



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

NORTHERN VIRGINIA DISTRICT

4975 Alliance Drive

Fairfax, VA 22030

[www.VDOT.Virginia.gov](http://www.VDOT.Virginia.gov)

January 23, 2024

Jason Widstrom, Arlington County Project Manager  
Arlington County  
2100 Clarendon Blvd,  
Arlington County, VA 22201

SUBJECT: Route Number: 6591  
Project Number: U000-M10-R21, C501, P101, R201  
UPC: 118306  
Town/City/County: Arlington County  
iPM Project Description: #SGR23LB – Mount Vernon Avenue Bridge  
Replacement  
Project Limit—From: 0.05 miles south of S. Glebe Road  
Project Limit—To: 0.13 miles north of Four Mile Road  
**SECTION 4(f); SIGNIFICANCE DETERMINATION, TEMPORARY  
OCCUPANCY & DE MINIMIS IMPACTS**

Dear Mr. Widstrom

As you know, the Virginia Department of Transportation (VDOT), in cooperation with the Federal Highway Administration (FHWA) and Arlington County, is proposing to improve the Mt Vernon Avenue Bridge at the border between Arlington County and the City of Alexandria, in Virginia. The proposed project involves construction for the replacement of the Mt Vernon Avenue Bridge over Four Mile Run. A project location map is enclosed.

Specifically, the design and construction of the superstructure of the bridge as well as addition of improved pedestrian and cyclist sidewalks will be from 0.05 miles south of S. Glebe Road to 0.13 miles north of Four Mile Road. The improvement will involve replacing the superstructure of the bridge to widen the bridge by a few feet to account for improved pedestrian and cyclist facilities as well as improving the Four Mile Run Trail underneath the north side of the Mt Vernon Avenue Bridge. The improvement will not require increasing the width of existing right-of-way as the city plans to utilize as much existing city right-of-way as possible. These improvements will result in a minor use of properties protected under Section 4(f) of the Department of Transportation Act of 1966.

Under Section 4(f), FHWA may approve a transportation project requiring the use of publicly owned land of a public park, recreation area, wildlife and waterfowl refuge or land of a historic

site that is listed on or eligible for listing on the National Register of Historic Places only if: (1) there is no feasible alternative to using that land; and, (2) the project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use; or the use of the property will have a *de minimis* impact.

The purpose of this letter is two-fold: 1) to request that Arlington County make a determination as to whether this section of Four Mile Run Trail is a significant property in their system, and; 2) to request concurrence from Arlington County regarding certain aspects of compliance with Section 4(f), namely, (a) that the temporary occupancy that would be associated with the proposed project at the northern section of the Mt Vernon Avenue Bridge would be minor and not permanently adverse, and that there would be no interference with the activities or purpose of the resource either on a temporary or permanent basis; (b) that the impact of a temporary construction easement for the Four Mile Run Trail underneath the northern side of the Mt Vernon Avenue Bridge will not adversely affect the activities, features and attributes that qualify the property for protection under Section 4(f) as a publicly owned park and recreational area. If Arlington County concurs with this determination, it is FHWA's intent to 1) determine that the temporary occupancy does not constitute a Section 4(f) use, and 2) make a Section 4(f) *de minimis* finding for the temporary construction easement from the Four Mile Run Trail pursuant to 23 CFR 774.3.

### **DETERMINATION OF SIGNIFICANCE**

Section 4(f) applicability for a park, recreation area, or wildlife refuge requires a determination by officials with jurisdiction over the property as to whether the property is significant. In the absence of this determination, the Section 4(f) property would be presumed to be significant and Section 4(f) would apply. If the officials having jurisdiction over the resource conclude that the entire property is not significant, then the provisions of Section 4(f) would not apply.

### **TEMPORARY OCCUPANCY**

A definitive calculation will be completed when more detailed design information is available. According to FHWA's regulations implementing Section 4(f), a temporary occupancy does not constitute "use" under 4(f) if the following conditions are met (23 CFR 774.13(d)):

1. **Duration (of the occupancy) must be temporary (i.e., less than the time needed for construction of the project)** - Occupancy, construction, and required access in the **[Resource Name]** will take only as long as necessary, which will be less than the time needed to build the entire facility. A temporary easement to permit construction within a portion of the park will be effective only for the time needed to perform the work within the park property and will not be used to provide staging or construction access to other portions of the project. There will be no change in ownership of the park land involved in the temporary construction easement.
2. **Scope of the work must be minor (i.e., both the nature and the magnitude of the change are minimal)** - Both the nature and the magnitude of the changes to the park land will be minimal. Existing shrubs and grasses may be cleared. Temporary erosion and sediment controls will be installed and maintained throughout the duration of the construction to prevent soil erosion and to manage stormwater runoff. Areas that can support vegetation will be reseeded and/or planted with appropriate ground cover.

