



11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670 ■ Phone: (916) 363-4210 ■ Fax: (916) 363-4230

Memorandum

To: Julie Myrah, Branch Chief
California Department of Transportation
District 10 Environmental
1976 E. Charter Way
Stockton, CA 95201

Date: May 5, 2017

Subject: Section 4(f) De Minimis Memorandum for the Hickman Road over Tuolumne River Bridge Replacement Project (Bridge No. 38C-0004)

INTRODUCTION

The following Section 4(f) De Minimis Memorandum (Memo) has been prepared to address the Section 4(f) properties within the vicinity of the Hickman Road over Tuolumne River Bridge Replacement Project.

The Department of Transportation Act (DOT Act) of 1966 included a special provision, Section 4(f), which stipulated that the Federal Highway Administration (FHWA) and other Department of Transportation (DOT) agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- There is no feasible and prudent alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use; or
- The FHWA determines that the use of the property will have a *de minimis* impact.

SECTION 4(F) DE MINIMIS DETERMINATION

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete.

The Federal Highway Administration's (FHWA) final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to Caltrans pursuant to 23 USC 326 and 327, including determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

PROJECT PURPOSE AND NEED

Stanislaus County (County) Department of Public Works proposes to replace the existing bridge on Hickman Road over Tuolumne River (Bridge No. 38C-0004) located 0.15 mile south of State Route 132 near the town of Waterford in northern Stanislaus County (**Attachment A, Figure 1**). The general setting is urban with recreational, commercial retail, and public facility uses (**Attachment A, Figure 2**). The bridge currently carries vehicular traffic over Tuolumne River.

The project is funded primarily by the federal-aid Highway Bridge Program (HBP) administered by the Federal Highway Administration (FHWA) through Caltrans Local Assistance. The replacement bridge will meet current applicable County, American Association of State Highway and Transportation Officials (AASHTO), and Caltrans design criteria and standards.

The existing Hickman Road bridge was last inspected by Caltrans in 2013 and has a sufficiency rating (SR) of 64.7 out of a possible score of 100, and is classified as Structurally Deficient (SD). In addition, the existing bridge is deemed "Scour Critical" with a scour rating of 3, meaning that the local scour and predicted future degradation will continue to undermine the bridge supports. The purpose of this project is to remove the existing structurally deficient structure and replace it with a new bridge designed to current structural and geometric standards while minimizing adverse impacts to the Tuolumne River and the surrounding riparian area.

PROJECT DESCRIPTION

Existing Bridge

Constructed in 1946, the existing Hickman Road over Tuolumne River Bridge is a reinforced concrete (RC) box girder on RC solid pier walls and RC wing abutments supported by steel piles. The bridge is 652.9 feet long, 33.5 feet wide, and within the existing 175 to 200 feet public right-of-way. The curb-to-curb width is 27.9 feet, with two 12-foot-wide travel lanes and two 2-foot-wide shoulders. The bridge is classified as SD and Scour Critical. The Caltrans bridge inspection report identifies major deficiencies:

- The bridge deck has 12 to 16 inch long transverse and pattern cracks throughout.
- There are several edge spalls or up to 3 feet long by 4 inch wide by 1 inch deep along the right curb in Span 4.
- There is an erosion gully of approximately 3 feet wide by 5 feet deep along the right slope embankment at Abutment 8 due to roadway runoff.

- The scour protection at Piers 4 and 5 has deteriorated in front and at the upstream right side of the footing with up to 6 feet wide sections missing.
- Settlement and displacement has been observed at Piers 4 and 5.

Replacement Bridge

The replacement bridge will likely consist of a 750-foot-long cast-in-place (CIP) post-tensioned box girder with two 12-foot-wide travel lanes and two 8-foot-wide shoulders and one 5-foot wide sidewalk placed along the upstream edge. The replacement bridge will be constructed immediately upstream of the existing structure, in order to keep the existing road and bridge open to public traffic during construction. The new upstream road alignment will transition and connect back to the existing Hickman Road alignment using a design speed of 45 mph.

