

6.0 PRELIMINARY SECTION 4(F) EVALUATION

This section is a preliminary Section 4(f) evaluation that describes the potentially protected properties identified within the study area. As planning for the project progresses, more detailed analysis would occur and if a potential use of Section 4(f) resources is identified at that time, a Section 4(f) evaluation will be prepared as part of the Tier 2 document.

6.1 Methodology

Section 4(f) properties as defined include significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, as well as privately or publicly owned significant historic sites as per Section 4(f) codified in 49 U.S.C. §303(c) and 23 C.F.R. Part 774. They were identified in each of the four zones of the study area. Information was compiled based on the analysis conducted as part of the Tier 1 DEIS for parklands and historic properties. For more detail on the methodology used to identify these properties, refer to Chapters 3.6 and 3.7 of this EIS.

Publicly owned recreation facilities and historic properties were identified using readily available information from various state and local agencies and limited field reviews. As determined in consultation with the SHPO, the study area for historic architectural properties was determined to be a ¼-mile to either side of the proposed Build Alternatives. For archaeological properties, the study area consists of a linear corridor that extends 100 feet from each side of the centerline of the proposed Build Alternative alignments. For publicly owned recreation facilities, the study area considers facilities within 150-feet on either side of a Build Alternative alignment.

For purposes of the preliminary Section 4(f) analysis, Section 4(f) properties (historic properties and parklands) identified in Chapters 3.6 and 3.7 as being impacted are discussed. In this chapter, the potential use of and benefits to Section 4(f) properties by the Build Alternatives are described.

6.2 Legal and Regulatory Context

6.2.1 Section 4(f)

As stated above, Section 4(f) provides protection to significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, as well as privately or publicly owned significant historic sites. This is done by prohibiting any agency within the U.S. DOT from approving the “use” of Section 4(f) properties unless there is no feasible and prudent alternative that avoids the use of Section 4(f) properties, and that the project incorporates measures to minimize harm to those properties if they cannot be avoided.

Under Section 4(f), a “use” is considered to occur under the following conditions:

- When a project permanently incorporates land from a Section 4(f) property,
- When a project temporarily occupies land within a Section 4(f) property, or
- When a project introduces proximity effects, such as noise or visual effects, which substantially impair the intended use of the Section 4(f) property.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 4(f) was amended to include a de minimis impact determination,

which allows the U.S. DOT to approve a minor use of Section 4(f) property without identifying and evaluating avoidance alternatives. A *de minimis* impact determination is made on an individual basis and does not apply to an entire project. Certain criteria must be met in order for an impact to Section 4(f) properties to be considered *de minimis*. Guidance on *de minimis* impacts is provided in the December 2005 FHWA and FTA joint memorandum “Guidance for Determining *De Minimis* Impacts to Section 4(f) Resources.”

6.3 Affected Environment

The Section 4(f) properties identified within the Atlanta BeltLine Corridor are described below.

6.3.1 Section 4(f)/6(f) Properties

6.3.1.1 Cultural Resources

Properties that have been determined to be on or eligible for the National Register of Historic Places (including historic districts, buildings, structures, objects, and certain archaeological sites) qualify for Section 4(f) protection.

There were 180 cultural resources identified in the study area. Of those 78 are either listed or eligible for listing on the National Register of Historic Places (NRHP). Although not currently Section 4(f) properties, an additional 37 resources were identified as being potentially eligible for listing on the NRHP. The Atlanta Urban Design Commission (AUDC) considers 26 resources to be significant Atlanta BeltLine resources. The remaining 39 are areas of archaeological sensitivity. These additional resources will require further investigation in Tier 2 analysis. If any of these are determined in the future to be National Register eligible, they would be considered Section 4(f) properties.

Appendix D provides a list of those resources and their status.

6.3.1.2 Parks and Recreational Properties

There are 22 publicly-owned parks within the 300-foot potential limits of disturbance area. These parks are listed in Table 6-1. Another 11 projects are in development to create new parks or improve existing park and recreational facilities (Chapter 3.7).

