

Appendix D – Section 4(f) Coordination

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December 17th, 2021

Mr. Steve Rockers
Kansas Department of Transportation
700 SW Harrison Street
Topeka, KS 66603

Re: US 69 Express Reconstruction Project
Public Parks and Bike/Hike Trail System

Dear Mr. Rockers :

The City of Overland Park has been an active member in the development of strategies and alternatives for the proposed improvements of US 69. With the proximity of these roads near many of Overland Park's parks and trail system, we are aware that there would likely be impacts to the parks as a result of implementing the projects. The parks impacted by the US-69 Reconstruction projects include:

- ❖ 143rd Street Bike Lane
- ❖ 143rd Street Trail
- ❖ 151st Street Trail
- ❖ Brandon Place Linkage
- ❖ Corporate Woods Trail
- ❖ Grant Street Bike Lane
- ❖ Indian Creek Bike and Hike Trail
- ❖ Indian Valley Park
- ❖ Kingston Lake Park
- ❖ Lowell Avenue Trail
- ❖ Nottingham South Park
- ❖ Tomahawk Creek Trail
- ❖ US-69 Trails
- ❖ US-69 Linkages

The City of Overland Park has expended great effort in developing its park, trails and recreation facilities. For the most part, these facilities are a significant part of the overall amenities that make Overland Park a desirable community. The City of Overland Park understands that there are no feasible or prudent alternatives to the proposed road widening and interchanges. The City of Overland Park understands the need for this project and understands that other alternatives to address the traffic congestion and safety issues on US 69 could potentially be more disruptive to the City of Overland Park parks and recreation facilities.

It is our understanding that the primary impacts to individual parks will be related to linear impacts where the road widening and ramps are adjacent to the parks. The Section 4(f) report and the Environmental Assessment prepared for this project identify the temporary easements required for construction and the permanent acquisitions required for right-of-way. These identified impacts are relatively minor and do not impose on the overall functionality of the parks and facilities. The park areas affected are primarily those segments of the parks already located adjacent to the US 69 corridors or arterials directly connecting to these corridors, such as College Blvd, 119th Street, 135th Street, 143rd Street ect.

The majority of the impacts to the park will be temporary and are associated with the widening of the existing roads adjacent to the parks. We understand these projects have been designed to minimize the acquisition of park properties for the road right-of-way.

During construction of the projects, we understand that there will be temporary closures of the Indian Creek and Tomahawk Creek Bike and Hike System. The trail sections and closure's duration are undetermined at this time. Official detour routes will need to be coordinated in tandem with the Overland Park Parks and Recreation department and the design build contractor as the project progresses.

We appreciate participating with the Kansas Department of Transportation on this project and look forward to additional coordination as the project proceeds.

Regards,



Bryan Toben
Deputy Director, Parks & Recreation

SECTION 4(F) DECISION PROCESS

U.S. 69 EXPRESS EA

143RD STREET BIKE LANE

Overview

The potential Section 4(f) property is the 143rd Street Bike Lane. The U.S. 69 Express project Preferred Alternative will impact the 143rd Street Bike Lane. The 143rd Street Bike Lane is a designated bike lane with separate striping on 143rd Street from Antioch Road to Metcalf Avenue and is within right-of-way owned by the State Highway Commission (Kansas Department of Transportation) or the City of Overland Park. The City of Overland Park manages the bike lane.

It is the contention of the Kansas Department of Transportation that:

- The 143rd Street Bike Lane is a 4(f) resource;
- The impact to the Section 4(f) resource is temporary closure of the 143rd Street Bike Lane;
- Impacts to the 143rd Street Bike Lane cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of time feasible for construction of the U.S. 69 Express Preferred Alternative;
- *A de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The 143rd Street Bike Lane is a five-foot-wide dedicated on-road bike lane identified by a solid white stripe along the outside lanes of 143rd Street and bike lane pavement markings. The bike lane extends for approximately one mile, from Antioch Road to Metcalf Avenue. There are no additional recreational facilities within the bike lane. The bike lane is not specifically classified as a transportation use by the City of Overland Park, therefore, it has the potential to be a recreational resource and qualify as a 4(f) resource.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 450 feet of the 143rd Street Bike Lane exists within the preliminary construction limits of the U.S. 69 Express Preferred Alternative. Temporary closures will impact recreational use of the bike lane due to widening of the existing U.S. 69

bridges spanning 143rd Street. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

▶ **FHWA CONCURRENCE POINT**

Step 3: Can the 4(f) property be avoided?

