CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

AGENDA DATE: **March 14, 2023**
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: **Yvette Hernandez, (915) 212-1860**

DISTRICT(S) AFFECTED: **1**

STRATEGIC GOAL: **No.7: Enhance and Sustain El Paso's Infrastructure Network**

SUBGOAL: **N/A**

SUBJECT:
A Resolution finding the Artcraft Project will have no adverse impact to the Sunset Terrace Linear Park, and that the City Council designates the City Engineer as the person authorized to certify this in writing.

BACKGROUND / DISCUSSION:
TxDOT Artcraft Project includes the use of part of the Sunset Terrace Linear Trail and must comply with Section 4(f) which states that as an initial step, the regulations require coordination with the officials with jurisdiction in determining whether the property is significant and whether the use will have any adverse effects. The proposed project would permanently incorporate a portion of the Sunset Terrace Linear Park, which would result in the direct use of approximately 784 SF where it connects to Artcraft Road.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ___ YES ___NO

PRIMARY DEPARTMENT: Capital Improvement Department
SECONDARY DEPARTMENT: Parks and Recreation Department

*********************REQUIRED AUTHORIZATION*********************

DEPARTMENT HEAD: Yhernandez

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, Section 4(f) of the Department of Transportation Act and the Code of Federal Regulations under Chapter 23 outlines the requirements and regulations governing the use of land from publicly owned parks for Federal highway projects.

WHEREAS, the TxDOT Artcraft Project (the "Project") includes the use of part of the Sunset Terrace Linear Trail, and must comply with Section 4(f) which states that the regulations require coordination with the officials with jurisdiction in determining whether the property is significant, and written concurrence of the officials with jurisdiction on finding whether the use will have any adverse effects; and

WHEREAS, City Council is the official with jurisdiction, and, after review by the City Engineer, wishes to authorize the City Engineer to execute the certification regarding the City's finding that the property is significant, and that the use of land will not have any adverse effects.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. **THAT** City Council finds that the approximate 784 square feet of Sunset Terrace Park on which the use will take place has significance under 23 CFR 774.3, but there will be no adverse effects caused by the Project. The function of Sunset Terrace Linear Park will not be impaired and its function will not cease. Nor will the Project impair the function of the property as a whole. Therefore, these minor changes would have no adverse effect. The property would still possess its significance after the Project is complete.

2. **THAT** the City Council designates the City Engineer as the person authorized to certify in writing, the park land that the TxDOT Artcraft Project plans to use is:

    (1) Significant per Section 4(f) and

    (2) The project activities will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

THAT the City Engineer will provide written certifications to TxDOT to coordinate on the next steps needed to comply with Section 4(f).

Signatures on the following page

PASSED AND APPROVED this ____ day of _____ 2023.

THE CITY OF EL PASO:

_____
Oscar Leeser, Mayor

ATTEST:

_____
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Karla Saenz
Karla Saenz
Assistant City Attorney

December 14, 2022

District: El Paso
County: El Paso
CSJ#: 3592-01-009
Highway: SH 178 (Artcraft Road)
Project Limits: Texas/New Mexico State Line to I-10
Section 4(f) Property: Sunset Terrace Linear Trail

SUBJECT: NOTIFICATION OF INTENT TO PURSUE *DE MINIMIS* TO SECTION 4(f) (23 CFR 774.3(b))

Attn: Tommy Gonzalez
City of El Paso
300 N. Campbell
El Paso, Texas 79901

Dear Mr. Gonzalez:

In accordance with 23 CFR 774.3(b), we are seeking concurrence for the above referenced project, which will be carried out with Federal funds. This letter requests review and consultation concerning the determinations of significance and findings of no adverse effects within the project's area of potential effects (APE). TxDOT also intends to pursue a Section 4(f) *de minimis*.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

Introduction

The Texas Department of Transportation (TxDOT) proposes operational improvements along the segment of State Highway (SH) 178 (Artcraft Road) that include installing four direct connectors at the interchange of Interstate Highway 10 (I-10) and SH 178 (Artcraft Road). Between I-10 and SH 20 (Doniphan Drive) improvements are planned to include access control measures, reconstruction, and extending existing frontage roads (approximately 1,000 feet) in both directions. Grade separated interchanges are also planned at Upper Valley Road and Westside Drive, with four elevated lanes over these intersections. These interchanges include entrance and exit ramps connecting with two-lane frontage roads.

The proposed project would permanently incorporate a portion of the Sunset Terrace Linear Park, which would result in the direct use of approximately 784 square feet (SF) (less than one percent total park area) where it connects to SH 178 (Artcraft Road). TxDOT would occupy an additional 22 square feet for temporary construction licenses. However, this area would be restored as park use.

A new shared use path at this location would be installed. The proposed project would not only maintain the continuity of the trail, but would also provide connectivity to the sidewalk along the westbound SH 178 (Artcraft) frontage road. As the project would not adversely affect the features, attributes, or activities qualifying Sunset Terrace Linear Park for protection under Section 4(f), TxDOT would seek a determination that the project would have a *de minimis* impact on this Section 4(f) property.

Determination of No Adverse Effects and Certification of Section 4(f) *De Minimis*

Survey determined that the Sunset Terrace Linear Park on which the ***use*** will take place has significance under the requirements of 23 CFR 774.3(b). In order to qualify for a Section 4(f) *de minimis*, it was established that the project activities will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

The function of Sunset Terrace Linear Park will not be impaired and its function will not cease. Nor will the project impair the function of the property as a whole. Therefore, these minor changes would have no adverse effect. The property would still possess its significance after the project is complete.

If you feel that TxDOT has met the above requirements and have no additional comments about the project, then please endorse this letter and return it to us by February 3, 2023. This endorsement will signify your concurrence that there is no adverse effect to the above property. Additional information about Section 4(f) requirements can be found at the following or you may request additional information from TxDOT:

http://environment.fhwa.dot.gov/(S(1vyep545s3wmhuubnvexkmm2))/4f/index.asp

CONCUR: NO ADVERSE EFFECT
DETERMINATION OF *DE MINIMIS* IMPACT UNDER SECTION 4(f) GUIDELINES

NAME: Yvette Hernandez DATE: 1/10/23
[Insert Name and Title of Official with Jurisdiction]

Conclusion

In accordance with 23 CFR 774.3(b), I hereby request your signed concurrence with the finding of no adverse effects. Furthermore, TxDOT determined that the proposed project activities meet the requirements of a *de minimis* finding under Section 4(f).

Thank you for your assistance with the federal review process. If you need further information, please call me at (915) 790-4323.

Sincerely,

Noemi L. Horn
Environmental Coordinator
TxDOT El Paso District

Cc: Samuel Rodriguez, Chief Operations Officer, City of El Paso
Sheetal Patel, P.E., Project Manager, TxDOT El Paso District
Kelvin Kroeker, P.E. Project Manager, HNTB
Shandrian Jarvis Ugwuoke, AICP, Deputy Project Manager, HNTB