6.4 Preliminary Section 4(f) Analysis

6.4.1 No-Build Alternative

The No-Build Alternative includes approved regional transportation projects (*Envision6* RTP/TIP Projects 2030) within the Atlanta BeltLine study area. The No-Build Alternative could potentially use potential Section 4(f) properties within the study area. Several of the planned transportation improvements, such as the I-20 East BRT, Memorial Drive BRT, and the Commuter Rail-Lovejoy/Griffin/Macon project, cross the Historic Rail Resources of the Atlanta BeltLine. In addition, multiple trails are planned to connect with existing parks and recreation properties within the study area.

Table 6-1: Parks and Recreational Properties

Property Name	Description
Northeast Zone	
Piedmont Park	185-acre regional park; active and passive amenities: tennis courts, trails, gazebos, ball fields, playgrounds, soccer fields, swimming pool, dog park
Delta Park	0.22-acre garden park; no specified or designated use; no amenities
Historic Fourth Ward Park	18-acre neighborhood park, that offers a trail, water detention pond, and playgrounds
Freedom Park	Approximately 188 acre regional park that offers a trail and a playground
Selena S. Butler Park	Approximately three acres; active recreational uses: basketball, tennis, playground, and recreation center
Springvale Park	Approximately four acres; playground
Southeast Zone	
Adair Park II	Approximately 10-acres: passive and active amenities: tennis courts, basketball courts, ball field, playground, picnic shelters, grills
Boulevard Crossing	22-acre neighborhood park with multi-use fields and playgrounds
Daniel Stanton Park	Approximately eight-acres unused; plans are to rehabilitate the park for active recreation
Southwest Zone	
Gordon-White Park	Approximately two acres; no amenities, specified or designated uses
Green Leaf Circle	Approximately one acres; no amenities, specified or designated uses
Napoleon Circle	A small garden park; no amenities
Rose Circle Park	A small greenspace
Rose Circle Triangle	A small greenspace
South Gordon Triangle	A small garden park; no amenities, no specified or designated uses
Stafford Street Park	A small garden park; no amenities; no specified or designated uses
Northwest Zone	
Ardmore Park	1.74-acres; no amenities; no specified or designated uses
Bobby Jones Golf Course	149 acres; golf course
Maddox Park	51.5-acre; amenities include basketball courts, a tennis court, a ball field, a playground, pavilion, pavilion parking and a swimming pool
Mayson Turner-Ashby Street Triangle	1.27-acre in-street greenspace
Tanyard Creek Park	14.5-acre community park that provides a playground
Washington Park	20.43-acres; amenities: restrooms, recreation center, trail, pavilion, picnic shelters, ball fields, natatorium, playground, grills

6.4.2 Build Alternatives

Build Alternatives developed during the Tier 1 process are not engineered alignment concepts, but rather generalized alignment locations that will be further developed and assessed in Tier 2 analyses. Included in each Build Alternative are multi-use trails and transit components. Section 6.4.2.2 describes the preliminary analysis for parks.

6.4.2.1 Preliminary Section 4(f) Analysis for Historic Properties

As identified in the previous sections, 180 historic properties have been identified within the study corridor of the proposed Atlanta BeltLine. The Build Alternatives have the potential to affect a similar number of historic properties as shown in Table 6-2. It should be noted that there has not yet been a formal evaluation of effects under Section 106 as part of this project.

Table 6-2: Significant Historic Sites Potentially Affected

Zone	Numbers of Significant Historic Sites Potentially Affected							
	Transit Alternatives					Trail Alternatives		
	All A- CSX Howell Jct.	All B- Howell Jct.	All C- CSX Marietta Blvd.	All D- Marietta Blvd.	All F- Atlantic Station	Marietta Blvd.	Howell Jct.	On-Street
Northeast *	29	29	29	29	29	29	29	29
Southeast*	42	42	42	42	42	42	42	42
Southwest*	16	16	16	16	16	16	16	16
Northwest	19	18	17	17	21	12	12	16
Totals	106	105	104	104	108	99	99	103

*The impacts of the Transit and Trail Build Alternatives share the same number of potential impacts where transit and trails are co-aligned.

