To: Project File  
From: Audrey Unger, HDR  
Date: August 2018  
RE: **Northwest Phase II Light Rail Extension**  

Section 4(f) and Section 6(f) Technical Memorandum

1.0 INTRODUCTION

This Section 4(f) and Section 6(f) technical memorandum has been prepared to evaluate the potential for Section 4(f) and Section 6(f) impacts resulting from the Build Alternative for a 1.55-mile light rail line from approximately Dunlap and 19th Avenues to Metrocenter, a regional shopping mall, in Phoenix, Arizona. This report begins with a short background of the study and a description of the alternatives being considered in the Environmental Assessment (EA). Next, this report describes the Section 4(f) and Section 6(f) resources in the study area and summarizes the effects determination for historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966. This report concludes with a summary of impacts for the Build Alternative.

2.0 PROJECT DESCRIPTION

The Build Alternative consists of a new light rail transit alignment about 1.55 miles long, extending the existing Valley Metro light rail line from its current terminus at Dunlap and 19th Avenues to Metrocenter on the western side of Interstate 17 (I-17) (Figure 1). The proposed alignment would travel west along Dunlap Avenue from 19th Avenue to 25th Avenue, where it would turn north and continue along 25th Avenue, crossing the Arizona Canal and Arizona Canal Diversion Channel and then continuing north on 25th Avenue to Mountain View Road, where it would turn west. At Mountain View Road just west of 25th Avenue, the alignment would begin transitioning to an aerial structure and cross I-17 on a new bridge.

On the western side of I-17, the alignment would proceed north and terminate at an elevated station near Cheryl Drive in Metrocenter. The Metrocenter Transit Center, currently in the southwestern quadrant of Metrocenter, serves as a transit node for area patrons. The Build Alternative includes relocating the transit center adjacent to the proposed Metrocenter light rail station. The Build Alternative includes a park-and-ride facility of approximately 260 parking spaces that would be near the elevated station at Metrocenter. In addition, approximately 179 parking spaces would be added to the existing Rose Mofford Sports Complex (RMSC) parking lots. Of these, 146 spaces would be shared between transit and sports complex users. The remaining spaces would be for the use of sports complex users only. The Northwest Phase II Light Rail Extension is scheduled to begin operations in 2023.
3.0 SECTION 4(f) REGULATORY SETTING

3.1 DEPARTMENT OF TRANSPORTATION ACT OF 1966

Valley Metro is seeking federal funding for the Northwest Phase II Light Rail Extension Project from the Federal Transit Administration (FTA). Section 4(f) of the Department of Transportation Act of 1966, as amended (49 United States Code [USC] 303) states that FTA and the Federal Highway Administration “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 a 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 feasible and prudent avoidance alternative, as defined in 23 Code of Federal Regulations (CFR) 774.17, to the use of land from the Section 4(f) property, and the action includes all possible planning, as defined in 23 CFR 774.17, to minimize harm to the property resulting from such use [23 CFR 774.3(a)]; or
- The use of the Section 4(f) property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation or enhancement measures)
committed to by the applicant, would have a *de minimis* impact, as defined in 23 CFR 774.17, on the property [23 CFR 774.3(b)]:

- For parks, recreations areas and wildlife and waterfowl refuges, a *de minimis* impact determination may be made if FTA concludes the transportation project will not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f) after mitigation. In addition, to make a *de minimis* impact determination, there must be:
  - Public notice and opportunity for public review and comment.
  - Concurrence on the effect finding from the official(s) with jurisdiction over the property.

- For historic sites, a *de minimis* impact determination may be made if, in accordance with 36 CFR 800 (the implementing regulations of Section 106 of the NHPA), FTA determines that the transportation program or project will have no effect or no adverse effect on historic properties, FTA has received written concurrence from the official(s) with jurisdiction over the property (for example, the State Historic Preservation Officer [SHPO]) and has taken into account the views of consulting parties to the Section 106 process as required by 36 CFR 800.

As defined in 23 CFR 774.17, the “use” of a protected Section 4(f) property occurs when any of the following conditions are met.

**Direct Use** – A direct use of a Section 4(f) resource occurs when the property is permanently incorporated into a transportation facility. This may occur as a result of a full or partial acquisition of the property, permanent easement or temporary easements that exceed regulatory requirements noted under the temporary use discussion that follows.

**Temporary Occupancy** – A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of property that is considered adverse in terms of the preservationist purpose of the Section 4(f) statute. Under Federal Highway Administration/FTA regulations (23 CFR 774.13), a temporary occupancy of property does not constitute a use of a Section 4(f) resource when all the following conditions are satisfied:

- The duration is temporary (that is, less than the time needed for construction of the project) and there is no change in ownership of the land.

- The scope of work is minor [that is, both the nature and the magnitude of the changes to the Section 4(f) property are minimal].

- There are no anticipated permanent adverse physical impacts, nor is there interference with the protected activities, features or attributes of the property on either a temporary or permanent basis.

- The land being used is fully restored (that is, the property is returned to a condition that is at least as good as that which existed prior to the project).

- There is documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

**Constructive Use** – A constructive use of a Section 4(f) resource occurs when the transportation project does not permanently incorporate land from the resource, but the
proximity of the project results in impacts (for example, noise, vibration, visual and property access) that are so severe that the protected activities, features or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. For example, a constructive use can occur under at least one of the following conditions:

- The projected increase in noise level attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by Section 4(f).
- The proximity of the proposed project substantially impairs aesthetic features or attributes of a resource protected by Section 4(f), where such features or attributes are considered important contributing elements to the resource’s value. An example of such an effect would be locating a proposed transportation facility in such proximity that it obstructs or eliminates views considered part of a National Register of Historic Places (NRHP)-eligible, architecturally significant or historical building’s Section 4(f) eligibility. Another example would be locating a proposed transportation facility in such proximity that it detracts from the setting of a park or historic site that derives its value, in substantial part, from its setting.
- The project results in a restriction on access that substantially diminishes the utility of a significant publicly owned park, recreation area or historic site.
- Vibration associated with the proposed project impairs the use of a Section 4(f) resource.

3.1.1 **De Minimis Findings**

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109-59, amended existing Section 4(f) legislation at 23 USC 138 and 49 USC 303 to simplify the processing and approval of projects that would result in *de minimis* impacts (minor impacts) on lands protected by Section 4(f). The requirements of Section 4(f) would be considered satisfied if it is determined that the project would have only a "*de minimis* impact" on the Section 4(f) resource. The provision allows avoidance, minimization and mitigation or enhancement measures to be considered in making a *de minimis* determination. A *de minimis* impact is defined in 23 CFR 774.17(5) as follows:

- For parks, recreation areas and wildlife and waterfowl refuges, a *de minimis* impact is one that would not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f).
- For historic sites, *de minimis* impact means that FTA has determined, in accordance with 36 CFR 800 that no historic property is affected by the project or the project would have "no adverse effect" on the property in question.
- Prior to making a Section 4(f) approval, the evaluation shall be provided for coordination and comment to the officials with jurisdiction over the Section 4(f) resource. For parks, recreation areas and wildlife and waterfowl refuges, an opportunity for public review and comment on the potential effects to the protected activities, features, or attributes of the property will be provided, and FTA shall inform the officials with jurisdiction of its intent to make a *de minimis* impact finding. Following an opportunity for public review and comment, the officials with jurisdiction
over the Section 4(f) resource must concur in writing that the project will not adversely affect the activities, features or attributes that make the property eligible for Section 4(f) protection.

- Prior to making *de minimis* impact determinations for historic resources under 23 CFR Section 774.3(b), FTA must receive written concurrence from the pertinent SHPO or Tribal Historic Preservation Officer, and from the ACHP, if participating in the consultation process, regarding a finding of "no adverse effect" or "no historic properties affected" in accordance with Section 106 of the NHPA (36 CFR 800). FTA shall inform these officials of its intent to make a *de minimis* impact determination based on their concurrence in the finding of “no adverse effect” or “no historic properties affected” [23 CFR 774.5(b)].

### 3.2 SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

Section 106 of the NHPA is critical to the Section 4(f) process for cultural resources. Section 106 mandates that a project's effect on cultural resources be considered. While Section 4(f) is concerned with the “use” of a Section 4(f) property and all feasible and prudent means to avoid such use, Section 106 is concerned with the effects an action will have on a cultural resource. Section 106 involves consultation with other parties, including the SHPO and the City of Phoenix Historic Preservation Office (CHPO).

Section 106 is also the process by which a cultural resource’s NRHP eligibility is discussed and determined. This eligibility determination assists in establishing whether or not Section 4(f) applies to the historic properties. A cultural resource may be considered a Section 4(f) property if it meets the criteria of NRHP eligibility. NRHP-eligible properties are generally older than 50 years, unless they are of exceptional significance. For the purposes of determining NRHP-eligibility, however, the *Cultural Resource Inventory and Evaluation* technical report set a property age limit of less than 50 years to capture properties that would attain the customary age of eligibility during the planning and construction of the Build Alternative.

Section 4(f) properties are generally eligible for listing in the NRHP under Criteria A, B, or C (see below for definitions). Section 4(f) properties can, however, be eligible under Criterion D if preservation in place is warranted or under Consideration G if they are exceptionally important (for additional information, refer to the *Cultural Resource Inventory and Evaluation* technical report prepared for the Northwest Phase II Light Rail Extension. The NRHP criteria are described below:

**Criterion A:** Resources associated with events that have made a significant contribution to the broad patterns of our history

**Criterion B:** Resources associated with the lives of persons significant in our past

**Criterion C:** Resources that embody distinctive characteristics of a type, period or method of construction; or that represent the work of a master; or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction
Criterion D: Resources that have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60)

Consideration G: Resources that have not attained the 50-year age required by the NRHP, but that demonstrate exceptional historical importance

### 3.3 SECTION 6(f) OF THE LAND AND WATER CONSERVATION FUND ACT

Section 6(f) of the Land and Water Conservation Fund Act (LWCFA), administered by the Interagency Committee for Outdoor Recreation and the U.S. Department of the Interior's National Park Service (NPS), pertains to projects that would cause impacts on, or the permanent conversion of, outdoor recreational property acquired with LWCFA assistance. The LWCFA established the Land and Water Conservation Fund (LWCF), a matching assistance program providing grants paying half the acquisition and development cost of outdoor recreation sites and facilities. Section 6(f) prohibits the conversion of property acquired or developed with these grants to a nonrecreational purpose without approval from the Interagency Committee for Outdoor Recreation and NPS. NPS must ensure replacement lands of equal value, location and usefulness are provided as conditions of approval for land conversions (16 USC 4601-4 to 4601-11).

### 4.0 EVALUATION METHODOLOGY

Valley Metro reviewed the City of Phoenix General Plan, school district websites and Maricopa County website; conducted field investigations/site reconnaissance; searched property records and consulted with officials with jurisdiction to identify the properties (other than historic sites) that qualify for protection under Section 4(f) and Section 6(f) within the study area.

Historical and archeological resources were determined through literature review, survey and consultation with CHPO and SHPO. Further information on this subject is available in the Cultural Resource Inventory and Evaluation technical report.

Section 4(f) resources (parks and recreation facilities, historic properties and archaeological sites) would be affected if they were permanently incorporated into the transit facility or if their use (activities), features or attributes that qualify them as Section 4(f) resources were substantially impaired. Use of parkland or recreational facilities or historic properties for implementation of the Northwest Phase II Light Rail Extension would be an impact requiring consultation with FTA. Section 4(f) applies to all archaeological sites that are listed in or eligible for listing in the NRHP and that warrant preservation in place. However, Section 4(f) does not apply if consultation with the SHPO determines that the archaeological resource is important mainly because of what can be learned by data recovery and has minimal value for preservation in place [23 CFR 771.135(g)].