SECTION 4(F) RESOURCES

The following is a discussion of the Section 4(f) properties within the Project area. **Figure 3** identifies the location of the Section 4(f) properties.

Waterford's Tuolumne River Parkway (APN 080-035-009)

The northern approach of Hickman Bridge is adjacent to the Waterford's Tuolumne River Parkway. The City of Waterford used \$2.8 million in state grants to cover the development of a 29-acre project that provides recreation, open space, education, and habitat conservation along the Tuolumne River. The approximate two-mile parkway is located on the northern side of the Tuolumne River. The parkway is owned by the City of Waterford, but is assisted by other public and private stakeholders. The Tuolumne River Parkway was completed and opened to the public in May 2016.

The Project will require permanent right of way take on the NE quadrant of the bridge on Assessor's Parcel Number 080-035-009. The acquisition area is approximately 12,243 square feet or 0.28 acres and is required to accommodate reconstruction of the new bridge. Temporary construction easements will be located on portions of the Tuolumne River Parkway adjacent to the project location. The permanently impacted portion of the trail will be reconstructed on a new alignment that will restore the use of the resource.

Any newly planted trees within the construction staging area will be hand dug and placed into planters during the winter months preceding construction. The trees will be irrigated and cared for by a qualified professional to ensure survival during construction. If the trees do not survive repotting prior to construction and/or replanting after construction is complete, they will be replaced at a 1:1 ratio. Benches located along the trail will also have to be removed, but all benches will be reinserted at the end of construction at the same location without damages.

DE MINIMIS IMPACT FINDING

A determination of *de minimis* impact on parks, recreation areas, and wildlife and waterfowl refuges, may be made when all three of the following criteria are satisfied:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and
3. The official(s) with jurisdiction over the property are informed of U.S. DOT's intent to make the *de minimis* impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f)

The following discussion presents the De Minimis Impact Findings from Section 4(f) resource:

1. *An explanation of why the use is De Minimis.*

Upon completion, the Project will result in a permanent loss of approximately 12,243 square feet due to the construction of the replacement bridge. The Section 4(f) impact is considered negligible because the impacted area of the Tuolumne River Parkway Trail will be reconstructed and the use of the resource will be consistent with existing use. Additionally, the reconstructed trail will benefit the Section 4(f) resource property since safety of the Trail will be improved.

Any avoidance, minimization, and/or mitigation measures that were relied upon to make the De Minimis finding

- Remove non-native species from the determined area and replace them with native species at a determined ratio
- The Contractor shall install signage along the trail notifying that the area will be temporarily closed during construction activities.
- Any newly planted trees within the construction staging area will be hand dug and placed into planters during the winter months preceding construction. The trees will be irrigated and cared for by a qualified professional to ensure survival during construction. If the trees do not survive repotting prior to construction and/or replanting after construction is complete, they will be replaced at a 1:1 ratio.

2. Records of public involvement

Impacts to Section 4(f) resources is a federal process and must comply with the National Environmental Policy Act (NEPA) requirements. The appropriate NEPA approval for this project is a categorical exclusion, which does not require public circulation. The project also requires compliance with CEQA. The CEQA document is subject to a public review process and the 4(f) de minimis will be circulated in conjunction with the CEQA document public review to satisfy the public involvement process (**Attachment B**). A Notice of Availability of *de minimis* Determination will be posted in the local newspaper, online, and at the project site. Following public circulation of the *de minimis* Determination, the County will be contacted and written concurrence requested.

3. Results of coordination with the official(S) with jurisdiction including the written concurrence from official(s) with jurisdiction

The City of Waterford City Manager, Tim Ogden, provided the Stanislaus County Public Works Department with a letter of concurrence with the *de minimis* finding under Section 4(f) of the Department of Transportation Act of 1966 as it relates to the Parkway, dated November 3, 2016 (**Attachment C**)