The widening of the existing U.S. 69 bridges spanning 143rd Street is necessary to accommodate the additional lanes for the U.S. 69 Express Preferred Alternative. Since U.S. 69 currently spans 143rd Street, avoidance of temporary closures to the 143rd Street Bike Lane are unavoidable.

▶ **FHWA CONCURRENCE POINT**

Step 4: Can the impacts to the 4(f) property be minimized?

The length of temporary closure of the bike lane will be minimized by coupling its closure with the closure of the entire roadway. Project requirements will specify allowable closure and detours will be provided to safely maintain public use of the 143rd Street Bike Lane when possible throughout construction. Additionally, due to the proximity to the Blue Valley School District facilities on 143rd Street, access for students through the 143rd Street corridor will be maintained during school hours for safety. If access cannot be provided through the corridor, an alternative route will be provided. This could potentially be accomplished by utilizing the sidewalk on the south side of 143rd Street and coordinating closures to it with closures to the bike lane.

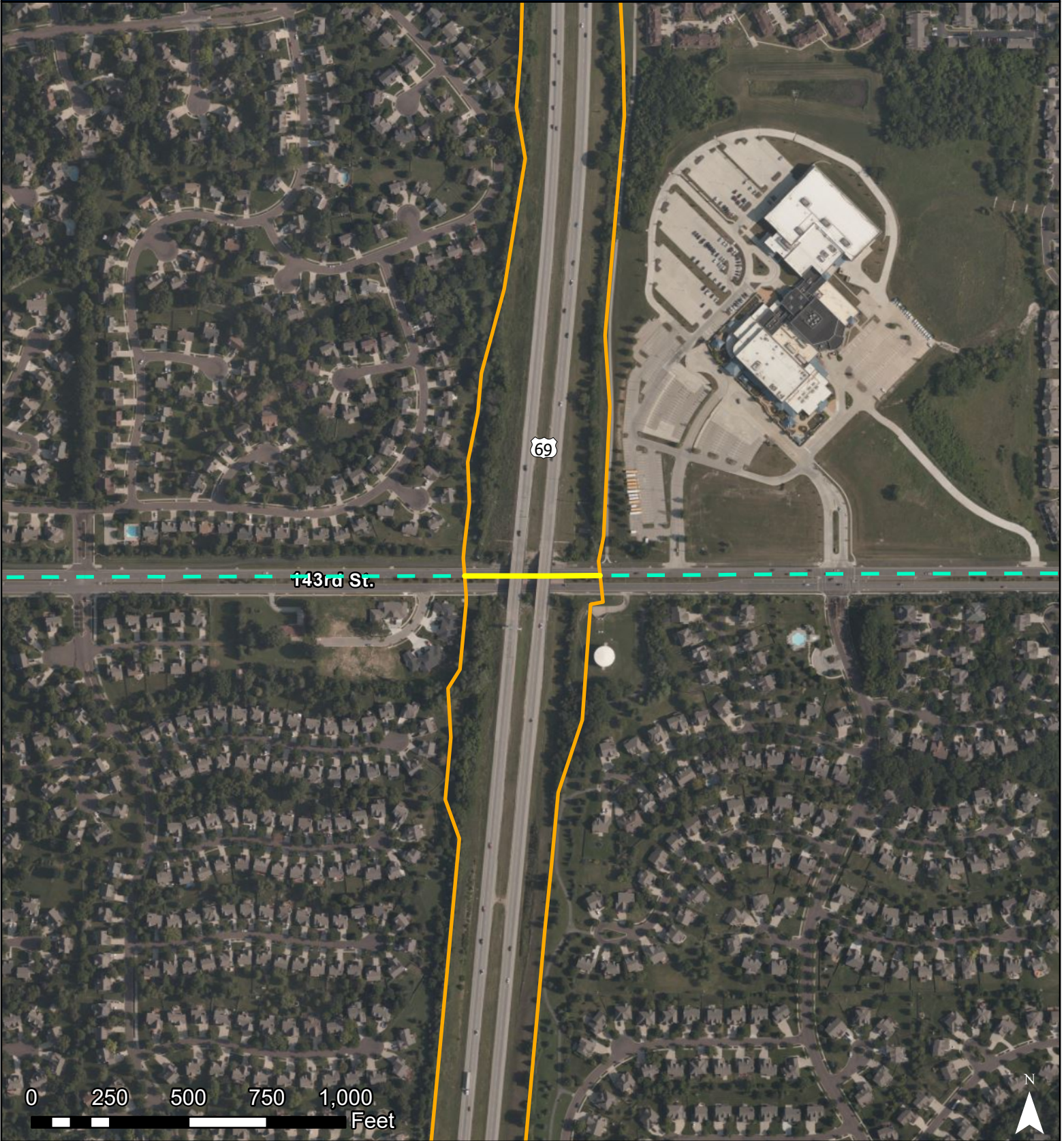
▶ **FHWA CONCURRENCE POINT**

Step 5: What documentation is needed?

The portion of the Section 4(f) resource to be impacted will experience no impact other than temporary closure from public use. It is a designated bike lane along the outside lanes of 143rd Street with no additional recreational facilities. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a *de minimis* finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ **FHWA CONCURRENCE POINT**

U.S. 69 Section 4(f) - 143rd Street Bike Lane



Legend

- Preferred Alternative Construction Limits
- 143rd Street Bike Lane
- Bike Lane Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS

Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS

U.S. 69 EXPRESS EA

143RD STREET TRAIL

Overview

The potential Section 4(f) property is the 143rd Street Trail. The U.S. 69 Express project Preferred Alternative will impact the 143rd Street Trail. The 143rd Street Trail is within right-of-way owned by the State Highway Commission (Kansas Department of Transportation) or the City of Overland Park. The City of Overland Park manages the trail.