In addition, Section 4(f) resources have the potential to be affected by light rail vehicle noise and vibration during operations. Valley Metro conducted an impact assessment along the study corridor in accordance with FTA guidelines to determine whether light rail vehicle operations would produce substantial noise and/or vibration impacts. Construction activities could also produce temporary, but notable, air quality, noise, traffic and transportation impacts at these facilities.
5.0 DESCRIPTION OF SECTION 4(f) AND SECTION 6(f) RESOURCES

Properties subject to Section 4(f) consideration include parks and recreational areas of national, state or local significance that are both owned by and open to the public; publicly owned wildlife or waterfowl refuges of national, state or local significance that are open to the public (to the extent that public access does not interfere with the primary purpose of the refuge) and historic properties of national, state or local significance in public or private ownership regardless of whether they are open to the public. No resources within the Build Alternative study area meet the definition of a wildlife and waterfowl refuge; that is, resources whose primary purpose is the conservation, restoration or management of wildlife and waterfowl resources including, but not limited to, endangered species and their habitat.

Properties subject to Section 6(f) protection are outdoor parks and recreational facilities acquired or developed with LWCFA assistance.

5.1 PUBLIC PARKS AND RECREATIONAL RESOURCES

5.1.1 Section 4(f) Resources

Public properties (including but not limited to city, county, state and public school property) were reviewed to identify publicly owned parks and recreational areas in the vicinity of the Build Alternative corridor that would be considered Section 4(f) recreational resources. The study area contains three city parks—RMSC, Alicia Park and Cortez Park (all under the jurisdiction of the City of Phoenix)—and two publicly owned trails, the Sun Circle Trail and Arizona Canal Trail (both under the jurisdiction of the Bureau of Reclamation and SRP). These parks and trails (Table 1 and Figure 2) are considered Section 4(f) recreational resources.

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rose Mofford Sports Complex</td>
<td>Located at 9833 N 25th Ave, this approximately 92-acre City of Phoenix-owned facility contains four lighted soccer fields, six lighted softball fields, eight lighted tennis courts, four lighted basketball courts, lighted sand and asphalt volleyball courts, three- and four-wall lighted racquetball courts, an all-weather track, playground, picnic ramadas, lighted off-leash dog park, snack bars and restrooms. According to the City of Phoenix Parks and Recreation Department, all of the soccer and softball fields and the track and field are available by reservation. The dog park, basketball, tennis, racquetball and volleyball courts are available for walk-on public use. The Rose Mofford Sports Complex is considered a significant publicly owned park and recreation area by the City of Phoenix Parks and Recreation Department. Therefore, the Rose Mofford Sports Complex is considered a Section 4(f) resource. The parking lots at RMSC provide access to RMSC’s recreational amenities and are, therefore, considered Section 4(f) resources as well. RMSC is adjacent to the Build Alternative. Primary access is from 25th Ave.</td>
</tr>
<tr>
<td>Alicia Park</td>
<td>Alicia Park is located at 2021 W Alice Ave. This City of Phoenix-owned park is about 7 acres in size and contains two soccer fields. Alicia Park is approximately 0.25 mile from the Build Alternative. The park is fenced, but is accessible from a permanent opening on Alice Ave.</td>
</tr>
</tbody>
</table>
TABLE 1: PUBLICLY OWNED PARK AND TRAIL
SECTION 4(f) RESOURCES IN THE STUDY AREA

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cortez Park</td>
<td>Located at 3434 W Dunlap Ave, this approximately 30-acre City of Phoenix-owned park contains lighted basketball and volleyball courts, lighted softball fields, playground, swimming pool, a human-made lake (Cortez Lake), ramadas and picnic areas and restrooms. Cortez Park is approximately 0.75 mile from the Build Alternative. Primary access is from Dunlap Ave.</td>
</tr>
<tr>
<td>Sun Circle Trail</td>
<td>The Sun Circle Trail system consists of approximately 140 miles of hiking and equestrian trails around the Phoenix metropolitan area, the majority of which are located along canal banks (Maricopa County 2004). In 1977, the Sun Circle Trail was named a National Recreational Trail. Within the study area, the Sun Circle Trail follows the northern side of the Arizona Canal banks and maintenance roads. The Sun Circle Trail and the Arizona Canal Trail, discussed below, occupy the same concrete path on the northern side of the Arizona Canal. The trail is at grade. The land the trail occupies in the study area is owned by the Bureau of Reclamation and is managed by the Salt River Project. According to the Salt River Project (2016), the primary use of the canal banks is for canal maintenance and repair and a secondary use of the canal banks is recreation. Bureau of Reclamation lands are generally open for individual, noncommercial use for occasional activities such as hiking, for periods of 14 days or less during any period of 30 consecutive days consistent with applicable laws, regulations and policies [43 Code of Federal Regulations 429.4(a)] as long as the uses are compatible with the primary purpose of the canal and canal banks, which is the transmission and distribution of water. Access to the trail is from Rose Mofford Sports Complex and neighborhoods and side streets along the length of the trail.</td>
</tr>
<tr>
<td>Arizona Canal Trail</td>
<td>The Arizona Canal Trail is an almost 70-mile-long trail that runs along both sides of the Arizona Canal in Maricopa County. The trail runs between Peoria, Glendale, Phoenix, Scottsdale and the Salt River Pima-Maricopa Indian Community and provides access to a large number of residences, commercial centers, schools and other recreational opportunities. Within the study area, the Arizona Canal path follows both sides of the Arizona Canal banks/maintenance roads (note: on the northern side, the Arizona Canal Trail and Sun Circle Trail occupy the same area). The trail is at grade. The land the path occupies on the northern side of the canal is owned by the Bureau of Reclamation and is managed by the Salt River Project (see discussion about Sun Circle Trail regarding use of the trail and its primary purpose). Access to the trail is from Rose Mofford Sports Complex (northern side only) and neighborhoods and side streets along the length of the trail.</td>
</tr>
</tbody>
</table>

Existing bicycle lanes are also found in the study area: on 25th Avenue in both directions and crossing the Build Alternative at 23rd Avenue/Dunlap Avenue. These bicycle lanes are located in street corridors and, according to the City of Phoenix 2014 Comprehensive Bicycle Master Plan, are designated as commuter/transportation-related facilities and are under the jurisdiction of the Phoenix Street Transportation Department. Because the purpose of the bicycle lanes is not recreation, they are not considered Section 4(f) resources.

5.1.2 Section 6(f) Resources

Two properties have received LWCFA grants in the study area: RMSC and the Sun Circle Trail.
5.1.2.1 Rose Mofford Sports Complex

In 1985, the City of Phoenix received an LWCF grant to construct RMSC. More specifically, the grant funded site preparation, parking lots, bleachers, restroom and control buildings and two lighted softball fields (NPS 1985). All of the parking lots at Rose Mofford benefited from the LWCF grant.\(^1\)

![FIGURE 2: SECTION 4(f) AND 6(f) PROPERTIES IN THE STUDY AREA](image)

5.1.2.2 Sun Circle Trail

Maricopa County received an LWCF grant to install signs along the Sun Circle Trail. These signs have sustained irreparable damage or are missing. Recent observations (June 11, 2017) and review of the annual LWCF grant lists confirm that the signs do not currently exist in the study area and that grant monies have not been allocated to replace the signs. Because the original signs funded by the grant no longer exist in the study area, protection under Section 6(f) is no longer applicable.\(^2\)

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\(^1\) personal communication with Pat Dutrack, Arizona State Parks Grant Program Leader, with HDR Engineering, Inc., on May 30, 2006

\(^2\) personal communication with Chris Coover, Maricopa County Parks and Recreation Trails Coordinator, with HDR Engineering, Inc., on September 6, 2005; no additional grant monies received to reinstall signs
5.2 SCHOOLS

No schools in the study area meet the criteria for consideration under Section 4(f). DeVry University, Sanford-Brown College, UEI College, Ottawa University, College America, ITT Technical Institute, Metrocenter Academy, Arizona School of Message Therapy and Accel are privately owned schools in the study area and, therefore, do not meet the definition of a Section 4(f) resource; they also lack outdoor recreational amenities. Intelli School, a publicly owned charter high school, is also located in the study area, but is an online school without recreational amenities and thus is not eligible for Section 4(f) consideration.

The study area has two publicly owned schools with outdoor recreational amenities (Table 2): Richard E. Miller Elementary School and Royal Palm Middle School. Both of these schools are fenced and locked and do not offer walk-on public use of their recreational amenities. Therefore, these schools do not meet the definition of a Section 4(f) resource.

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard E. Miller Elementary School</td>
<td>Located at 2021 W Alice Ave. Outdoor recreational amenities include open play fields, two basketball courts, swings and shaded play structures. This public school is managed by the Washington Elementary School District and is approximately 0.25 mile from Build Alternative. The school is fenced and locked and not available for walk-on public use.³</td>
</tr>
<tr>
<td>Royal Palm Middle School</td>
<td>Located at 8520 N 19th Ave (adjacent to Richard E. Miller Elementary School). Outdoor recreational amenities include three baseball fields. This public school is managed by the Washington Elementary School District and is approximately 0.42 mile from Build Alternative. The school is fenced and locked and not available for walk-on public use.⁴</td>
</tr>
</tbody>
</table>

* These publicly owned schools do not meet the definition of a Section 4(f) resource.

5.3 HISTORIC RESOURCES

This section identifies NRHP-listed and eligible historic properties that are subject to Section 4(f). No archeological properties are within the area of potential effects (APE). Prior to completing the Section 4(f) evaluation, a Section 106 analysis was completed pursuant to the NHPA to identify historical and archaeological resources in the study area and to determine their significance. The purpose of the Section 106 analysis was to identify cultural resources that are eligible for or listed in the NRHP and that may be affected by the Northwest Phase II Light Rail Extension. Refer to the Cultural Resource Inventory and Evaluation in Appendix F of the EA for a detailed description of all the listed and eligible properties and the determination of effects.

Under Section 106, when a federally funded project will affect a historic property, the agency must apply the criteria of adverse effect to determine whether the effect will be

³ personal communication with Don Stair, Facilities Manager, Washington Elementary School District, on August 17, 2016

⁴ personal communication with Chuck Morris, Facilities Manager, Washington Elementary School District, on August 17, 2016
adverse or not adverse. Adverse effects include, but are not limited to, demolition, alteration, removal of a property from its original setting, neglect, abandonment or the introduction of visual, atmospheric or audible elements.

The Cultural Resource Inventory and Evaluation identified three properties within the Build Alternative’s APE that are listed in or previously recommended eligible for listing in the NRHP (Table 3). The Arizona Canal was previously determined eligible for the NRHP. SHPO will be consulted under Section 106 for its concurrence on eligibility of the other historic buildings and structures (see Section 3.10 of the EA, Historical and Archaeological Properties).

<table>
<thead>
<tr>
<th>Historic Name</th>
<th>Current Name/Use</th>
<th>Address/Ownership</th>
<th>Year Built</th>
<th>NRHP Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Savings and Loan Branch Bank</td>
<td>Souper Salad/restaurant</td>
<td>10005 N Metro Pkwy/private</td>
<td>1975</td>
<td>Eligible under A and C (Criteria Consideration G)</td>
</tr>
<tr>
<td>Royal Palm Mobile Home Park</td>
<td>Royal Palm Manufactured Home Community/residential</td>
<td>2050 W Dunlap Ave/private</td>
<td>1969</td>
<td>Eligible under A</td>
</tr>
<tr>
<td>Arizona Canal</td>
<td>Arizona Canal/water storage and distribution</td>
<td>Crosses under 25th Ave in Bureau of Reclamation easement/operated by Salt River Project</td>
<td>1893–1895</td>
<td>Previously determined eligible under A and C (previously mitigated future development affecting the system and associated features and facilities)⁵</td>
</tr>
</tbody>
</table>

6.0 SECTION 4(f) AND SECTION 6(f) EVALUATION

6.1 NO-BUILD ALTERNATIVE

The No-Build Alternative would result in no direct or constructive use of parklands or other resources subject to protection under Section 4(f). The No-Build Alternative also would have no impact on or result in conversion of properties receiving assistance with LWCF funds.

