



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

Stephen C. Brich, P.E.
COMMISSIONER

September 24, 2018

Mr. Derrick R. Wood, Mayor
Town of Dumfries
17755 Main Street
Dumfries, Virginia 22026

Subject: Route 1 Widening – Fraley Boulevard
Town of Dumfries, VA
VDOT Project Number: 0001-212-249, P101
UPC: 90339
From: Approximately 0.1 miles south of Bradys Hill Road
To: Approximately 0.2 miles north of Dumfries Road
Section 4(f) Significance Determination and *de minimis* Impacts

Dear Mr. Wood,

The Prince William County Department of Transportation, in cooperation with the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA) are evaluating the impacts associated with widening northbound Route 1 (Fraley Boulevard) from approximately 0.1 miles south of Bradys Hill Road to approximately 0.2 miles north of Route 234 (Dumfries Road). The proposed project will widen northbound Route 1 from a 2-lane undivided roadway to a divided 6-lane facility from 0.1 miles south of Brady's Hill Road to Route 633 (Possum Point Road), to carry both northbound and southbound traffic along parallel alignments on the existing Route 1 northbound alignment. The project would also widen both north and southbound Route 1 from a 4-lane undivided roadway to a 6-lane divided roadway from Possum Point Road to the project terminus, 0.2 miles north of Dumfries Road.

Under Section 4(f) of the Department of Transportation Act of 1966, FHWA may approve a transportation project requiring the use of publicly owned land of a public park 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 prudent and feasible alternative to using that land; and, (2) the project includes all possible planning to minimize harm to the park or historic site resulting from the use.

The purpose of this letter is two-fold: 1) to request that the Town of Dumfries (Town) make a determination as to whether the Cecil W. Garrison Memorial Park is a significant property in their system, and; 2) to request preliminary concurrence from the Town regarding certain aspects of compliance with Section 4(f) of the Department of Transportation Act, namely, that the impact of a permanent fee simple acquisition of approximately 717 square feet of Cecil W. Garrison Memorial Park property 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. After public notice and the Town's final concurrence with this determination, it is FHWA's intent to make a Section 4(f) *de minimis* finding for the use of Cecil W. Garrison Memorial Park as permitted by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, 49 USC 303).

Determination of Significance

Section 4(f) applicability for a publicly-owned park or recreation area requires that a determination of significance be made by officials having jurisdiction over the park or recreation area. In the absence of this determination, the Section 4(f) land would be presumed to be significant and Section 4(f) would apply. If the officials having jurisdiction over the resource conclude that the entire site is not significant, then the provisions of Section 4(f) would not apply.

De minimis Impact

Based on preliminary calculations, the proposed design for the project is anticipated to require permanent fee simple incorporation of approximately 717 square feet of the Town's Cecil W. Garrison Memorial Park property. A definitive calculation would be completed once more detailed design information is available. The proposed right of way acquisition is identified on the attached plan sheet.

The SAFETEA-LU legislation passed by Congress in 2005 allows FHWA to meet the requirements of Section 4(f) by making a determination that certain uses of Section 4(f) land will have no adverse effect on the protected resource in question. In order for FHWA to make such a determination for publicly owned parks and recreational areas:

1. **The project will not adversely affect activities, features, and attributes of the park** -- The proposed permanent fee simple right of way will not have adverse effects on activities, features, or attributes of Cecil W. Garrison Memorial Park. 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.

2. **There must be public notice and opportunity for public review and comment –**
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 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 preliminary concurrence document to VDOT will preliminarily satisfy this criterion. A signature on the final concurrence letter provided after the public comment period will be required for final concurrence.

VDOT believes the proposed work entailed in this project, which will use property from the Town's Cecil W. Garrison Memorial Park in the form of permanent fee simple right of way, will not adversely affect the activities, features, and attributes of the park and requests that the Town preliminarily concur with this determination using the signature block at the end of this letter.

If you preliminarily concur with our assessment, please return the signed concurrence block to me at your earliest convenience, but by no later than October 24, 2018. If you have any questions or need additional information, please call me at (703) 259-1929 or e-mail me at Halie.Mitchell@VDOT.Virginia.gov. I appreciate your assistance and prompt attention to this matter.

Sincerely,

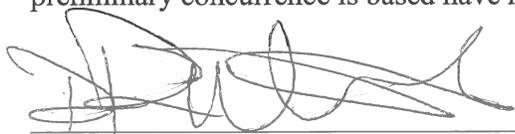
Halie Mitchell
NEPA Specialist
VDOT Environmental Section
Northern Virginia District

cc: John Simkins, FHWA
Nicholas Roper, VDOT
James Cromwell, VDOT
John Muse, VDOT
Anissa Brown, VDOT
Jenny Ha, VDOT

Attachment

**Town of Dumfries Significance Determination and Preliminary Concurrence with the
Federal Highway Administration's Section 4(f) Applicability Criteria for *de minimis*
Impacts to Cecil W. Garrison Memorial Park**

For the proposed widening of Route 1 (Fraley Boulevard); State Project #0001-212-249, P101; UPC #90339, from approximately 0.1 mile south of Bradys Hill Road to 0.2 miles north of Dumfries Road in the Town of Dumfries, Virginia, the Town of Dumfries has determined that the Cecil W. Garrison Memorial Park (Park) is a significant property in their system and preliminarily concurs the permanent fee simple acquisition of approximately 717 square feet of Park property will not permanently adversely affect the Park. The Town further preliminarily concurs that, based upon current design information and the commitment on the part of the Virginia Department of Transportation (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. The Town hereby acknowledges that VDOT will provide notice and opportunity for public review and comment, consistent with federal guidelines. This preliminary concurrence does not constitute an endorsement of the project or conveyance of any permanent interests in or access to parklands. This preliminary concurrence is provided with the understanding that further design information is to be provided to the Town by VDOT during project development and that further consultation with the Town will be undertaken by VDOT to ensure, prior to granting of any permanent property interests, that harm to Park property by the proposed project will be minimized and the conditions upon which this preliminary concurrence is based have not changed.



Signature

10/2/18

Date