

time for the Southwest Transitway is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and the increasing levels of congestion of the roadway network. This line would also be an expansion of the region's transitway system (Hiawatha LRT line, Northstar Commuter Rail, and the Central Corridor LRT line, currently under construction.)

The Southwest Transitway would operate in a combination of environments including in abandoned freight rail right-of-way (ROW), at-grade in street and trunk highway ROW, and in new ROW that would be acquired from public and private entities. In addition, the line would operate in very limited sections of elevated structure and tunnel.

The logical termini for serving the travel needs of the southwest area of the Twin Cities are from the City of Eden Prairie to downtown Minneapolis. Though planned as a part of an integrated transit system, the proposed project exhibits independent utility exclusive of the implementation of other fixed guideway projects in the region.

7.4 Types of Properties Protected by Section 4(f)

The Section 4(f) properties found within 350 feet of the proposed project segments include publicly owned parks and recreation areas, conservation areas, and historic sites (historic properties).

A detailed discussion of the various historic properties and districts within the project vicinity is found in Section 3.4 of this Draft EIS. It should be noted that Section 3.4 contains minimal information regarding archaeological sites in the project vicinity because the archaeological survey has not been completed.

The historic properties and districts present in the project vicinity include properties that are listed in the National Register of Historic Places (NRHP), properties that have been determined eligible for listing on the NRHP following consultation with the SHPO, and properties that are currently being evaluated for NRHP eligibility. Properties that have been listed or formally determined to be eligible for listing are subject to Section 4(f) protection. For the purposes of this Section 4(f) evaluation, the properties under evaluation for historic significance are currently discussed only in Section 3.4. Should any of these properties be determined eligible for listing on the NRHP an evaluation of its need to be used by the proposed project would be included in the Final Section 4(f) Evaluation.

A list of the publicly owned parks, recreation areas, and conservation areas located in the vicinity of the Southwest Transitway LRT Project is found in Section 3.5 of this Draft EIS. No formally designated wildlife or waterfowl refuges are found in the project vicinity. At this time, these publicly owned properties are assumed to qualify for Section 4(f) protection based on the criteria set forth in 23 C.F.R. § 774.

According to 23 C.F.R. § 774.11, consideration under Section 4(f) is not required when the official(s) with jurisdiction over a park, recreation area, or wildlife and waterfowl refuge determine that the property, considered in its entirety, is not significant. In the absence of such a determination, Section 4(f) property will be presumed to be significant. The FTA will review a determination that a park, recreational area, or wildlife and waterfowl refuge is not significant to assure its reasonableness.

The existing trails adjacent to Segments 1, 4, A, and a portion of Segment C (the Cedar Lake LRT Regional Trail, Minnesota River Bluffs LRT Regional Trail, Kenilworth Trail, and Midtown Greenway) were all constructed on HCRRRA property under temporary agreements between the HCRRRA and the trail permittees. As documented in each trail's interim use agreement, HCRRRA permitted these trails as temporary uses with the stipulation that they may be used until HCRRRA develops the corridor for a LRT system or other permitted transportation use. Therefore, these trails are not subject to protection as Section 4(f) property.

The following sections describe the Section 4(f) properties identified in the project vicinity. The properties discussed below have the potential to be used by the proposed project based on the construction limits prepared during conceptual design. The findings presented below will be further developed by FTA through coordination with the Minnesota SHPO and agencies, such as the Minneapolis Park and Recreation Board that are the officials with jurisdiction over the publicly owned parks and publicly owned conservation areas.

7.4.1 Section 4(f) Properties Potentially Used by the Project

The following subsections describe the Section 4(f) properties that would potentially be used by the proposed project based on the best engineering information currently available. These determinations will be reviewed as preliminary engineering advances and efforts to reduce or eliminate the need to use land from these properties is completed. The results of avoidance and minimization efforts during preliminary engineering will be presented in the Final Section 4(f) Evaluation.

The historic properties discussed below are only those resources that are listed in or determined eligible for the NRHP. Historic properties under evaluation for historic significance and eligibility for the NRHP are not discussed in this evaluation. More information on cultural resources, regardless of current NRHP status, is found in Section 3.4.

7.4.1.1 Operation and Maintenance Facilities

Potential impacts to Section 4(f) properties were considered at Operation and Maintenance Facility (OMF) locations. None of the four proposed OMF locations contain dedicated parkland. The Eden Prairie locations (1, 2, and 3) do not contain historic structures eligible for listing on the NRHP. The Minneapolis location is the site of the Regan Brothers Bakery, which has been determined to be eligible for the NRHP. Selection of the Minneapolis OMF site would likely require demolition of the bakery site, and would be considered a Section 4(f) use.