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⁵ In 2001, the Bureau of Reclamation, Advisory Council on Historic Preservation, Arizona SHPO and Salt River Project (SRP) entered into a Programmatic Agreement (PA) to mitigate future modifications and system upgrades to SRP’s system of main canals, laterals and associated features resulting from required operation and maintenance and from continued pressures from urban development in and around the greater Phoenix metropolitan area that will have continued effects on the system and associated features and facilities. The Arizona Canal was identified as one of the system’s main canals. Based on PA stipulations, future impacts on the canal have been mitigated through preparation of a Historic American Engineering Record (HAER No. AZ-19), which was agreed upon by the signatories of the PA as adequate mitigation for the main canals (Dudley 1991).
6.2 BUILD ALTERNATIVE

6.2.1 Section 6(f) Resources

Figure 3 displays the RMSC as it currently exists. The figure provides a baseline for comparison with the improvements planned as part of the Build Alternative (Figure 4). The Build Alternative would add approximately 179 parking spaces to RMSC. 146 spaces would be added to the rectangular parking lot located adjacent to 25th Avenue and beginning approximately 300 feet north of Ironwood Drive and ending at the southern terminus of the existing parking lot. Thirty-three spaces would be added to southern end of RMSC’s dog park parking lot. The additional parking spaces would be added to a portion of the existing landscaped buffer fronting 25th Avenue, to a landscaped area adjacent to the softball fields and to a landscaped area south of the dog park (Figure 4).

Additionally, the parking lots adjacent to the proposed shared lot and adjacent to the additional dog park parking lot are in poor condition and would need to be improved because part of this lot would be incorporated into the shared parking lot and so the pavement sections would need to match (Figure 4). The current RMSC driveway, across from Mountain View Road and the maintenance and emergency driveway to the softball fields would be permanently closed to allow for more efficient movement of light rail and vehicles through the Mountain View Road and 25th Avenue intersection. A new access driveway approximately 250 feet north of the intersection would replace an access to the sports complex (Figure 4). Additionally, a new road would be added to the landscaped area between the dog park parking lot and the parking lots just north of dog park, including the shared parking lot, connecting these two parking areas. The proposed new road would not only connect the parking lots, it would provide a new access point to the parking lot north of the dog park that did not exist before and would provide a new access point for maintenance and emergency vehicles to the softball fields, improving overall access to and within RMSC. The southern driveway of the dog park would be relocated farther south to the end of the added parking, which would also be the end of the station.

Additionally, to help drain the reconfigured RMSC parking lot and 25th Avenue, an underground drainage pipe would be installed east of the proposed Valley Metro guideway, eventually intercepting the Arizona Canal Diversion Channel. This pipe would be on RMSC property from approximately the proposed new driveway in the northern portion of the sports complex to south of the dog park (Figure 4). The Build Alternative would convert approximately 2 acres of landscaping area (non-recreational areas) for additional surface parking and approximately 0.22 acres of landscaping area (non-recreational area) for a roadway connecting the main parking lot to the dog park parking lot (Figure 4).

Construction at RMSC would occur over two summers, to coincide with the sports complex’s slow season and to avoid any chance of construction going into the sports complex’s busy fall season. For two months during the first summer the drainage pipe would be installed. Over the two-month period, the parking lots, starting at the south end of RMSC, would be closed for a few weeks and then reopened as the pipe installation in that section of the sports complex is completed. Then as the pipe installation moves north, the next parking lot, or portion of, would be closed, continuing until the installation is complete. Because the remainder of the construction activities would take place the following summer, the disturbed sections of the parking lot would be temporarily paved...
with asphalt concrete. During installation of the proposed underground drainage system, access to RSMC would be maintained and most parking would be available within a short walking distance (that is, within approximately 400 feet). No recreational amenities would be impacted.

The estimated timing and phasing of the access portions of the construction project in the second year are displayed in Table 4. The phasing has been designed to allow maximum public access to the sports complex and dog park during construction. The phasing plan allows for at least two public driveways, a maintenance/emergency driveway and pedestrian sidewalk access to remain open during all phases of construction. Any sidewalk relocation would occur prior to construction to maintain pedestrian access around the complex throughout the construction period. Implementation of the phasing plan would minimize the potential for adverse impacts. Recreational users and neighborhood residents would be notified through Valley Metro's project website, the City of Phoenix's Parks and Recreation Department website, onsite signage, e-mail blasts to project stakeholders and project updates.

<table>
<thead>
<tr>
<th>TABLE 4: ESTIMATED CONSTRUCTION TIMING AND PHASING ROSE MOFFORD SPORTS COMPLEX ACCESS ELEMENTS</th>
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<tbody>
<tr>
<td><strong>Activity</strong></td>
</tr>
<tr>
<td>Construct new road between dog park parking lot and northern parking lots</td>
</tr>
<tr>
<td>Construct new maintenance/emergency access driveway</td>
</tr>
<tr>
<td>Demo and permanently close existing maintenance/emergency access driveway</td>
</tr>
<tr>
<td>Construct new driveway on the north end of the park.</td>
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<tr>
<td>Close existing driveway at Mountain View Road</td>
</tr>
<tr>
<td>Construct new sidewalk on eastern side of dog park</td>
</tr>
<tr>
<td>Construct new driveway at south end of existing dog park parking lot</td>
</tr>
</tbody>
</table>
### TABLE 4: ESTIMATED CONSTRUCTION TIMING AND PHASING
**ROSE MOFFORD SPORTS COMPLEX ACCESS ELEMENTS**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Approximate Duration (Days)(^a)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install and remove temporary access driveway to 25th Ave just north of existing dog park parking lot reconstruction site.</td>
<td>Up to 21</td>
<td>Installation of temporary access begins early in Phase 5. Removal of temporary access occurs at end of Phase 5.</td>
</tr>
<tr>
<td>Reconstruct north half of existing dog park parking lot</td>
<td>Up to 21</td>
<td>Occurs sometime in Phase 5 after temporary access drive is installed</td>
</tr>
</tbody>
</table>

\(^a\) All durations are approximate. Activities may overlap and do not necessarily have end-to-end relationships.

A change of use/conversion approval under Section 6(f) would not be required from Arizona State Parks and NPS because parking would be added to RMSC to offset the shared parking. Additionally, the shared parking area would still serve as parking for recreation users. In other words, the parking lot, including the shared portion of the parking lot, would have no restrictions for recreational users. Transit users, however, would be restricted to using only the shared parking area (that is an additional approximately 146 spaces). Signs would be posted informing transit users that they are restricted to the shared parking area.

Additionally, a sidewalk that runs on the eastern side of dog park and the proposed shared parking area and that connects with the softball fields would be shifted approximately 25 feet east of its current location. The new sidewalk would be built prior to the existing sidewalk being removed to maintain access and connectivity to the amenities served by the sidewalk.

No other RMSC amenities funded with LWCF monies would be affected by the Build Alternative. All recreational amenities at the sports complex would remain available for their current use. According to NPS, the shared parking would not constitute a conversion to another use under Section 6(f) because the parking for recreational users would not be restricted—rather, more would be added (shared)—and because access to recreational amenities would continue.\(^6\)

\(^6\) email communication with Mike Rogers, NPS’ Grant Program Leader on December 13, 2016 (Attachment A, Correspondence)
FIGURE 3: EXISTING ROSE MOFFORD SPORTS COMPLEX
FIGURE 4: ROSE MOFFORD SPORTS COMPLEX SHARED PARKING

LEGEND
- Northwest Extension Phase II
- Pavement Improvements
- New Parking
- New Road
- Shared Parking
- Proposed Drainage
- Land Conversion
6.2.2 **Direct Use of Section 4(f) Resources: Parks and Recreational Resources**

A direct use of a Section 4(f) resource occurs when any portion of the resource is converted to a transportation use. In some cases, the direct use may be *de minimis*. For parks, recreation areas and wildlife and waterfowl refuges, a *de minimis* impact is one that would not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f). The requirements of Section 4(f) would be considered satisfied if it is determined that the project would have only a “de minimis impact” on the Section 4(f) resource. The provision allows avoidance, minimization and mitigation or enhancement measures to be considered in making a *de minimis* determination.

The Build Alternative would not result in a “use” determination for Alicia Park and Cortez Park because they are located between approximately 0.25 and 0.75 miles from the alignment. The RMSC, Sun Circle Trail and Arizona Canal Trail would, however, be affected by the Build Alternative. These Section 4(f) resources are discussed in detail below. Table 5 at the end of this document summarizes whether the Build Alternative would result in a Section 4(f) use.

6.2.2.1 **Rose Mofford Sports Complex**

The Build Alternative would be located west of and adjacent to RMSC, a facility under the jurisdiction of the City of Phoenix (Figures 2 and 3).

The Build Alternative would add approximately 179 parking spaces to the RMSC. One hundred and forty-six spaces would be added to the main parking lot located to the northwest of the softball fields. The other 33 parking spaces would be added to the southern end of the existing dog park parking lot. An area within the RMSC main parking lot would be designated for shared parking. This shared area, located approximately northwest of the softball fields (Figures 3 and 4), would be the only place in the sports complex where transit users would be permitted to park and ride the light rail. Recreational users could park anywhere, including the designated shared area. The shared parking lot would be made up of a combination of new and existing parking. The existing parking area located, adjacent to the proposed shared parking area, would need to be reconstructed and restriped. The dog park parking lot would also be reconstructed and restriped because of its shifted location to the east and because of the addition of 33 spaces.

The current RMSC driveway (access point), across from Mountain View Road, would be permanently closed to allow for more efficient movement of light rail and vehicles through the Mountain View Road and 25th Avenue intersection. A new driveway approximately 250 feet north of the intersection would replace the closed driveway (Figure 3 and 4). The driveway that accesses only the softball fields and used by maintenance crews and emergency vehicles will be closed to avoid light rail conflicts with motorists inadvertently using this driveway trying to access the parking lot. A new road would, however, be added to the landscaped area between the dog park parking lot and the main parking lot, connecting these two parking areas for the first time, improving overall access to and within RMSC as well as providing access to the softball fields for maintenance crews and emergency vehicles. Finally the southernmost dog park parking lot access would be shifted farther south to the end of the 33 added parking spaces and the end of the
The proposed station (see Figures 3 and 4 and Attachment B, *Conceptual Design Sheet*, in Appendix G showing the new access points).

The additional parking spaces would be added to a portion of the existing landscaped buffer fronting 25th Avenue, to a landscaped area adjacent to the softball fields, and to the landscaped area just south of the dog park. No recreational amenities are within the landscaped buffer. The photo to the right is typical of the areas outside of the fenced softball and soccer fields: desert landscaping made up of decomposed gravel and desert vegetation. These areas are not intended for passive recreation as there is no furniture or enough shade for the Arizona climate. The landscaped area between the parking lot and adjacent softball fields would also be converted to a transportation use. This area contains a path/sidewalk that connects the parking lot and the recreational amenities on the eastern side of the park. The sidewalk would be relocated approximately 25 feet to the east, adjacent to the softball fields, to maintain the sidewalk between the parking lot and the recreational amenities to the east. This new sidewalk would be created before the current sidewalk is decommissioned so as to not interfere with access to any Section 4(f) properties.

Additionally, the Build Alternative would construct a new sidewalk on the eastern side of 25th Avenue from the park-and-ride lot to access the station (Figure 4). A signal would facilitate pedestrians crossing 25th Avenue to reach the station. The Build Alternative would also require the dog park parking lot to be shifted approximately 25 feet to the east into a landscaped portion of RMSC, resulting in a conversion of the RMSC landscaping to a transportation use. Additional conversions as a result of the light rail alignment would include an approximately 550-linear-foot strip of landscaping from the northern end of the dog park until the alignment turns onto Mountain View Road.

The Build Alternative also proposes to add approximately 179 parking spaces to the existing RMSC. Because the Build Alternative would add approximately 179 parking spaces to the RMSC (approximately 146 would be shared), with the anticipated transit demand, there would be no interference with the availability of parking for recreational users. Furthermore, recreational users would have no parking restrictions; therefore, they would have more parking opportunities than they have currently. During construction, no interference with access to recreational amenities would occur in the RMSC because several alternative paths/sidewalks around the parking lots could be used (and pedestrians could cut through the parking lots not under construction) to access recreational amenities throughout the park. Additionally, the relocation of the sidewalk...
from the landscaped area to an area adjacent to the softball fields would occur prior to decommissioning the current path—thus access would not be impaired. The parking lot would be constructed during the summer, the off-peak season for RMSC when parking demand would be minimal.