SUMMARY OF FINDINGS

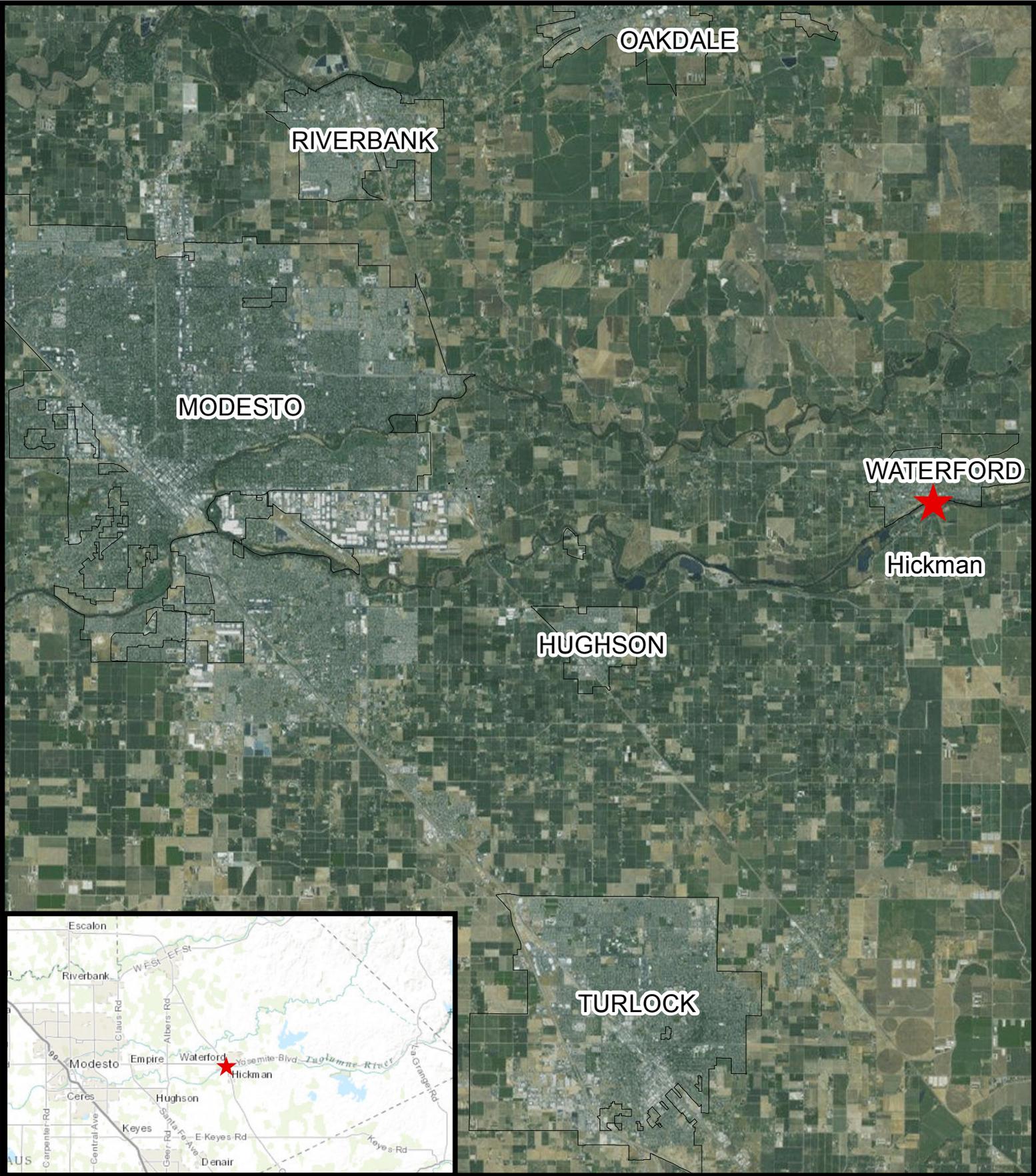
Upon completion, the Project will result in a permanent reduction of approximately 12,243 square feet to accommodate the replacement of the Hickman Road Bridge. This section 4(f) impact is considered negligible because the impacted area will not impact the use of the property. The trail will be reconstructed and the realignment of the trail will take out a large dip and provide a safer trail for users. As a result, there will be no interference with the purpose of the resources. The bridge replacement project will benefit the Section 4(f) resource property by improving safety of the Trail. Based on the information presented above, the coordination and the attached documents, the effects of the proposed project on Tuolumne River Parkway Trail constitute a *de minimis* impact, and the requirements of 23 USC 138 and 149 USC 303 have been satisfied.