In general, in the northwest zone, there is only a slight difference in the total number of potential effects to historic properties depending on the Build Alternative.

Each property for which a potential affect may occur would be examined on a case-by-case basis in Tier 2 to determine National Register eligibility and effect under Section 106. Eligible properties will be subject to Section 4(f) evaluation, including a determination of use of Section 4(f) properties and the potential to avoid or minimize use of the properties according to the evaluation procedures of Section 4(f).

6.4.2.2 Preliminary Section 4(f) Analysis for Public Parks, Recreation Areas, and Wildlife Refuges

Table 6-3 below provides a summary of the identified public parks and recreation areas within the potential area of impact and the relationship of those resources to the Build Alternatives. No direct use of public parks, recreation areas or wildlife refuges is anticipated to occur with any of the Transit or Trail Build Alternatives.

6.5 Conclusions

As described in the previous sections of this chapter, potential 4(f) properties are located within the Atlanta BeltLine. The No-Build Alternative proposes projects that could use some of the identified potential Section 4(f) properties. While it is unknown during this phase of planning, it is possible that direct uses of Section 4(f) properties could occur because of the Build Alternatives. During subsequent phases of project development, more detailed planning and engineering will occur. The Atlanta BeltLine project will seek to avoid direct or constructive use of Section 4(f) resources.

Each potential historic property for which a potential affect may occur would be examined on a case-by-case basis in Tier 2 to determine National Register eligibility and effect under Section 106. Eligible properties will be subject to Section 4(f) evaluation, including a determination of use of Section 4(f) properties and the potential to avoid or minimize use of the properties according to the evaluation procedures of Section 4(f).

In Tier 2, public parkland and recreational resource uses, if any, will be determined and the potential to avoid or minimize use of the properties will be assessed according to the evaluation procedures of Section 4(f).

Table 6-3: Publicly Owned Park and Recreation Properties within the Study Area and Relationship to Build Alternatives

Property	Transit Alternatives	Trail Alternatives
Northeast Zone		
Piedmont Park	Adjacent to park	No use
Delta Park	Adjacent to park	No use
Historic Fourth Ward Park	Adjacent to park	No use
Freedom Park	Passes perpendicularly through park within existing rail ROW	Passes perpendicularly through park within existing rail ROW, low potential for use
Selena S. Butler Park	Adjacent to park	No use
Springvale Park	Adjacent to park	No use
Southeast Zone		
Adair Park II	Adjacent to park	No use
Boulevard Crossing	Adjacent to park	No use
Daniel Stanton Park	Adjacent to park	No use
Southwest Zone		
Gordon-White Park	Adjacent to park, transit line separated from property by White St. NW	No use
Green Leaf Circle	No use	No use
Napoleon Circle	No use	No use
Rose Circle Park	No use	No use
Rose Circle Triangle	Adjacent to park	No use
South Gordon Triangle	Adjacent to park	No use
Stafford Street Park	Adjacent to park	No use
Northwest Zone		
Ardmore Park	A- CSX Howell Jct., B- Howell Jct., C- CSX Marietta Blvd., and D- Marietta Blvd. Alternatives: Adjacent to park F- Atlantic Station Alternatives: No use	No use
Bobby Jones Golf Course	No use	No use
Maddox Park	Adjacent to park	No use
Mayson-Turner Ashby Street Triangle	Adjacent to park	No use
Tanyard Creek Park	A- CSX Howell Jct., B- Howell Jct., C- CSX Marietta Blvd., and D- Marietta Blvd. Alternatives: Adjacent to park F- Atlantic Station Alternatives: No use	No use
Washington Park	Adjacent to park	No use

Part of the Purpose and Need for the project is to provide greater connectivity and increased greenspace within the study area. The addition of proposed multi-use trails would help to accomplish this goal. While many of the trails would be incorporated into existing parks or connect to existing trail systems, it is assumed that these actions would not result in a Section 4(f) "use" of the publicly owned properties as long as land ownership would remain the same and the addition of trails is consistent with existing uses on the properties.