RMSC would benefit from the Build Alternative because it would be enhanced through the addition of 179 parking spaces that could be used by recreational users. The designated shared parking area would also be enhanced through the installation of security cameras, an emergency call box and lighting. Access would also be improved by having light rail next to the sports complex. With the exception of the sidewalk, all the proposed changes to RMSC would convert landscaping to a transportation use. In total, 2.22 acres of the 92 acre RMSC would be converted to a transportation use (2.4 percent). With the exception of the sidewalk relocation, no recreational amenities would be affected. The new sidewalk would be constructed prior to the existing sidewalk being removed to maintain any recreational activities associated with the sidewalk and to maintain access to recreational amenities the sidewalk connects within RMSC. For these reasons, FTA has determined that the use of the RMSC is a de minimis impact. The City of Phoenix, the agency with jurisdiction over the sports complex, concurred with this finding on May 31, 2018 (Attachment A). The City’s concurrence will be reaffirmed after the EA has circulated for public review and comment.

6.2.2.2 Sun Circle and Arizona Canal Trails

The Build Alternative would have a direct impact on the Sun Circle Trail, which runs east-to-west on the northern side of the Arizona Canal, and on the Arizona Canal Trail, which runs east-to-west on both the northern and southern sides of the Arizona Canal (Figure 5). Both trails are at grade with 25th Avenue. Two separate concrete bridges on 25th Avenue currently span the Arizona Canal and the Arizona Canal Diversion Channel. To accommodate both light rail and vehicular traffic, the existing 25th Avenue bridges would be removed and replaced with bridges spanning the canals and would be approximately 27 feet wider (approximately 7 feet on the western side of the bridge and 20 feet on the eastern side) than what currently exists. The wider bridges would permanently convert approximately 405 square feet of the Sun Circle Trail to a transportation use. They would also convert approximately 810 square feet of the Arizona Canal Trail to a transportation use (note that the Arizona Canal Trail is on both sides of the Arizona Canal).

Although the new bridges would permanently convert portions of both trails to transportation use, the impact on each trail would be considered de minimis because only a small amount of each total trail would be converted, as described above. Additionally, after construction, the trails would be on the same, at-grade alignment as they are today and would continue to function as they currently do; the only difference is that each trail would be negligibly shorter. In other words, construction of the Build Alternative would not interfere with the activities, features or attributes that qualify the Sun Circle Trail and Arizona Canal Trail for protection under Section 4(f).

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7 For the Sun Circle Trail, 27 feet (additional width of new bridge) by 15 feet (approximate width of trail) equals 405 square feet of the trail that would be incorporated into a transportation use (bridge).

The Arizona Canal Trail is present both north and south of the Arizona Canal; therefore, the conversion is double that of the Sun Circle Trail—810 square feet.
The Build Alternative would benefit the trails by installing a pedestrian signal to assist trail users across 25th Avenue (Figure 5).

The Bureau of Reclamation and Salt River Project, the agencies with jurisdiction over the trails, have been contacted for their concurrence with the Section 4(f) determination. Salt River Project concurred with the *de minimis* impact finding on June 6, 2018 (Attachment A). The officials with jurisdiction’s concurrence will be reaffirmed after the EA has circulated for public review and comment.
FIGURE 5: SUN CIRCLE AND ARIZONA CANAL TRAILS
6.2.3 Constructive Use of Section 4(f) Resources: Parks and Recreational Resources

A constructive use of a Section 4(f) resource occurs when the transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (for example, property access, noise, vibration and visual) that are so severe that the protected activities, features or attributes that qualify a resource for protection under Section 4(f) are substantially impaired.8

6.2.3.1 Alicia Park and Cortez Park

The Build Alternative is located 0.25 mile from Alicia Park and 0.75 mile from Cortez Park. The Build Alternative does not incorporate land from these properties. Given that these properties are distant to the alignment and that there are several intervening structures and roadways between those properties and the alignment, the Build Alternative would not result in proximity impacts that are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Therefore, the Build Alternative would not result in constructive use of these properties.

6.2.3.2 Sun Circle and Arizona Canal Trail

Visual Impacts

The Build Alternative would not substantially alter the general urban visual character near the trails or in the study area. Although the Build Alternative would introduce new visual elements—such as overhead catenary poles and wires, trackwork, etc.—into the existing visual setting, these are consistent with the existing area’s visual character. For instance, existing overhead transmission lines are on both sides of the trails. Additionally, the track would introduce a new linear element into the existing roadway but would not disrupt the visual context (see Section 3.12.3 in the EA for more information on visual impacts). The elements of the Build Alternative would be within existing transportation corridors and would be consistent with the existing urban setting; therefore, the Build Alternative would not impair the visual setting or interfere with the activities, features or attributes of resources that qualify them for Section 4(f). Therefore, the Build Alternative would not result in a constructive use.

Noise and Vibration Impacts

Both the Sun Circle Trail and Arizona Canal Trail are urban trails, near busy arterials, Metrocenter and an amusement park and thus quiet surroundings are not essential to the trails’ recreational function.

No noise or vibration impacts were identified near these resources. Therefore, no constructive use from noise or vibration would occur. For more information, see Section 3.8, Noise and Vibration, in the EA or Appendix E to the EA, Noise and Vibration Technical Report.

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8 When a direct use of a Section 4(f) resource would occur, proximity impact analysis to determine whether constructive use of the resource would occur is no longer applicable (23 CFR 774.15).
Access Impacts

Both trails would be accessed exactly as they are today; therefore, no constructive use because of impaired access would occur.

6.2.3.3 Rose Mofford Sports Complex

Visual Impacts

The Build Alternative would introduce new visual elements—such as a light rail station at grade and elevated trackwork on fill, overhead catenary poles and wires and a traction power substation—into the existing visual setting. The Build Alternative would not substantially alter the general urban visual character near RMSC or in the study area. The track would introduce a new linear element into the existing roadway but would not disrupt the visual context (see Section 3.12.3 in the EA for more information on visual impacts). The elements of the Build Alternative would be within existing transportation corridors and would be consistent with the existing urban setting, so the Build Alternative would not impair the visual setting or interfere with the activities, features or attributes of resources that qualify RMSC for protection under Section 4(f). Therefore, no constructive use would occur.

Noise and Vibration Impacts

There are no noise-sensitive activities at RMSC that contribute to its importance as a Section 4(f) resource. Examples of noise-sensitive activities\(^9\) are:

- Hearing the performances at an outdoor amphitheater
- Enjoying an urban park where serenity and quiet are significant attributes
- Sleeping in the sleeping area of a campground

These activities do not occur anywhere in the study area. Additionally no noise or vibration impacts were identified near RMSC (for more information, see Section 3.8, Noise and Vibration, of the EA or Appendix E to the EA, Noise and Vibration Technical Report); therefore, no constructive use of RMSC would occur.

Access Impacts

Postconstruction access through the RMSC shared parking lot would change. The current driveway, across from Mountain View Road, would be closed to allow for more efficient movement of light rail and vehicles through the Mountain View Road and 25th Avenue intersection; however, this access would be replaced with a new one approximately 250 feet north of the current access. In addition, the existing driveway for maintenance and emergency vehicles to the softball fields would be closed to avoid light rail conflicts with motorists inadvertently using the driveway to access the parking lot. The construction of the new roadway would provide access between two parking lots where none existed before as well as access to the softball fields for maintenance and emergency vehicles. The relocation of the southernmost access point to the dog park would be relocated

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farther south to the end of the 33 added spaces. The parking lot and access work at RMSC would take place in the summer when RMSC demand is lowest. None of the access modifications would interfere with the activities or purposes of Section 4(f) resources associated with the sports complex. Therefore, no constructive use would occur.

6.2.3.4 Temporary Occupancy of Recreational Section 4(f) Properties

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of the property that is considered adverse in terms of the preservationist purpose of the Section 4(f) statute.

Alicia Park and Cortez Park would not be affected by temporary occupancy because of their distance from the Build Alternative (0.25 and 0.75 mile, respectively).

Rose Mofford Sports Complex

Construction activities (Table 4) in the designated shared parking area would result in a temporary reduction in parking for park users and a temporary change in how amenities, particularly those in the southern part of the sports complex (because they are closest to the shared parking area), are accessed. Additionally, one of the two entrances to the main parking lot would be permanently closed, but a new access point would be created.

The temporary occupancy would not constitute a use because the construction activity, as discussed below, would meet all the conditions necessary so that it would not be considered adverse within the meaning of Section 4(f). The scope of the work is minor, and the parking lots and access points (that is, driveways) would be restored to a condition that would be better than the original condition through improved access, repaving and constructing the other planned improvements to the existing lot. The construction work would last approximately 4 to 6 months. This time period is considerably less than the total construction duration of 3.5 years for the entire Build Alternative. Valley Metro would undertake work in parking lots during the summer when RMSC is closed during the day and evening use is generally low because of the high temperatures.

The temporary closure of the parking lots would allow continued use of the recreational resources during construction. Access would be available from parking lots in other areas of the recreational facility. All the pathways/sidewalks linking parking areas and recreational components of the park would remain open. The relocated path would be constructed prior to removing the existing path so that no interruption of recreation or interference with access would occur. Therefore, no permanent physical impacts (use) on RMSC are anticipated, nor would there be interference with the activities or purposes of the sports complex on a permanent or temporary basis. Valley Metro would include information on its website regarding temporary parking restrictions as part of the public outreach process. Additionally, Valley Metro would provide signs at the sports complex regarding temporary parking restrictions. During construction of the modified access locations, RMSC users could use the other entrance to the sports complex, which is approximately 620 feet north of the driveway slated for permanent closure.
FTA requested written concurrence from the City of Phoenix that the above conditions meet the criteria stated in this section for temporary occupancy. The City of Phoenix concurred on May 31, 2018.

**Sun Circle and Arizona Canal Trails**

Construction of the Build Alternative would require closure of portions of the Sun Circle and Arizona Canal Trails near the construction zone for a limited time period for safety reasons. The temporary occupancy would not constitute a use because the construction activity, as discussed below, would meet all the conditions necessary so that it would not be considered a use within the meaning of Section 4(f). Demolition of the existing 25th Avenue bridges and replacement with wider bridges would take approximately 6 months. The 4- to 6-month time period for bridge work is less than the 3.5 years required for construction of the Build Alternative. The scope of work is minor. The new, wider bridges would result in a change to the trails by shortening them: 27 feet shorter for the Sun Circle/Arizona Canal Trail on the north side of and 27 feet shorter for the Arizona Canal Trail south of the Arizona Canal. The remaining part of the paved trails would be returned to at least as good a condition as that which existed prior to construction. The Build Alternative would ultimately enhance the Section 4(f) trails because pedestrian signals would be installed to help trail users cross 25th Avenue and continue on the trails.

No anticipated permanent adverse physical impacts are anticipated. Valley Metro would install signs near the trails notifying trail users of the closures and trail reroutes. Trail users can access the portions of the trail not closed using the pedestrian bridge at RMSC (east of 25th Avenue) or the I-17 frontage roads, both of which are approximately a quarter mile from 25th Avenue (Figure 6). Rerouting to 19th Avenue is also possible although this reroute would be approximately a mile.

Additionally, Valley Metro and the City of Phoenix Parks and Recreation Department would post closures and rerouting options on its website as part of the public outreach process. Because trail users can be rerouted around the construction site and because there are alternative east-to-west crossings of the Sun Circle Trail and the Arizona Canal Trail available on 19th Avenue and the I-17 frontage roads (and at RMSC for trails on the northern side of the Arizona Canal), no interference with the protected activities, features or attributes of the trails would occur on either a temporary or permanent basis.

The Bureau of Reclamation and Salt River Project, the agencies with jurisdiction over the trails, have been contacted for their concurrence that the above conditions meet the criteria stated in this section for temporary occupancy. Salt River Project concurred with the temporary occupancy finding on June 6, 2018 (Attachment A).
6.2.4 Section 4(f) Historic Resources

Three properties near the Build Alternative have been identified as being eligible for listing on the NRHP. Each property is discussed below. All Section 4(f) historic properties are listed in Table 5 at the end of this document, along with the effects finding under Section 106.

6.2.4.1 Direct Use

As shown in Table 5, three historic properties are in the study area, and all are eligible for Section 4(f) consideration: Royal Palm Mobile Home Park, the Arizona Canal, and the Western Savings and Loan Branch Bank. Table 5 summarizes impacts on historic Section 4(f) resources.

