UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

DATE: May 23, 1977

In reply refer to: HEV-11

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SUBJECT: Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects

FROM: Federal Highway Administrator

TO: Regional Federal Highway Administrators
Regions 1-10, and
Regional Engineer, Region 15

In order to reduce processing time and delays, we have prepared a negative declaration/Section 4(f) statement and determination (copy attached) to cover those independent bikeway and pedestrian walkway projects (FHPM 6-1-1-1) which require the use of recreation and park areas. This approved document should be distributed to Division Offices and State highway agencies for their use.

A draft of the negative declaration/Section 4(f) statement was published in the Federal Register (42 F.R. 15394) on March 21, 1977, inviting interested persons to comment. No major adverse comments were received during this commenting period. The majority of letters received were favorable and recommended approval of the document.

This environmental document will not relieve the Division Administrator from reviewing the impacts, mitigation measures, location, and design of individual bikeways. If there are any unusual circumstances (major impacts or controversy), a separate Section 4(f) statement and environmental document (EIS or negative declaration) should be considered for the individual project. It is likely that most projects which do not involve Section 4(f) properties would be nonmajor actions and would not require a formal environmental document.

It is also important to obtain approval from the official having specific jurisdiction over the Section 4(f) property that the project is acceptable and consistent with the designated use of the property, and that the location and design have been accomplished in a manner that will not cause harm to the property. A copy of the negative declaration/Section 4(f) statement, along with the approval letter from the official, should be placed in the individual project file.

If you have any question concerning the subject document, please contact the Environmental Review Branch, (202) 426-0106, in the Office of Environmental Policy.

L. P. Lamm

For William M. Cox

Final Negative Declaration/Section 4(f) Statement and Determination for Independent Bikeway or Walkway Construction Projects

Background

There is a growing interest in bicycling and walking for commuting, for recreation, and for other trip purposes. Where this activity occurs on high-speed roadways, both safety and efficiency can be impaired because of the mixture of motorized and nonmotorized modes of travel. Construction of bikeways or pedestrian walkways can promote safety and will assist in retaining the motor vehicle carrying capacity of the highway while enhancing bicycle capacity.

The United States Congress recognized the importance of bicycle and pedestrian travel by including special provisions for these modes in the Federal-Aid Highway Act of 1973, Public Law 93-87. Section 124 of this Act (amended Title 23, U.S. Code, by adding Section 217) contained the following principal provisions:

(1) Federal funds available for the construction of preferential facilities to serve pedestrians and bicyclists are those apportioned in accordance with paragraphs (1), (2), (3), and (6) of Section 104(b), 23 U.S.C., and those authorized for Forest highways, Forest development roads and trails, public land development roads and trails, park roads and trails, parkways, Indian reservation roads, and public land highways.

(2) Not more than $40 million (amended to $45 million by Section 134 of the Federal-Aid Highway Act of 1976) apportioned in any fiscal year for purposes described in the preceding paragraph may be obligated for bicycle projects and pedestrian walkways.

(3) No State shall obligate more than $2 million (amended to $2.5 million by Section 134 of the Federal-Aid Highway Act of 1976) of Federal-aid funds for such projects in any fiscal year.

(4) Such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

The funding limitations described in (2) and (3) above are applicable only to independent bikeway or walkway construction projects.

Project Description

Independent bikeway or walkway construction projects are those highway construction projects which provide bicycle or pedestrian facilities in contrast to a project whose primary purpose is to serve motorized vehicles. The requirements for qualification of proposed bikeway or walkway facilities as independent bikeway or walkway construction projects are contained in Volume 6, Chapter 1, Section 1, Subsection 1, of the Federal-Aid Highway Program Manual, codified as Part 652 of Chapter 1 of Title 23 of the Code of Federal Regulations (CFR).

The bikeways and walkways will be designed and constructed in a manner suitable to the site conditions and the anticipated extent of usage. In general, a bikeway will be designed with an alignment and profile suitable for bicycle use with a surface that will be reasonably durable that incorporates drainage as necessary, and that is of a width appropriate for the planned one-way or two-way use.