Jennifer Hildebrandt, M.S.
Environmental Services Manager

Attachments

Attachment A
Proposed Project Maps



Project Location



Sources: Esri Online Basemap, Aerial Imagery, Stanislaus County
 Coordinate System: NAD 83
 State Plane California II FIPS
 Notes: This map was created for informational and display purposes only.

Project Name:
Hickman Road Bridge Replacement Project

Regional Map

Figure 1



- Proposed Bridge
- Proposed Road Alignment
- Staging Area
- Crane Assembly Area
- Crane Pad
- Access ramp trestle
- Work Trestle Low Flow Channel





- Existing Bridge
- Construction Related Areas
- Restricted Trail Access Area
- Trail Access Points
- Tuolumne River Parkway
- Park Boundary



Sources: Esri online Basemap, Aerial Imagery, San Joaquin County
 Coordinate System: NAD 83 State Plane California III FIPS
 Notes: This map was created for informational and display purposes only.

Project Name:
Hickman Road Bridge Replacement Project

Impacted Viewpoints and Trail Access Map

Figure 3

Attachment B
Public Notice

PUBLIC NOTICE

Hickman Road over Tuolumne River Bridge Replacement Project

NOTICE OF INTENT TO ADOPT A U.S. DEPARTMENT OF TRANSPORTATION ACT SECTION 4(f) DE MINIMIS FINDING FOR IMPACTS TO HICKMAN ROAD BRIDGE

WHAT'S BEING PLANNED

Stanislaus County Department of Public Works proposes to replace the existing bridge on Hickman Road over the Tuolumne River (Bridge No. 38C-0004) located 0.15 mile south of State Route 132 near the town of Waterford in northern Stanislaus County. Below is a description of the proposed project.

The existing bridge was constructed in 1946. The bridge is 652.9 feet long, 33.5 feet wide, and within the existing 175 to 200 feet public right-of-way. The bridge is classified as Structurally Deficient and Scour Critical.

The replacement bridge will likely consist of a 750-foot-long cast-in-place (CIP) post-tensioned box girder with two 12-foot-wide travel lanes and two 8-foot-wide shoulders and one 5-foot wide sidewalk placed along the upstream edge. The replacement bridge will be constructed immediately upstream of the existing structure, in order to keep the existing road and bridge open to public traffic during construction. The new upstream road alignment will transition and connect back to the existing Hickman Road alignment using a design speed of 45 mph.

The Project will require permanent right of way take on the NE quadrant of the bridge on Assessor's Parcel Number 080-035-009. The acquisition area is approximately 12,243 square feet or 0.28 acres and is required to accommodate reconstruction of the new bridge. Temporary construction easements will be located on portions of the Tuolumne River Parkway adjacent to the project location. The permanently impacted portion of the Tuolumne River Parkway Trail will be reconstructed and the use of the resource will be consistent with the existing use.

Construction is anticipated to commence in 2018.

This notice will be circulated in conjunction with the CEQA document public review to satisfy the public involvement process. A Notice of Availability of de minimis Determination will be posted in the local newspaper, online, and at the project site.

WHY THIS NOTICE

The project is an action subject to the U.S. Department of Transportation Act of 1966 (49 U.S.C. 03 and 23 U.S.C.138 [PL 110-17], [PL 97-449], [PL 86-670]). Section 4(f) of this legislation seeks to protect publicly owned public parklands, recreation areas, waterfowl and wildlife refuges and significant historic sites from impacts – the “use” of these resources – by U.S. Department of Transportation actions. After an evaluation of the impacts of an action upon Section 4(f) resources, a finding must be made. The responsibility for Section 4(f) findings has been assigned by the U.S. Department of Transportation/Federal Highway Administration to the California Department of Transportation (Caltrans) under the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) Act of 2005. Section 6009 of SAFETEA-LU allows determinations that certain uses of 4(f) land will have no adverse effect – de minimis – on the protected resource. Section 6009(a) requires that a public notice and opportunity for review and comment be provided for projects that are determined to have de minimis impact.