*Royal Palm Mobile Home Park*

The light rail facilities would be located in the street right-of-way (ROW) adjacent to the Royal Palm Mobile Home Park; therefore, no direct use of the property would occur.
Arizona Canal

The 25th Avenue bridges would be replaced with wider bridges (approximately 14 feet wider) to accommodate both the light rail and vehicles. The Arizona Canal would be spanned, and there would be no direct use of this Section 4(f) resource (Figures 1 and 5).

Western Savings and Loan Branch Bank

The Build Alternative would require acquisition of the Western Savings and Loan Branch Bank (currently operating as the Souper Salad restaurant). The acquisition of this property is considered a direct use under Section 4(f). As part of the Build Alternative, the existing transit center in the southwestern corner of Metrocenter would be relocated closer to the proposed Metrocenter light rail station for ease of connections from one transit mode to another. The Western Savings and Loan Branch Bank is proposed for conversion to the new transit center.

The City of Phoenix has committed to converting the Western Savings and Loan Branch Bank building as part of the transit center in a manner sensitive to the historic character-defining features of the building. Any alterations to the property would be done in accordance with the Secretary of the Interior’s Rehabilitation Standards for the Treatment of Historic Properties [36 CFR 800.5(b)] to avoid a use of the property. Coordination would be maintained with the SHPO and the CHPO to ensure that the property retains its historic integrity and ability to convey its historic significance. To ensure the long-term preservation of the Western Savings and Loan Branch Bank, the City of Phoenix (the new owner of the property) and the SHPO would enter into a preservation covenant stipulating a set of legally binding preservation conditions. The long-term preservation of the Western Savings and Loan Branch Bank would benefit the resource because, without the Build Alternative, this privately owned property is subject to development and/or redevelopment. Furthermore, because the Western Savings and Loan Branch Bank is privately owned and is not listed on the Phoenix Register of Historic Places, private developers would not be required to preserve the building’s historic character.

Because the Western Savings and Loan Branch Bank building would be acquired for use as part of the new transit center and would be reused in a manner that does not affect its ability to convey its historical significance and because the building would receive long-term protection through a covenant, FTA has preliminarily determined that the Section 4(f) use is de minimis contingent upon concurrence from SHPO on the finding of no adverse effect under Section 106 SHPO will be consulted under Section 106 for its concurrence on a finding of “no adverse effect” and will be informed of FTA’s intent to make a de minimis determination.

No other direct uses of Section 4(f) resources would occur.

6.2.5 Constructive Use of Historic Section 4(f) Resources

The potential for constructive use of the three identified historic resources—Royal Palm Mobile Home Park, Arizona Canal and Western Savings and Loan Branch Bank—is discussed below.
6.2.5.1 Royal Palm Mobile Home Park

Visual Impacts

The Royal Palm Mobile Home Park is currently located across Dunlap Avenue from the 19th Ave/Dunlap station; this station is the end of line for the Northwest Extension Phase I. Although the Build Alternative would introduce new, but similar, visual elements—such as additional trackwork, overhead catenary poles and wires—into the existing visual setting, it would not substantially alter the general urban visual character or historic context of the mobile home park. The track would introduce more trackwork into the roadway but would not disrupt the current visual context. The elements of the Build Alternative would be consistent with the existing urban setting, so it would not impair the visual setting or interfere with activities, features or attributes of the property that qualify it for protection under Section 4(f). Therefore, no constructive use would occur.

Noise and Vibration Impacts

No noise or vibration impacts were identified near the Royal Palm Mobile Home Park. Therefore, no constructive use would occur because of noise or vibration impacts. For more information, see Section 3.8, Noise and Vibration, in the EA or Appendix E to the EA, Noise and Vibration Technical Report.

Access Impacts

The Build Alternative would not change how the mobile home park is currently accessed because no driveways or parking lots used to access the mobile home park would be eliminated. Therefore, access would be maintained and no constructive use would occur.

6.2.5.2 Arizona Canal

Although the Build Alternative would introduce new visual elements—such as trackwork, overhead catenary poles and wires—into the existing visual setting, it would not substantially alter the general urban visual character or historic context of the Arizona Canal. The elements of the Build Alternative would be consistent with the existing urban setting, so it would not impair the visual setting or interfere with activities, features or attributes of the property that qualify it for protection under Section 4(f). Therefore, no constructive use would occur.

Noise and Vibration Impacts

No noise or vibration impacts were identified near the Arizona Canal. Therefore, no constructive use would occur because of noise or vibration impacts. For more information, see Section 3.8, Noise and Vibration, in the EA or Appendix E to the EA, Noise and Vibration Technical Report.

Access Impacts

The Arizona Canal is currently accessed using the Arizona Canal Trail and the Sun Circle Trail—both of these trails primary purpose in the study area is for canal maintenance. Access to the Arizona Canal via these trails (paths on canal banks) would not change. Therefore, access would be maintained and no constructive use would occur.
6.2.5.3 Western Savings and Loan Branch Bank

**Visual Impacts**

Overall, the Build Alternative would introduce new visual elements—such as light rail stations, trackwork, overhead catenary poles and wires and TPSS structures—into the existing visual setting. The Build Alternative would not substantially alter the general urban/commercial/light industrial visual character or context. The track would introduce a new linear element into the roadway but would not disrupt the visual context. The elements of the Build Alternative would be consistent with the existing urban setting, so it would not adversely affect the visual setting or interfere with activities, features or attributes of properties that qualify them for protection under Section 4(f). Therefore, no constructive use would occur.

The elevated trackway and station are consistent with the current visual character and context of the study area for the reasons described in the previous paragraph, would be more visually intrusive than the at-grade Build Alternative features. The elevated station and trackway would be adjacent to the Western Savings and Loan Branch Bank, as would the at-grade portions of the transit center (for example, bus bays). Currently, the view of this Section 4(f) property from I-17 is partially obstructed by vegetation, commercial structures, business signs and light poles. The views from the Metro Parkway and the I-17 frontage road are unobstructed.

The Western Savings and Loan Branch Bank is approximately 60 feet tall. The height of the bottom of the elevated trackway structure is estimated to be 17 feet and would extend up to approximately 23 feet in total height for the trackway platform, with an additional 3-foot wall. Views of the Western Savings and Loan Branch Bank from I-17 would be reduced by the elevated trackway and station, but not to a substantial degree to prevent the building’s ability to convey its historical significance.

The use of “open (straddle bent)” piers associated with the elevated trackway would decrease the visual impact from the elevated station on the Western Savings and Loan Branch Bank by allowing the building to be seen through the piers—as opposed to solid piers, which would block the view entirely (see Figure 7 for an example of a straddle bent pier). Additionally, the view of the building would remain unobstructed from the I-17 frontage road and Metro Parkway. The presence of a station would offer a net increase in the visibility of and access to the historic property for transportation-related users, including providing a new, unobstructed vantage point from the elevated trackway to be experienced by passengers.
The adaptive reuse of the historic property as part of the transit center and the addition of the light rail would encourage visitation of the property, enhancing its long-term use and preservation. Additionally, demolition of modern buildings north of the Western Savings and Loan Branch Bank (Tombstone Tactical and Hustler Hollywood) would increase the visibility of the Section 4(f) property from I-17 and streets on the eastern side of the property because these modern buildings are currently in front of the Western Savings and Loan Branch Bank’s setback, partially obscuring the property.

**Noise and Vibration Impacts**

The analysis of noise and vibration impacts from light rail operations of the Build Alternative concluded that there would be no adverse impacts on adjacent or nearby historic properties considered Section 4(f) resources. For more information, see Section 3.8, *Noise and Vibration*, in the EA or Appendix E to the EA, *Noise and Vibration Technical Report*. Additionally, no historic Section 4(f) properties are predicted to be affected by construction noise or vibration. Nonetheless, construction noise and vibration would be controlled in accordance with local ordinances and control measures developed by the Contractor (see Section 3.20, *Construction*, in the EA for more information). Because the anticipated noise and vibration impacts would not be so severe as to diminish the qualities that make these historic resources eligible for the NRHP, no constructive use would occur.
### TABLE 5: SECTION 4(f) SUMMARY ANALYSIS

<table>
<thead>
<tr>
<th>Resource</th>
<th>Impact</th>
<th>Section 4(f) Use</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rose Mofford Sports Complex</td>
<td>A 146-space parking area would be designated as shared parking for transit and recreational users. Transit users would be restricted to the designated shared parking area, but recreational users could park anywhere. The Build Alternative would add 179 parking spaces. The Build Alternative would remove an existing Rose Mofford Sports Complex parking area driveway, but it would be replaced with a new access point to the north. A new roadway between the dog park parking lot and the lot north of the dog park would be constructed, connecting the two lots. The southernmost entrance to the dog park parking lot would be relocated to the south, at the end of the 33 added parking spaces. A sidewalk would be relocated. A total of 2.22 acres of Rose Mofford Sports Complex land would be converted to a transportation use.</td>
<td>Yes—associated with construction of the shared parking area and new and/or relocated access points/driveways to Rose Mofford Sports Complex. The City of Phoenix was contacted for concurrence on the temporary occupancy of Rose Mofford Sports Complex. It concurred on May 31, 2018. De minimis: landscaped areas would be converted to a transportation use. The sidewalk proposed for relocation would be constructed prior to the removal of the existing sidewalk. FTA contacted the City of Phoenix for concurrence with the de minimis finding. The City of Phoenix concurred on May 31, 2018. The City’s concurrence will be reaffirmed after the EA has circulated for public review and comment.</td>
<td>FTA = Federal Transit Administration, I-17 = Interstate 17, SHPO = State Historic Preservation Office</td>
</tr>
<tr>
<td>Alicia Park</td>
<td>None—park is 0.25 mile from alignment.</td>
<td>No use</td>
<td></td>
</tr>
<tr>
<td>Cortez Park</td>
<td>None—park is 0.75 mile from alignment.</td>
<td>No use</td>
<td></td>
</tr>
<tr>
<td>Sun Circle Trail</td>
<td>Direct use; about 27 linear feet (405 square feet) of the trail would be converted to a transportation use by the new, wider 25th Ave bridges.</td>
<td>Yes—segment of the trail near 25th Ave bridge construction zone would be closed for 4 to 6 months for safety reasons. Valley Metro would install signs near the trail notifying users of closures and trail reroutes. Closures and rerouting options would be posted on the Valley Metro and City of Phoenix websites as part of the public outreach process. Trail users would be rerouted around the construction site and rerouted along alternative east-to-west crossings of the Sun Circle and the Arizona Canal Trails on the I-17 frontage roads, 19th Avenue and also at Rose Mofford Sports Complex for trails on the northern side of Arizona Canal. De minimis: Use is minor and does not interfere with the recreational activities. FTA has contacted the Bureau of Reclamation and Salt River Project for concurrence with the de minimis finding. Salt River Project concurred on June 6, 2018. The official with jurisdiction’s concurrence will be reaffirmed after the EA has circulated for public review and comment.</td>
<td></td>
</tr>
<tr>
<td>Royal Palm Mobile Home Park</td>
<td>None; adjacent but not within the construction footprint.</td>
<td>No use</td>
<td></td>
</tr>
<tr>
<td>Arizona Canal</td>
<td>None; new, wider bridges anticipated to span the canal.</td>
<td>No use</td>
<td></td>
</tr>
<tr>
<td>Western Savings and Loan Branch Bank (currently Souper Salad restaurant)</td>
<td>Direct use; building would be acquired for use as part of the new transit center and would be reused in a manner that does not affect its ability to convey its historical significance. Furthermore, building would receive long-term protection through a covenant. None—views from I-17 would be reduced, but the building would retain its ability to convey its historical significance. Build Alternative would enhance views of the Section 4(f) property from the elevated station and would remove two modern buildings to the north of the property, also enhancing views.</td>
<td>No use</td>
<td>De minimis: FTA is recommending a finding of no adverse effect to the Western Savings and Loan Branch Bank. FTA will contact the SHPO for its concurrence.</td>
</tr>
</tbody>
</table>

Notes: FTA = Federal Transit Administration, I-17 = Interstate 17, SHPO = State Historic Preservation Office
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6.2.6  Temporary Occupancy of Historic Section 4(f) Properties

No temporary occupancy of any historic property protected by Section 4(f) would occur because no construction staging or TCEs would occur on any Section 4(f) resource. Furthermore, access to these properties would not be impeded at any time.

