existing HOV lane to an express lane would not require outside widening. Similarly, the majority of the proposed new express lane within the East Segment of the project limits would be accommodated through pavement widening within the I-80 median, and thereby reducing the amount of outside widening needed. Since the Build Alternative would not substantially alter the location of I-80, the distance between the parks and recreational facilities and the freeway corridor will not change when compared to existing conditions. The bike paths and bike lanes located adjacent to I-80, and at the various ramp termini intersections, would remain open during construction.

Under the No-Build Alternative, none of the project features described above would be constructed. The freeway travel lanes along the I-80 corridor would remain as they currently exist. No bridge structures would be widened

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

### *Build Alternative*

Build Alternative's Area of Potential Effects (APE)<sup>1</sup> encompasses all areas that fall within the physical footprint of the proposed improvements and areas that may either be directly or indirectly affected by project-related construction activities. The APE covers 20 miles, encompassing approximately 920 acres. In addition to representing the full project footprint and the full horizontal extent of all potential project activities, the archaeological APE includes a vertical extent to encompass all project-related earthmoving construction activities.

There are no wildlife or waterfowl refuges within the project vicinity. The closest federal wildlife refuge is the San Pablo Bay National Wildlife Refuge, located over 29 miles west of the project limits. The closest state wildlife area is the Grizzly Island Wildlife Refuge located 2.5 miles east of the project limits near the I-80 and I-680 interchange in Cordelia. Owing to the substantial distance from the project limits to the closest wildlife/waterfowl refuge, the proposed 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) for wildlife or waterfowl resources are not triggered.

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<sup>1</sup> APE comprises Architectural APE and Archaeological APE. Consistent with Caltrans policies and general cultural resource practices, the Architectural APE includes the area directly impacted by construction. The archaeological APE includes all areas where ground disturbance is possible and incorporates the boundaries of all previously identified archaeological sites that intersect the Project Study Limits.

**Table 1**, below, lists the Section 4(f) resources in the project vicinity, except archaeological sites. There are 23 parks and recreation facilities, one historic site and four archaeological sites within 0.5 miles of the Build Alternative. **Figure B-1** shows the locations of the parks and recreation facilities and historical site within 0.5 miles of the Build Alternative.

Table 1 Section 4(f) Properties within 0.5 miles of Project Limits

	Name	Address
<b>Parks and Recreation Facilities</b>		
1	Alamo School Park	535 Edgewood Drive, Vacaville, CA 95688
2	Andrews Park	Monte Vista Avenue and School St., Vacaville, CA 95688
3	City Hall Park	Walnut Street, Vacaville, CA 95688
4	Dunnell Property (project under design)	3351 Hilborn Road, Fairfield, CA 94533
5	Hayes & Utah Street ~ Tot Lot	1101 Hayes Street, Fairfield, CA 94533
6	Hillview Neighborhood Park	300 Atlantic Avenue, Fairfield, CA 94533
7	Kentucky Street ~ Tot Lot	1740 Kentucky Street, Fairfield, CA 94533
8	Lagoon Valley Park	1 Pena Adobe Road, Vacaville, CA 95688
9	Linear Park Playground @ 2nd Street	2nd St. & Linear Trail, Fairfield, CA 94533
10	Linear Park Playground @ 5th Street	5th St. & Linear Trail, Fairfield, CA 94533
11	Mankas Neighborhood Park	2800 Owens Street, Fairfield, CA 94533
12	McBride Senior Center	91 Town Square Place, Vacaville, CA 95688
13	Meadow Glen Neighborhood Park	2800 Parkview Terrace, Fairfield, CA 94533
14	North Orchard Park	675 S. Orchard Avenue, Vacaville, CA 95688
15	Rolling Hills Neighborhood Park	3520 Glenwood Drive, Fairfield, CA 94533
16	Senior Center Park	Ulatis Creek, Vacaville, CA 95688
17	Three Oaks Community Center	1100 Alamo Drive, Vacaville, CA 95688
18	Ulatis Community Center	1000 Ulatis Drive, Vacaville, CA 95688
19	Ulatis Gardens	1000 Ulatis Drive, Vacaville, CA 95688
20	Veterans Memorial Park	2050 Fairfield Avenue, Fairfield, CA 94533
21	Vintage Green Valley Neighborhood Park	600 Vintage Valley Drive, Fairfield, CA 94533
22	Willows Park	Ogden Way and Marshall Road, Vacaville, CA 95687
23	Woodcreek Neighborhood Park	1470 Astoria Drive, Fairfield, CA 94533
<b>Historic Sites</b>		
24	Pena Adobe	301 Pena Adobe Road, Vacaville, CA 95688

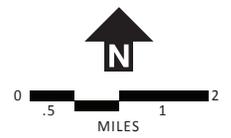
Sources: Caltrans 2014d; Google Earth, 2014