WHAT'S AVAILABLE

Copies of the DRAFT Section 4(f) de minimis finding are available for review at the following locations and websites:

Shoaib Ahray, P.E.
Stanislaus County, Public Works Department
1716 Morgan Road
Modesto, CA 95358

Or

Julie Myrah, Branch Chief
California Department of Transportation
District 10 Environmental
1976 E. Charter Way
Stockton, CA 95201

Individuals who require documents in alternative formats or translated are asked to contact the Stanislaus County –

Comments are requested on the proposed 4(f) de minimis finding.
Please mail comments to:

Julie Myrah, Branch Chief
California Department of Transportation
District 10 Environmental

1976 E. Charter Way
Stockton, CA 95201

Public comments will be accepted up to 30 days from the date of this public notice. Responses or replies to the public comments may not be required, depending on the substantive nature of the comments; however, all comments and responses will be considered and document in the administrative record for the proposed project.

Attachment C
City of Waterford Letter

City of Waterford

101 E Street
Waterford, CA 95386
Phone: (209) 874-2328
Fax: (209) 874-9656
www.cityofwaterford.org



California Department of Transportation
Attn: Parminder Singh, District Local Assistance Engineer
1976 E. Charter Way,
Stockton CA 95201

November 2, 2016

Subject: Hickman Road over Tuolumne River Bridge Replacement Project Determination

Dear Mr. Singh,

The City of Waterford owns and operates the Waterford's Tuolumne River Parkway ("Parkway") located adjacent to the Hickman Road Bridge in Stanislaus County. The Parkway was completed and opened to the public in May 2016. The parkway provides recreation, open space, and education on habitat conservation to the City of Waterford and its residents and visitors. The Parkway is, therefore, a Section 4(F) resource.

A federal aid project administered by Caltrans and Stanislaus County, Hickman Road over Tuolumne River Bridge Replacement Project ("Project"), proposes to replace the existing bridge on Hickman Road over Tuolumne River (Bridge No. 38C-0004). The purpose of this project is to remove the existing structurally deficient structure and replace it with a new bridge designed to current structural and geometric standards while minimizing adverse impacts to the Tuolumne River and the surrounding riparian area. The impacts from this project to the Parkway include, but not limited to temporary construction easements, temporary impact to trail access, and permanent impacts to natural resources (e.g. loss of trees).

Because of the impact associated with the Parkway, Caltrans is obligated to consider and comply with California Parks Preservation Act, Section 4(f) of the Department of Transportation Act and other state and federal environmental laws and regulations, including but not limited to the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

In order to avoid adverse effects to the park's use during project construction, the County and Caltrans shall include the following avoidance and minimization measures:

- Determine an area of restoration mitigation

- Remove non-native and native tree, shrub and ground cover species from the determined area and have the Contractor replace them with native species at a determined ratio, and native trees in sizes equal or greater to 30 gallons to accommodate the growth that would have otherwise been realized if not removed.
- The Contractor shall install signage along the temporary occupancy area notifying that the area will be temporarily rerouted or closed during construction activities.
- Staging areas, access routes, and construction areas shall be located outside of wetland and riparian areas to the maximum extent practicable.

Provided the above-described mitigation is implemented and the scope of the Project and its footprint or impact on the City property does not change, the City finds the proposed Project will not have an adverse effect on the activities, features, or attributes of the Parkway; therefore, the City concurs with the De Minimis finding under Section 4(f) of the Department of Transportation Act of 1966 as it relates to the Parkway.

If you have any questions or comments, please do not hesitate to call (209) 874-2328 or email at togden@cityofwaterford.org.



Tim Ogden
City Manager

The California Department of Transportation Concurs with and Accepts the Mitigation Described Above:

AUTHORIZED AGENT: _____

TITLE: _____

DATE: _____