6.2.7  Section 4(f) Archeological Resources

No archaeological resources are located in the study area; therefore, no use of these resources is anticipated. If archaeological resources are encountered inadvertently during construction, are determined to be eligible for the NRHP and warrant preservation in place, Valley Metro would prepare separate Section 4(f) evaluations for such resources according to 23 CFR 774.9(f). The Section 4(f) process would be expedited, including the consultation with other agencies such as SHPO. The process would include evaluation of feasible and prudent avoidance alternatives. For archaeological resources, preservation of resources in place through avoidance would be accomplished whenever feasible.

6.2.8  Measures to Minimize Harm

Section 4(f) requires consideration and documentation of all possible planning to minimize harm to a Section 4(f) property [23 CFR 774.3(a)(2)] that includes avoidance, minimization, mitigation or enhancement measures. Throughout the Section 4(f) process, Valley Metro has strived to reduce ROW acquisition at Section 4(f) properties. ROW acquisition has been minimized to the extent possible. Although the straddle bent piers are being implemented so the elevated structure at Metrocenter can straddle the I-17 frontage road, use of this type of pier as opposed to solid piers that completely block views would also minimize visual proximity impacts to the Western Savings and Loan Branch Bank. The Build Alternative would benefit the Section 4(f) properties by enhancing some views to the Western Savings and Loan Branch Bank, improving the RMSC parking lot and increasing access to all Section 4(f) properties. No additional measures to reduce harm to resources are possible. All planning to minimize harm was undertaken.

The following measures to minimize harm would be implemented:

- Valley Metro would add 179 parking spaces to the existing RMSC parking lots to replace parking that transit users would share with sports complex users.
- Valley Metro would construct a new access point (that is, driveway) into the sports complex prior to the opening of the Build Alternative to maintain and enhance access to the sports complex. Valley Metro would relocate the southernmost driveway and construct the new roadway between parking lots prior to fully closing the parking lots. This construction would be completed in the summer, which is an off-peak period for the sports complex when parking demand is minimal.
- Valley Metro would relocate the RMSC sidewalk that would be affected by construction of the Build Alternative prior to removing the existing sidewalk to ensure that connectivity between the parking lots and recreational amenities is always available.
- Valley Metro would include information on its website regarding temporary parking restrictions at RMSC during construction as part of the public outreach process to help sports complex users navigate to the parking that is available.

- To deter transit users from parking in non-shared parking areas, Valley Metro would install “no parking for transit users” signs.

- Valley Metro would install signs near the Sun Circle and Arizona Canal Trails during construction notifying trail users of the closures and trail rerouting options. Similar information would be posted on Valley Metro’s website as part of the public outreach process.

- The City of Phoenix would adaptively reuse the Western Savings and Loan Branch Bank for the transit center in a manner that is sensitive to the historic character-defining features of the building. Any alterations to the property would be done in accordance with the Secretary of the Interior’s Rehabilitation Standards for the Treatment of Historic Properties [36 CFR 800.5(b)] and with state and local preservation ordinances, and would be conducted in coordination with the SHPO and CHPO.

- The City of Phoenix and the SHPO would enter into a preservation covenant to protect the Western Savings and Loan Branch Bank’s historic significance in perpetuity.

- Although no damage to historic buildings from vibration levels is anticipated, Valley Metro would perform a preconstruction building survey to document the existing conditions of the Western Savings and Loan Branch Bank to create a baseline for monitoring potential architectural or structural changes to the property.

With implementation of the measures to minimize harm, the Build Alternative would not result in a use of Section 4(f) resources.
7.0 REFERENCES


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ATTACHMENT A. CORRESPONDENCE
This page is intentionally left blank.
I am so sorry for the delay—Yes, it looks accurate. Please let me know if you need anything else, Chris

Chris Parks, Sports Supervisor
Special Operations Division
City of Phoenix Parks and Recreation
Office: 602-534-6582
Cell: 602-290-3640

From: Unger, Audrey C. [mailto:Audrey.Unger@hdrinc.com]
Sent: Thursday, October 27, 2016 7:56 AM
To: Chris Parks <chris.parks@phoenix.gov>
Subject: Northwest Phase II Light Rail Extension

Hi Chris,
Attached is a figure showing the amenities at Rose Mofford Sports Complex that we believe are by reservation only (hatched in the attached graphic). The remainder of the amenities are for walk-on public use during normal park hours; no reservation required. Please verify. Thanks again!

PS: are the courts open all summer (i.e. posted hours on the City’s website)?

Audrey Unger, MEP, PMP
Environmental Sciences and Planning
Cross-Sector Services Manager
Associate

HDR
3200 E. Camelback Road, Suite 350
Phoenix, AZ 85018
D 602.522.4323 M 602.522.7700
audrey.unger@hdrinc.com
Good morning Audrey,
They concurred. As long as the parking area is not exclusive to the Light rail commuters and the recreational opportunities at the park are not affected, then it is fine. Let me know as the project progresses. Thank you.
Mickey Rogers, Grant Program Leader
Arizona State Parks
mrogers@azstateparks.gov
602-542-6942

On Dec 13, 2016, at 11:26 AM, Unger, Audrey C. wrote:

Hi Mick,

Have you heard back from NPS yet?

Thanks.

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone

-------- Original message --------
From: Mick Rogers <mrogers@azstateparks.gov>
Date: 11/19/16 11:17 AM (GMT-07:00)
To: "Unger, Audrey C." <Audrey.Unger@hdrinc.com>
Cc: "Forrest, Robert <rforrest@valleymetro.org> (rforrest@valleymetro.org)"
Subject: Re: Section 6(f) and Rose Mofford Sports Complex

Good morning,
I have forwarded to NPS to get their concurrence. I will let you know as soon as I hear from them. Thank you.
Mickey Rogers, Grant Program Leader
On Nov 15, 2016, at 3:23 PM, Unger, Audrey C. <Audrey.Unger@hdrinc.com> wrote:

Dear Mr. Rogers,

Thank you for speaking with me early this week about the Northwest Phase II Light Rail Extension project and the proposed shared parking at Rose Mofford Sports Complex (RMSC) (see attached for a description of the project). As I mentioned the parking lots at Rose Mofford were developed using a LWCF grant and thus are protected under Section 6(f). Our ultimate question is whether or not the sharing of parking between sports complex users and transit riders constitutes a conversion under Section 6(f). To help Arizona State Parks/National Park Service with answering this question, detailed information is provided below.

In 1985, the City of Phoenix received a LWCF grant to construct RMSC. More specifically, the grant funded site preparation, parking lots, bleachers, restroom and control buildings, and two lighted softball fields (NPS, 1985). All of the parking lots at Rose Mofford benefited from the LWCF grant (personal communication with Pat Dutrack, Arizona State Parks with HDR Engineering, Inc., on May 30, 2006).

The proposed light rail alignment (Project) would not impact RMSC because it would be on the west side of 25th Avenue in the traffic lane furthest from RMSC (see attached figure). However, the Project proposes to designate an area where transit users can share approximately 150 RMSC parking spaces with sports complex users. This shared area, located northwest of the softball fields (see attached) would be the only place in RMSC where transit users would be permitted to park and ride the light rail. RMSC users would use the shared area as they do today. The physical footprint of the designated shared parking area would remain the same. Competition for parking spaces between transit and sports complex users is unlikely because the majority of sports complex use would generally occur after the typical commuting times when the parking lot would be used by light rail passengers.

The designated shared parking area would benefit from the Project because it would be enhanced through resurfacing and the installation of security cameras, an emergency call box and lighting.

Post-construction access through the improved parking lot would change. The current driveway, across from Mountain View Road, would be closed to allow for
more efficient movement of light rail and vehicles through the Mountain View Rd/25th Avenue intersection; however, two new accesses would be provided, one approximately 200 feet south of the current access and one about 250 north of the current access (essentially at either end of the designated shared parking lot) resulting in enhanced access to RMSC.

Does Arizona State Parks/National Park Service consider sharing of the designated parking area to be a conversion under Section 6(f)? Thank you in advance for your time. If you have any questions please do not hesitate to contact me.

Regards,
Audrey Unger

Audrey Unger, MEP, PMP
Environmental Sciences and Planning
Cross-Sector Services Manager
Associate

HDR
3200 E. Camelback Road, Suite 350
Phoenix, AZ 85018
D 602.522.4323 M 602.522.7700
audrey.unger@hdrinc.com

hdrinc.com/follow-us

<NWE Phase II Project Description.pdf><NWE Phase 2_RM Sports Complex.jpg>

Arizona State Parks
www.azstateparks.com
Schippers, Susanna

From: Mick Rogers <mrogers@azstateparks.gov>
Sent: Tuesday, December 13, 2016 11:36 AM
To: Unger, Audrey C.
Subject: Fwd: Section 6(f) and Rose Mofford Sports Complex

Here is the NPS response. Thanks.

Mickey Rogers, Grant Program Leader
Arizona State Parks
mrogers@azstateparks.gov
602-542-6942

Begin forwarded message:

From: Kelly Pearce
Subject: Re: Section 6(f) and Rose Mofford Sports Complex
Date: November 28, 2016 at 9:10:43 AM MST
To: Mick Rogers <mrogers@azstateparks.gov>
Cc: Sean Hammond <shammond@azstateparks.gov>

Mickey,

I don't feel that this will trigger a conversion as long as:

1. There is no parkland compromised, and

2. There is no indication (signs) excluding park visitor parking within the shared lot.

Also, can you give me the project number(s) of the grant(s) this park was developed/enhanced with so I can file this information in my files here?

Thanks,

Kelly Pearce
Program Officer
State & Local Assistance Programs
National Park Service
Midwest Region
On Sat, Nov 19, 2016 at 11:56 AM, Mick Rogers <mrogers@azstateparks.gov> wrote:  
Kelly,  
I talked with him. I did not think this would trigger a conversion. If in the future, the parking sharing effects the people being able to access the fields, then it may trigger a conversion. But as long as there is still plenty of access and the users can use this shared area, I don’t see any issues. If you could let me know. Thank you.  
Mickey Rogers, Grant Program Leader  
Arizona State Parks  
mrogers@azstateparks.gov  
602-542-6942

Begin forwarded message:  

From: "Unger, Audrey C." <Audrey.Unger@hdrinc.com>  
Subject: Section 6(f) and Rose Mofford Sports Complex  
Date: November 15, 2016 at 3:23:48 PM MST  
To: "Mrogers@azstateparks.gov" <Mrogers@azstateparks.gov>  
Cc: "Forrest, Robert <rforrest@valleymetro.org> (rforrest@valleymetro.org)" <rforrest@valleymetro.org>

Dear Mr. Rogers,  

Thank you for speaking with me early this week about the Northwest Phase II Light Rail Extension project and the proposed shared parking at Rose Mofford Sports Complex (RMSC) (see attached for a description of the project). As I mentioned the parking lots at Rose Mofford were developed using a LWCF grant and thus are protected under Section 6(f). Our ultimate question is whether or not the sharing of parking between sports complex users and transit riders constitutes a conversion under Section 6(f). To help Arizona State Parks/National Park Service with answering this question, detailed information is provided below. 

In 1985, the City of Phoenix received a LWCF grant to construct RMSC. More specifically, the grant funded site preparation, parking lots, bleachers, restroom and control buildings, and two lighted softball fields (NPS, 1985). All of the parking lots at Rose Mofford benefited from the LWCF grant (personal communication with Pat Dutrack, Arizona State Parks with HDR Engineering, Inc., on May 30, 2006).

The proposed light rail alignment (Project) would not impact RMSC because it would be on the west side of 25th Avenue in the traffic lane furthest from RMSC (see attached figure). However, the Project proposes to designate an area where transit users can share approximately 150 RMSC parking spaces with sports complex users. This shared area, located northwest of the softball fields (see attached) would be the only place in RMSC where transit users would be permitted to park and ride the light rail. RMSC users would use the shared area as they do today. The physical footprint of the designated shared parking area would remain the same. Competition for parking spaces between transit and sports complex users is unlikely because the majority of sports complex use would generally occur after the typical commuting times when the parking lot would be used by light rail passengers.
The designated shared parking area would benefit from the Project because it would be enhanced through resurfacing and the installation of security cameras, an emergency call box and lighting.