**Legend**

- West Segment
- East Segment
- Parks and Recreation Facilities
- Historic Sites

1. Alamo School Park
2. Andrews Park
3. City Hall Park
4. Dunnell Property (project under design)
5. Hayes & Utah Street ~ Tot Lot
6. Hillview Neighborhood Park
7. Kentucky Street ~ Tot Lot
8. Lagoon Valley Park
9. Linear Park Playground @ 2nd Street
10. Linear Park Playground @ 5th Street
11. Mankas Neighborhood Park
12. McBride Senior Center
13. Meadow Glen Neighborhood Park
14. North Orchard Park
15. Rolling Hills Neighborhood Park
16. Senior Center Park
17. Three Oaks Community Center
18. Ulatis Community Center
19. Ulatis Gardens
20. Veterans Memorial Park
21. Vintage Green Valley Neighborhood Park
22. Willows Park
23. Woodcreek Neighborhood Park
24. Pena Adobe



**Section 4(f) Properties**

Figure **B-1**

Source: Circlepoint, 2015

For the purposes of Section 4(f), a project must result in use of a 4(f) resource to trigger the provisions of Section 4(f). There are three types of use: permanent, temporary occupancy, and constructive use. The most common form of use, permanent use is when a property is incorporated into a project via land acquisition. Temporary occupancy results when a Section 4(f) property, in whole or in part, is required for project construction-related activities. The property is not permanently incorporated into a transportation facility but the activity is considered to be adverse in terms of the preservation purpose of Section 4(f). Lastly, a constructive use occurs when the proximity impacts of a proposed project adjacent to, or nearby, a Section 4(f) property result in substantial impairment to the property's activities, features, or attributes that qualify the property for protection under Section 4(f).

#### *Parks and Recreation Properties*

Andrews Park, City Hall Park, North Orchard Park, Senior Center Park, Ulatis Gardens, and Willows Park are all Section 4(f) resources because they are publically owned, locally significant parks that are open to the public. Based on the definitions of use listed above, no impacts to these parks would result from the Build Alternative because no permanent, temporary, or constructive uses would occur. Therefore, the provisions of Section 4(f) are not triggered.

Alamo School Park, located near the project in Vacaville, is a Section 4(f) resource because Alamo School's playground is open to the public and serves either significant organized or substantial walk-on recreational purposes. Based on the definitions of use listed above, no impacts to Alamo School Park will result from the Build Alternative because no permanent, temporary, or constructive uses would occur. Therefore, the provisions of Section 4(f) are not triggered.

Vacaville also hosts three recreational facilities: McBride Senior Center, Three Oaks Community Center, and Ulatis Community Center. They are all publically owned, locally significant recreational facilities that are open to the public during normal hours of operation. The facilities can be reserved for a fee, but the assessment of a user fee is generally related to the operation and maintenance of the facility and does not in and of itself negate the property's status as a Section 4(f) property. Based on the definitions of use listed above, no impacts to McBride Senior Center, Three Oaks Community Center, or Ulatis Community Center will result from the Build Alternative because no permanent, temporary, or constructive uses would occur. Therefore, the provisions of Section 4(f) are not triggered.

The Dunnell Property is 6.2 acres of land left to the City of Fairfield for the purposes of a park, by the Dunnell family. The property sits adjacent to 770 acres of city-owned open space. Plans to create a park at the Dunnell Property were approved in 2004 and the park is currently under construction. In addition to the Dunnell Property, the Hayes & Utah Street Tot Lot, Hillview Neighborhood Park, Kentucky Street Tot Lot, Mankas Neighborhood Park, Meadow Glen Neighborhood Park, Rolling Hills Neighborhood Park, Veterans Memorial Park, Vintage Green Valley Neighborhood Park, and Woodcreek Neighborhood Park are all Section 4(f) resources in

the City of Fairfield because they are publically owned, locally significant parks that are open to the public. Based on the definitions of use listed above, no impacts to any of the above listed parks will result from the Build Alternative because no permanent, temporary, or constructive uses would occur. Therefore, the provisions of Section 4(f) are not triggered.

The Fairfield Linear Park Playground at 2<sup>nd</sup> Street and the Linear Park Playground at 5<sup>th</sup> Street compose the greater Linear Park, and for the purposes of this evaluation will be referred to as the Fairfield Linear Park. The Fairfield Linear Park is located adjacent to the project limits. It is considered a Section 4(f) resource because it is a publically owned, locally significant park that is open to the public. The Build Alternative would not result in an increase in population in the areas surrounding the I-80 corridor (see **Section 2.1.3, Growth**); therefore, additional demand on the park facilities is not anticipated. The Build Alternative would not substantially impair the aesthetic features or attributes of Fairfield Linear Park (see **Section 2.1.8 Visual/Aesthetics**), as existing views are limited and the improvements proposed will not substantially impede the viewsheds from the park and will maintain or replace existing landscape screening. Potential increases in ambient noise levels for the areas immediately adjacent to I-80 are discussed in **Section 2.2.7, Noise**, which concludes that that noise levels under the Build Alternative are predicted to increase by one decibel along the Fairfield Linear Park. A one decibel increase is not perceivable to the human ear and not considered substantial, in accordance with *Caltrans' Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects (2011)*. Potential air quality impacts are discussed in **Section 2.2.6, Air Quality**, which concludes that implementation of construction period minimization measures will reduce any air quality impacts resulting from construction activities. No substantial long-term air quality effects would result from the Build Alternative. Additionally, because the project would require minimal outside widening of I-80, there would be no impacts to water quality, vegetation, wildlife, or accessibility of Fairfield Linear Park. The proposed project Build Alternative will not cause a constructive use of Fairfield Linear Park because the proximity impacts will not substantially impair the protected activities, features, or attributes of the park.