3. **There are no anticipated permanent adverse physical impacts, nor will there be interference with the protective activities, features, or attributes of the property, on either a temporary or permanent basis** - Neither of the proposed temporary construction easements are anticipated to have permanent adverse impacts on the activities or purpose of the Four Mile Run Trail land that is disturbed will be restored to its natural condition as soon as possible after construction is complete.
4. **The land being used must be fully restored:** The lands subject to any temporary construction easement will be returned to a natural condition which is at least as good as that which existed prior to project construction. The parkland will be revegetated with appropriate species and, if necessary, some hardened materials may be placed in areas where erosion is possible and revegetation would be difficult due to shading.
5. **There must be documented agreement from the Arlington County regarding the above conditions:** Signature and return of the attached concurrence document to VDOT will satisfy this final condition.

VDOT believes the proposed temporary occupancy of the Four Mile Run Trail does not constitute a use under Section 4(f) based on the above. We request that Arlington County concur with our assessment of the conditions outlined above using the signature block at the end of this letter.

#### ***DE MINIMIS IMPACTS***

Based on preliminary calculations, a temporary construction easement will be necessary for improvements to the Four Mile Run Trail underneath Mt Vernon Avenue Bridge. Extensive efforts to minimize the impact of this easement on the Four Mile Run Trail. A definitive calculation will be completed when more detailed design information is available.

As noted above, Section 4(f) requirements may be met if FHWA determines that the use of the property will have a *de minimis* impact. For FHWA to make such a determination for publicly owned parks, recreational areas, and wildlife or waterfowl refuges:

1. **The project will not adversely affect activities, features, and attributes of the park:**  
The proposed temporary construction easement will have no permanent adverse effects on activities, features, or attributes of the Four Mile Run Trail. Equipment access on the park land, if necessary, will use temporary crossings that will be removed as soon as work within the park property is completed. None of the anticipated inspection and maintenance operations would adversely affect activities, features, or attributes of the park.
2. **There must be public notice and opportunity for public review and comment concerning the effects on the protected activities, feature, or attributes of the property that make the property eligible for Section 4(f) protection** - VDOT will offer the public an opportunity to review and comment on the effects of the proposed *de minimis* impacts. This will be accomplished through a published public notice and review period consistent with federal guidelines. Public comments received and the Department's responses will also be available for review.
3. **Officials with jurisdiction over the park must concur that the impacts of the project will not adversely affect the activities, features, and attributes of the park:**  
Signature and return of this concurrence document to VDOT will satisfy this criterion.

VDOT believes the proposed work entailed in this project, which will use property from the Four Mile Run Trail in the form of permanent, will not adversely affect the

activities, features, and attributes of the park and requests that Arlington County concur with this determination using the signature block at the end of this letter.

If you concur with our assessment, please return the signed concurrence block at your earliest convenience, but no later than February 12<sup>th</sup>. If you have any questions or need additional information, please call me at 703 259 1729 or e-mail me at the following e-mail address: [arun.so@vdot.virginia.gov](mailto:arun.so@vdot.virginia.gov). I appreciate your assistance and prompt attention to this matter.

Sincerely,

Arun So  
Environmental Specialist, VDOT NOVA

Copy: Nick Roper, PE. VDOT  
Steve Bates, PE. VDOT  
Tien-Jung Ho. VDOT  
Angel Reed. VDOT  
John Muse. VDOT  
Amanda Heath. FHWA  
John Simkins. FHWA

Attachments

**Arlington County Significance Determination and Concurrence with FHWA SECTION 4(f)  
Applicability Criteria for Temporary Occupancy and *de minimis* Impacts on the Four Mile  
Run Trail**

For the proposed construction of Mt Vernon Avenue Bridge Replacement which involves constructing a widened Mt Vernon Avenue superstructure with accompanying pedestrian and cyclist facility improvements, 0.05 miles south of S. Glebe Rd to 0.13 miles north of Four Mile Run Road at the Arlington County and City of Alexandria border, Virginia. Arlington County has determined that the Four Mile Run Trail is a significant property in their system and concurs that the temporary occupancy posed by a temporary construction easement for the improvements to Four Mile Run Trail lighting, access, and drainage, and associated project elements, is minor and will not cause permanently adverse affects to, nor interfere with, the protected activities, features, or attributes of the Four Mile Run Trail. Arlington County further concurs that, based upon current design information and the commitment on the part of VDOT to minimize disturbance within the park, impacts to park property that could be expected to result from the project will not adversely affect activities, features, and attributes of the park. Arlington County hereby acknowledges that VDOT will provide notice and opportunity for public review and comment, consistent with federal guidelines. This concurrence does not constitute an endorsement of the project or conveyance of any temporary or permanent interests in or access to parklands. This concurrence is provided with the understanding that further design information is to be provided to Arlington County by VDOT during project development and that further consultation with Arlington County will be undertaken by VDOT to ensure prior to granting of any temporary or permanent property interests that harm the park property by the proposed project will be minimized and the conditions upon which this concurrence is based have not changed.

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[Signature of official with jurisdiction]

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[Date]