Post-construction access through the improved parking lot would change. The current driveway, across from Mountain View Road, would be closed to allow for more efficient movement of light rail and vehicles through the Mountain View Rd/25th Avenue intersection; however, two new accesses would be provided, one approximately 200 feet south of the current access and one about 250 north of the current access (essentially at either end of the designated shared parking lot) resulting in enhanced access to RMSC.

Does Arizona State Parks/National Park Service consider sharing of the designated parking area to be a conversion under Section 6(f)? Thank you in advance for your time. If you have any questions please do not hesitate to contact me.

Regards,
Audrey Unger

Audrey Unger, MEP, PMP
Environmental Sciences and Planning
Cross-Sector Services Manager
Associate

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D 602.522.4323 M 602.522.7700
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May 1, 2018

Inger Erickson  
Parks and Recreation Director  
City of Phoenix  
200 W. Washington Street, 16th Floor  
Phoenix, Arizona 85003

RE: Northwest Phase II Light Rail Extension Project  
De Minimis Impact Finding under Section 4(f)

Ms. Erickson:

The Federal Transit Administration (FTA), in coordination with Valley Metro and the City of Phoenix, is planning the Northwest Phase II Light Rail Extension Project (Project). The Project is 1.5 miles long, extending the existing Valley Metro light rail line from its current terminus at Dunlap and 19th Avenues to Metrocenter on the western side of Interstate 17 — refer to Figure 1. As part of the Project, two potential park-and-rides are proposed, one at the end-of-line adjacent to Metrocenter and the other co-located with Rose Mofford Sports Complex (RMSC) — refer to Figure 2 for the co-located park-and-ride. The purpose of this letter is to request the City of Phoenix's concurrence on a determination of a FTA's *de minimis* impact and temporary occupancy findings for RMSC.

The proposed Project would affect RMSC, a resource protected under Section 4(f) of the Department of Transportation Act of 1966 (49 United States Code § 303). Section 4(f) stipulates that FTA cannot approve the use of land from publicly owned parks and recreation areas, waterfowl and wildlife refuges, or public and private historical sites considered to have national, state or local significance unless there is no feasible and prudent avoidance alternative to the use of that land and the proposed action includes all possible planning to minimize harm to the property resulting from such use. A Section 4(f) resource “use,” as defined in 23 Code of Federal Regulations (CFR) § 774.17, occurs:

(1) When land is permanently incorporated into a transportation facility;
(2) When there is a temporary occupancy of land that is adverse in terms of the
statute’s preservation purpose ...; or
(3) When there is a constructive use of a Section 4(f) property ...

In August 2005, Section 4(f) was revised to simplify the process of approval of projects with minor, or de minimis, impacts (that is, direct use). As defined in 23 CFR 774.17(5), a de minimis impact on parks and recreation areas is one that would not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f). The requirements of Section 4(f) would be considered satisfied if it is determined that the project would have only a “de minimis impact” on the Section 4(f) resource. The provision allows avoidance, minimization and mitigation or enhancement measures to be considered in making a de minimis determination. Projects determined to result in a de minimis impact are not required to undergo an analysis of avoidance alternatives, and once the impact on the resource afforded protection under Section 4(f) is determined to be de minimis, the Section 4(f) evaluation process is complete.

**Direct Use/De minimis Impact**

The City of Phoenix-owned RMSC is located on the east side of 25th Avenue and north of the Arizona Canal Diversion Channel and is adjacent to the east-side running light rail alignment. The Build Alternative shown in Figure 2 would add approximately 179 parking spaces to the RMSC. One hundred and forty-six spaces would be added to the main parking lot located to the northwest of the softball fields. The other 33 parking spaces would be added to the southern end of the existing dog park parking lot. An area within the RMSC main parking lot would be designated for shared parking. This shared area, located approximately northwest of the softball fields as shown in Figure 2, would be the only place in the sports complex where transit users would be permitted to park and ride light rail. Recreational users could park anywhere, including the designated shared area. The shared parking lot would be made up of a combination of new and existing parking. The existing parking area located adjacent to the proposed shared parking area would need to be reconstructed and restriped. The dog park parking lot would also be reconstructed and restriped because of its shifted location to the east and because of the addition of 33 spaces.

To service the RMSC parking lot and the Project drainage a proposed underground drainage system would be installed east of the proposed Valley Metro guideway eventually intercepting the Arizona Canal Diversion Channel. This system will be on RMSC property from approximately the proposed new driveway in the northern portion of the sports complex to south of the dog park.
The current RMSC driveway (access point) across from Mountain View Road would be permanently closed to allow for more efficient movement of light rail and vehicles through the Mountain View Road and 25th Avenue intersection. A new driveway approximately 250 feet north of the intersection would replace the closed driveway as shown on Figure 2. The driveway access to the softball fields from 25th Avenue for maintenance crews and emergency vehicles would be closed to avoid light rail conflicts with motorists inadvertently using this driveway to access the parking lot. A new road would, however, be added to the landscaped area between the dog park parking lot and the main parking lot, connecting these two parking areas for the first time—improving overall access to and within RMSC. This will also provide access to the softball fields for maintenance crews and emergency vehicles. Finally, the southernmost dog park parking lot access would be shifted farther south to the end of the 33 added parking spaces and the end of the proposed station - refer to Figure 2.

The additional parking spaces would be added to a portion of the existing landscaped buffer fronting 25th Avenue, to a landscaped area adjacent to the softball fields and to the landscaped area just south of the dog park. No recreational amenities are within the landscaped buffer. The landscaped area between the parking lot and adjacent softball fields would also be converted for transportation use. This area contains a path/sidewalk that connects the parking lot and the recreational amenities on the eastern side of the park. The sidewalk would be relocated approximately 25-feet to the east, adjacent to the softball fields, maintaining the sidewalk between the parking lot and the recreational amenities to the east. This new sidewalk would be constructed to replace the current sidewalk that will be decommissioned. To not interfere with access to any Section 4(f) properties, temporary sidewalks may be necessary and will be in compliance with American with Disabilities Act of 1990. Additionally, the Build Alternative would construct a new sidewalk on the eastern side of 25th Avenue from the park-and-ride lot to across the station as shown in Figure 2. A signal would facilitate pedestrians crossing 25th Avenue to reach the station. The Build Alternative would also require that the dog park parking lot be shifted approximately 25 feet to the east into a landscaped portion of RMSC, resulting in a conversion of the sports complex landscaping to a transportation use. Additional conversions as a result of the light rail alignment would include an approximately 550-linear-foot strip of landscaping from the northern end of the dog park until the alignment turns onto Mountain View Road.

Because the Build Alternative would add approximately 179 parking spaces to the RMSC (approximately 146 would be shared), with the anticipated transit demand, there would be no interference with the availability of parking for recreational users. Furthermore, recreational users would have no parking restrictions; therefore, they would have more parking opportunities than current conditions. During construction, no interference with access to recreational amenities would occur in the RMSC because several alternative paths/sidewalks around the
parking lots could be used. For example, pedestrians could cut through the parking lots not under construction to access recreational amenities throughout the park. Additionally, the relocation of the sidewalk from the landscaped area to an area adjacent to the softball fields would occur prior to decommissioning the current path; thus, access would not be impaired. The parking lot would be constructed during the summer, the off-peak season for RMSC when parking demand would be minimal.

RMSC would benefit from the Build Alternative because it would be enhanced through the addition of 179 parking spaces that could be used by recreational users. The designated shared parking area would also be enhanced through the installation of security cameras, an emergency call box and lighting. Access would also be improved by having light rail next to the sports complex. With the exception of the sidewalk, all the proposed changes to RMSC would convert landscaping to a transportation use. In total, 2.2 acres of the 92-acre Rose Mofford Sports Complex would be converted to a transportation use (2.4 percent). With the exception of the sidewalk relocation, no recreational amenities would be affected. The new or temporary ADA compliant sidewalk(s) would be constructed prior to the existing sidewalk being removed to maintain any recreational activities associated with the sidewalk and to maintain access to recreational amenities the sidewalk connects within the sports complex. Lastly, the installation of the proposed drainage system within RMSC limits would improve the current onsite drainage within the parking area. For these reasons, FTA has determined that the use of the RMSC is a de minimis impact.

Constructive Use

A constructive use of a Section 4(f) resource occurs when the transportation project does not incorporate land from the Section 4(f) resource, but the project’s proximity impacts are so severe that the protected activities, features or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. For example, a constructive use can occur as a result of an increase in noise levels or restrictions in access, or other impacts that could substantially impair aesthetic features or attributes of the resource.

The Build Alternative would introduce new visual elements such as an at-grade station, elevated trackwork on fill, overhead catenary poles and wires, and a traction power substation. These new elements would be consistent with the existing urban setting around RMSC, so the Build Alternative would not impair the visual setting. There are no noise-sensitive activities at RMSC. Examples of noise-sensitive activities include 1) hearing the performance at an outdoor amphitheater, 2) an urban park where serenity and quiet are significant attributes or 3) sleeping in the sleeping area of a campground. Also, no noise or vibration impacts were identified near RMSC. As described above,
post-construction access through RMSC would change. None of the access modifications would interfere with the activities or purposes of Section 4(f) resources associated with the sports complex. In summary, the introduced visual elements of the light rail, noise and vibration, and access modification would not interfere with the activities or purposes of the RMSC; therefore, no constructive use of this Section 4(f) property would occur.

**Temporary Occupancy**

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of the property that is considered adverse in terms of the preservationist purpose of the Section 4(f) statute.

The construction at Rose Mofford Sports Complex would occur over two summers, to coincide with the sports complex's slow season and to avoid any chance of construction going into the sports complex's busy fall season. For two months during the first summer the drainage pipe would be installed – refer to Figure 2 for general layout plan. Over the two-month period, the parking lots, starting at the south end of Rose Mofford Sports Complex, would be closed for a few weeks and then reopened as the pipe installation in that section of the sports complex is completed. Then as the pipe installation moves north, the next parking lot, or portion of, would be closed, continuing until the installation is complete. Because the remainder of the construction activities would take place the following summer, the disturbed sections of the parking lot would be temporarily paved with asphalt concrete. During installation of the proposed underground drainage system, access to Rose Mofford Sports Complex would be maintained and most parking would be available within a short walking distance (i.e., within approximately 400 feet). No recreational amenities would be impacted.

During the following summer the remainder of the construction activities at Rose Mofford Sports Complex would occur. Construction activities in the designated shared parking area would result in a temporary reduction in parking for park users and a temporary change in how amenities are accessed; particularly those in the southern part of the sports complex because they are closest to the shared parking area. Additionally, one of the two entrances to the main parking lot would be permanently closed, but a new access would be created.

The temporary occupancy would not constitute a use because the construction activity, as discussed below, would meet all the conditions necessary so that it would not be considered adverse within the meaning of Section 4(f). The scope of the work is minor because the parking lots and accesses such driveways would be restored to a condition that would better than the original condition. This is realized through improved
access, repaving and constructing the other planned improvements to the existing lot. The construction work would last approximately 2 months the first summer and 4 to 6 months the second summer. This time period is considerably less than the total construction duration of 3.5 years. Valley Metro would undertake work in parking lots during the summers when Rose Mofford Sports Complex is closed; day and evening use is generally low because of the high temperatures experienced during summer months.

Summary

The temporary closure of the parking lots would allow continued use of the recreational resources during construction. Access would be available from parking lots in other areas of the recreational facility. All the pathways/sidewalks linking parking areas and recreational components of the park would remain open, so that no interruption of recreation or interference with access would occur. Therefore, no permanent physical impacts (use) on the Rose Mofford Sports Complex are anticipated, nor would there be interference with the activities or purposes of the sports complex on a permanent or temporary basis. Valley Metro would include information on its website regarding temporary parking restrictions as part of the public outreach process. Additionally, Valley Metro would provide signs at the sports complex regarding temporary parking restrictions. During construction of the modified access locations, Rose Mofford Sports Complex users could use the other entrance to the sports complex, which is approximately 620 feet north of the driveway slated for permanent closure. If you agree with the FTA’s de minimis and temporary occupancy determinations please indicate your concurrence by signing on the line provided and returning a copy to Valley Metro within 30 days. If you have general questions or require additional information, please contact me at 602-322-4514 or by email at rforrest@valleymetro.org.