Lagoon Valley Park is located adjacent to I-80 in the City of Vacaville. It is a 470-acre park with barbeque areas, bike trails, hiking trails, a lake, a horseshoe pit, and a multi-purpose field. The park also includes a 30,000 square foot fenced in dog park. The Build Alternative would not result in an increase in population in the areas surrounding the I-80 corridor (see **Section 2.1.3, Growth**); therefore because Lagoon Valley Park serves the area surrounding the I-80 corridor, additional demand on the park facilities is not anticipated. The Build Alternative would not substantially impair the aesthetic features or attributes of Lagoon Valley Park (see **Section 2.1.8 Visual/Aesthetics**), as existing views are limited and the improvements proposed will not substantially impede the viewsheds from the park and will maintain or replace existing landscape screening. Potential increases in ambient noise levels for the areas immediately adjacent to I-80 are discussed in **Section 2.2.7, Noise**, which concludes that that noise levels under the Build Alternative are predicted to increase by 1 decibel at the Lagoon Valley Park. A 1 decibel increase is not perceivable to the human ear and not considered substantial, in accordance with *Chapter 20 – Section 4(f) of Caltrans Environmental Handbook, Volume 1: Guidance for Compliance*. Potential air quality impacts are discussed in **Section 2.2.6, Air Quality**, which concludes that implementation of construction period minimization measures will reduce any air quality impacts resulting from construction activities. No substantial long-term air quality effects would result from the Build Alternative.

Additionally, because the project would require minimal outside widening of I-80, there would be no impacts to water quality, vegetation, wildlife, or accessibility of Lagoon Valley Park. The proposed project Build Alternative will not cause a constructive use of Lagoon Valley Park because the proximity impacts will not substantially impair the protected activities, features, or attributes of the park.

Given the above, the Build Alternative would not result in permanent, temporary, or constructive use of any park or recreation facilities requiring protection under Section 4(f). Therefore, the provisions of Section 4(f) are not triggered.

#### *Historic Sites*

Properties that are on or eligible for the National Register of Historic Places (NRHP), including historic districts, buildings, structures, objects, and certain archaeological sites qualify for Section 4(f) protection. One historic-era property within the architectural APE, the Peña Adobe site (adobe built 1842, annex built 1880), was previously evaluated. It was listed in the NRHP in 1972. An August 2013 field survey found that neither the adobe nor the annex appear to have undergone alterations that would warrant a change in its current NRHP listing. The Build Alternative would have no impact on access to this historic site due to its distance from the Build Alternative improvements. Additionally, based on the definitions of use, no impacts to the Peña Adobe site would result from the Build Alternative because no permanent, temporary, or constructive uses would occur. Therefore, the provisions of Section 4(f) are not triggered.

#### *Archaeological Resources*

Archaeological resources that are potentially eligible for the NRHP have been located within the Build Alternative's APE. As construction activities could potentially unearth previously identified and unidentified resources, provisions to address these circumstances are included in the Avoidance, Minimization, and/or Mitigation Measures in **Section 2.1.9, Cultural Resources**. Because the Build Alternative would involve construction activities near the archaeological sites, an Environmentally Sensitive Area (ESA) plan was prepared to protect known resources. A testing/treatment plan was established to test for potential cultural resources during project construction. Therefore, the provisions of Section 4(f) are not triggered.

#### *West Segment –First Phase*

As previously discussed, the West Segment of the Build Alternative would not impact any park facilities requiring protection under Section 4(f). Section 4(f) resources include publicly-owned parks, recreational areas, and wildlife refuges. **Table 1** and **Figure B-1** identify the few parks that are within 0.5 mile of the West Segment of the Build Alternative, and qualify for consideration under Section 4(f). The Build Alternative would not result in permanent, temporary, or constructive use of any park or recreation facilities requiring protection under Section 4(f). Therefore, the provisions of Section 4(f) for parks and recreation facilities are not triggered for the West Segment.

There are no wildlife refuges on or near the project corridor. Therefore, the proposed Build Alternative, including the West Segment, would have no impact on these resources, nor are the provisions of Section 4(f) for wildlife refuges triggered.

*No-Build Alternative*

Under the No-Build Alternative, no changes would be made to I-80 within the overall project limits. Under the No-Build Alternative, no property would be acquired, no construction activities would occur, and there would be no change in the operations of the existing freeway facility. Given the above, the No Build Alternative would not result in permanent, temporary, or constructive use of any park or recreation facilities, historic sites, archaeological sites, or wildlife refuges requiring protection under Section 4(f). Therefore, the provisions of Section 4(f) are not triggered.