The facilities will be accessible to the users or will form a segment located and designed pursuant to an overall plan.

Projects may include the acquisition of land outside the right-of-way, provided the facility will accommodate traffic which would have normally used a Federal-aid highway route, disregarding any legal prohibitions on the use of the route by cyclists or pedestrians.

It is required that a public agency be responsible for maintenance of the federally funded bikeway or walkway. No motorized vehicles will be permitted on the facilities except those for maintenance purposes and snowmobiles where State or local regulations permit.

Application

This negative declaration/preliminary Section 4(f) document is only applicable for independent bikeway or walkway construction projects which require the use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes. Additionally, this document is applicable only when the official having specific jurisdiction over the Section 4(f) property has given his approval in writing that the project is acceptable and consistent with the designated use of the property and that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility. This document does not apply if the project would require the use of critical habitat of endangered species.

This document does not cover the use of any land from a publicly owned wildlife or waterfowl refuge or any land from a historic site of national, State, or local significance. It also does not cover those projects where there are unusual circumstances (major impacts, adverse effects, or controversy). A separate Section 4(f) statement and environmental document must be prepared in these categories.

This document does not cover bicycle or pedestrian facilities that are incidental items of construction in conjunction with highway improvements having the primary purpose of serving motor vehicular traffic.

Summary

The primary purpose for the development of independent bikeway and walkway projects is to provide a facility for traffic which would have normally used a Federal-aid highway route. In some cases, the bikeway and walkway projects can serve a dual function by also providing for recreational use. Where this situation occurs, artificially routing a bikeway or walkway around a compatible park area is not a prudent alternative because it would decrease the recreational value of the bikeway or walkway.

The written approval of the official having specific jurisdiction over the Section 4(f) property and construction authorization by FHWA will confirm that all possible planning to minimize harm has been accomplished in the location and design of the bikeway or walkway facility.

Noise and air quality will not be affected by bicycles. There would be increase in the noise level if snowmobiles are permitted. However, this would likely occur at a time when other uses of the recreational facilities will be minimal.

Temporary impacts on water quality will be minimal. Erosion control measures will be used through the construction period. A certain amount of land will be removed from other uses. The type of land and uses will vary from project to project. However, due to the narrow cross-section of the bikeways and walkways, a minimal amount of land will be required for the individual projects. The projects will be blended into the existing terrain to reduce any visual impacts.

Displacement of families and businesses will not be required.

No significant adverse social or economic impacts are anticipated. There will be beneficial impacts such as the enhancement of the recreational potential of the parks and the provision of an alternate mode of transportation for the commuter.

Comments and Coordination

A draft of this negative declaration/Section 4(f) statement was published in the Federal Register (42 F.R. 15394), March 21, 1977, inviting interested persons to comment. The majority of the letters received were favorable and recommended approval of the document.

The document was also circulated to the Departments of the Interior (DOI), Housing and Urban Development (HUD), and Agriculture. Comments were received from DOI and HUD and are included in the appendix along with our responses.

Individual projects will be coordinated at the earliest feasible time with all responsible local officials, including the State Outdoor Recreation Liaison Officer. The use of properties acquired or developed with Federal monies from the Land and Water Conservation Fund will also be coordinated with the Bureau of Outdoor Recreation of DOI.

If HUD Community Development Block Grant Funds are used in conjunction with Federal Highway Administration Funds, HUD environmental review procedures set forth in 24 CFR, Section 58, are applicable.

Determination

Based on the above and on the scope of these bikeway and walkway projects, it is determined that they will not have a significant effect upon the quality of the human environment. It is also our determination that (1) there is no feasible and prudent alternative to the use of Section 4(f) lands, and (2) the conditions for approval will insure that the bikeway proposals will include all possible planning to minimize harm resulting from such use.

May 23, 1977
DATE

For ~~William M. Cox~~
Federal Highway Administrator