Sincerely,

Robert Forrest
Manager, Environmental Programs

Signature for City of Phoenix Concurrence

5/31/18

Date

Enclosures: Figure 1 NWE II Study Area
Figure 2 RMSC Shared Parking and Other Modifications
c: Jesus Sapien, City of Phoenix
Carla Kahn, City of Phoenix
Maurice Goyette, City of Phoenix
Tim Merritt, City of Phoenix
FIGURE 1: NORTHWEST PHASE II LIGHT RAIL EXTENSION PROJECT STUDY AREA
FIGURE 2: ROSE MOFFORD SPORTS COMPLEX SHARED PARKING AND OTHER MODIFICATIONS
May 3, 2018

Jim Duncan
Principal Engineering Analyst
Salt River Project
Mail Station PAB246
P.O. Box 52025
Phoenix, AZ 85072

RE: Northwest Phase II Light Rail Extension Project
De Minimis Impact Finding under Section 4(f)

Mr. Duncan:

The Federal Transit Administration (FTA), in coordination with Valley Metro and the City of Phoenix, is planning the Northwest Phase II Light Rail Extension Project (Project). The Project is 1.55 miles long, extending the existing Valley Metro light rail line from its current terminus at Dunlap and 19th Avenues to Metrocenter on the western side of Interstate 17 (Figure 1). As part of the Project, the two separate concrete bridges on 25th Avenue which span the Arizona Canal and the Arizona Canal Diversion Channel (ACDC) would be removed and replaced with wider bridges spanning the canals to accommodate both light rail and vehicular traffic (Figure 2). The purpose of this letter is to request a concurrence on a de minimis impact and temporary occupancy findings for the Sun Circle and Arizona Canal Trails.

The proposed Project would affect the Sun Circle Trail and the Arizona Canal Trails, which are resources protected under Section 4(f) of the Department of Transportation Act of 1966 (49 United States Code § 303) because their major purpose is recreation. Section 4(f) stipulates that FTA cannot approve the use of land from publicly owned parks and recreation areas, waterfowl and wildlife refuges, or public and private historical sites considered to have national, state or local significance unless there is no feasible and prudent avoidance alternative to the use of that land and the proposed action includes all possible planning to minimize harm to the property resulting from such use.

A Section 4(f) resource “use,” as defined in 23 Code of Federal Regulations (CFR) § 774.17, occurs:
(1) When land is permanently incorporated into a transportation facility;
(2) When there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose ...; or
(3) When there is a constructive use of a Section 4(f) property ...

In August 2005, Section 4(f) was revised to simplify the process of approval of projects with minor, or de minimis, impacts (that is, direct use). As defined in 23 CFR 774.17(5), a de minimis impact on parks and recreation areas is one that would not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f). The requirements of Section 4(f) would be considered satisfied if it is determined that the project would have only a “de minimis impact” on the Section 4(f) resource. The provision allows avoidance, minimization and mitigation or enhancement measures to be considered in making a de minimis determination. Projects determined to result in a de minimis impact are not required to undergo an analysis of avoidance alternatives, and once the impact on the resource afforded protection under Section 4(f) is determined to be de minimis, the Section 4(f) evaluation process is complete.

**Direct Use/De minimis Impact**

The proposed Project would have a direct impact on the Sun Circle Trail, which runs east-to-west on the northern side of the Arizona Canal, and on the Arizona Canal Trail, which runs east-to-west on both the northern and southern sides of the Arizona Canal (Figure 2). Both trails are at grade with 25th Avenue. Two separate concrete bridges on 25th Avenue currently span the Arizona Canal and the ACDC. To accommodate both light rail and vehicular traffic, the existing 25th Avenue bridge superstructures would be removed and the existing bridge foundations and channel walls for the Arizona Canal and Arizona Canal Diversion Channel would remain. New bridges would be constructed spanning the existing canals, foundations and channel walls. The new bridges would be approximately 27 feet wider (approximately 7 feet on the western side of the bridge and 20 feet on the eastern side) than what currently exists. The wider bridges would permanently convert approximately 405 sq ft. of the Sun Circle Trail/Arizona Canal Trail on the northern side of the Arizona Canal to a transportation use. They would also convert approximately 405 sq ft. of the Arizona Canal Trail on the southern side of the Arizona Canal to a transportation use.  

Although the new bridges would permanently convert portions of both trails to a transportation use, the impact on each trail would be considered de minimis because only a small amount of each total trail would be converted, as described above. Additionally, after construction, the trails would be on the same, at-grade alignment as

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1 The Arizona Canal Trail is on both sides of the Arizona Canal, but shares the same alignment as the Sun Circle Trail on the northern side of the Arizona Canal, therefore the physical impact to trails on the northern side is the same and not counted twice.
they are today and would continue to function as they currently do; the only difference is that each trail would be negligibly shorter. In other words, construction of the Build Alternative would not interfere with the activities, features or attributes that qualify the Sun Circle Trail and Arizona Canal Trail for protection under Section 4(f). The Build Alternative would benefit the trails by installing a pedestrian signal to assist trail users across 25th Avenue (Figure 2).

**Constructive Use**

A constructive use of a Section 4(f) resource occurs when the transportation project does not incorporate land from the Section 4(f) resource, but the project’s proximity impacts are so severe that the protected activities, features or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. For example, a constructive use can occur as a result of an increase in noise levels or restrictions in access, or other impacts that could substantially impair aesthetic features or attributes of the resource.

The Build Alternative would introduce new visual elements such as overhead catenary poles and wires, trackwork, etc. but would be consistent with the existing urban setting around the trails (e.g. there are existing overhead transmission lines on both sides of the trails), so the Build Alternative would not impair the visual setting. Both the Sun Circle Trail and Arizona Canal Trail are urban trails, near busy arterials, Metrocenter and an amusement park and thus quiet surroundings are not essential to the trails’ recreational function. No noise or vibration impacts were identified near the trails. Both trails would be accessed exactly as they are today. In summary, the introduced visual elements of the light rail, noise and vibration, and access which would be unchanged, would not interfere with the activities or purposes of the Sun Circle Trail and the Arizona Canal Trail therefore, no constructive use of these Section 4(f) resources would occur.

**Temporary Occupancy**

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of the property that is considered adverse in terms of the preservationist purpose of the Section 4(f) statute. Construction of the Build Alternative would require the closure of the Sun Circle and Arizona Canal Trails near the construction zone for a limited time period for safety reasons. The temporary occupancy would not constitute a use because the construction activity, as discussed below, would meet all the conditions necessary so that it would not be considered a use within the meaning of Section 4(f). Demolition of the existing 25th Avenue bridge superstructures and replacement with wider bridges would take approximately 4 to 6 months during which time 25th Avenue would be closed to traffic. The 4- to 6-month time period for bridge replacement is less than the 3.5 years required for construction of the Build Alternative. The scope of work is minor. The new, wider bridges would result in a change to the trails by reducing their overall length: 27 feet shorter for the Sun Circle Trail and 54 feet shorter for the Arizona Canal Trail.
The remaining part of the paved trails would be returned to at least as good a condition as that which existed prior to construction. The Build Alternative would ultimately enhance the Section 4(f) trails because pedestrian signals would be installed to help trail users cross 25th Avenue and continue on the trails.

Valley Metro would install signs near the trails notifying trail users of the closures and trail reroutes. Trail users can access the portions of the trail not closed using the pedestrian bridge at Rose Mofford Sports Complex (east of 25th Avenue) or the I-17 frontage roads; both of which are approximately a quarter mile from 25th Avenue. Additionally, Valley Metro would post closures and rerouting options on its website as part of the public outreach process. Because trail users can be rerouted around the construction site and because there are alternative east-to-west crossings of the Sun Circle Trail and the Arizona Canal Trail available on 29th and 19th Avenues (and at Rose Mofford Sports Complex for trails on the northern side of the Arizona Canal), no interference with the protected activities, features or attributes of the trails would occur on either a temporary or permanent basis. No permanent adverse physical impacts are anticipated.

If you agree with the FTA’s *de minimis* and temporary occupancy determinations, please indicate your concurrence by signing on the line provided and returning a copy to Valley Metro within 30 days. If you have general questions or require additional information, please contact Robert Forrest, Environmental Program Manager, at 602-322-4514 or by email at rforrest@valleymetro.org.

Sincerely,

Robert Forrest
Manager, Environmental Programs

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Enclosures: Figure 1  NWE II Study Area
Figure 2  Sun Circle and Arizona Canal Trails – Proposed Bridgework and Other Modifications
FIGURE 1: NORTHWEST PHASE II LIGHT RAIL EXTENSION PROJECT STUDY AREA
FIGURE 2: SUN CIRCLE AND ARIZONA CANAL TRAILS – PROPOSED BRIDGEWORK AND OTHER MODIFICATIONS FOR THE NORTHWEST PHASE II LIGHT RAIL EXTENSION

LEGEND
- Northwest Extension Phase II
- Pedestrian Signal
- Additional Width of New Bridges
- Trail Conversion
ATTACHMENT B. CONCEPTUAL DESIGN SHEET
This page is intentionally left blank.
Northwest Phase II Light Rail Extension To Metrocenter 2018 May 29

CONCEPT LAYOUT

POTENTIAL FUTURE TRACK ALIGNMENT NOT PART OF THIS PROJECT SHOWN TO PROVIDE CONTEXT
Northwest Phase II
Light Rail Extension
To Metrocenter
2018 May 29

CONCEPT LAYOUT

See Sheet 3A
for ROW Required
Northwest Phase II
Light Rail Extension
To Metrocenter
2018 May 29
CONCEPT LAYOUT

TRACK-WAY TRANSITIONS FROM AT GRADE TO ELEVATED.

STAIRS TO ELEVATED SIGNAL HOUSE

MOUNTAIN VIEW ROAD REMAINS AT GRADE

Right-Of-Way Required

4985 Square Feet

149-09-0050
BAY PACIFIC PHOENIX CORPORATE CENTER, LLC

26TH DRIVE

25TH DRIVE

25TH AVENUE

26TH DRIVE

STAIRS TO ELEVATED SIGNAL HOUSE

PROPOSED PARK TRAIL

PARKING GARISSING

PROPOSED SHARED PARKING

Right-Of-Way Required

8926 Square Feet

149-12-004R
C2 LAND LP

Right-Of-Way Required

26,559 Square Feet

149-09-001U
BAY PACIFIC PHOENIX CORPORATE CENTER, LLC

Right-Of-Way Required

16 Square Feet

149-09-005D
NATIONAL RETAIL PROPERTIES

Right-Of-Way Required

2064 Square Feet

149-12-004P
BAY PACIFIC PHOENIX CORPORATE CENTER, LLC

Right-Of-Way Required

12 Square Feet

149-12-004S
BAY PACIFIC PHOENIX CORPORATE CENTER, LLC

CHILDS FAMILY TRUST/ET AL

149-12-004F
CITY OF PHOENIX

149-09-001R
BAY PACIFIC PHOENIX CORPORATE CENTER, LLC

149-09-004P
BAY PACIFIC PHOENIX CORPORATE CENTER, LLC

149-09-007C
CITY OF PHOENIX
Right-Of-Way Required
5725 Square Feet

MISSION LANE

POTENTIAL CONSTRUCTION
STAGING AREA

50' 100' 200' 0'

CONCEPT LAYOUT
Light Rail Extension
Northwest Phase II
To Metrocenter
2018 May 29

P

CONCEPT LAYOUT

24TH AVENUE
PRIVATE STREET

SHERATON DRIVE

ARIZONA CANAL

TRAIL

ARIZONA CANAL

25TH AVENUE

MISSION LANE

PRIVATE STREET

2018 May 29
Northwest Phase II Light Rail Extension To Metrocenter
2018 May 29
CONCEPT LAYOUT