It is the contention of the Kansas Department of Transportation that:

- The 143rd Street Trail is a 4(f) resource;
- The impact to the Section 4(f) resource is temporary closure of the 143rd Street Trail;
- Impacts to the 143rd Street Trail cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of time feasible for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The 143rd Street Trail is a multi-use trail on the north side of 143rd Street. The trail totals 4.96 miles in Overland Park and is classified as an Existing Bike/Hike Trail in the Overland Park's 2013 *Comprehensive Park System Master Plan*. It consists of a shared use sidewalk ten feet in width adjacent to the westbound traffic lane. There are no additional recreational facilities along the trail.

▶ FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 450 feet of the 143rd Street Trail exists within the preliminary construction limits of the U.S. 69 Express Preferred Alternative. Temporary closures will impact recreational use of the trail due to widening of the U.S. 69 bridges spanning 143rd Street. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

▶ FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

The widening of the existing U.S. 69 bridges spanning 143rd Street is necessary to accommodate the additional lanes for the U.S. 69 Express Preferred Alternative. Since U.S. 69 currently spans 143rd Street, avoidance of temporary closures to the 143rd Street Trail are unavoidable.

▶ FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The length of temporary closure of the trail will be minimized by coupling its closure with the closure of the entire roadway. Project requirements will specify allowable closure and detours will be provided to safely maintain public use of the 143rd Street Trail when possible throughout construction. Additionally, due to the proximity to the Blue Valley School District facilities on 143rd Street, access for students through the 143rd Street corridor will be maintained during school hours for safety. If access cannot be provided through the corridor, an alternative route will be provided. This could potentially be accomplished by utilizing the sidewalk on the south side of 143rd Street and coordinating closures to it with closures to the trail.

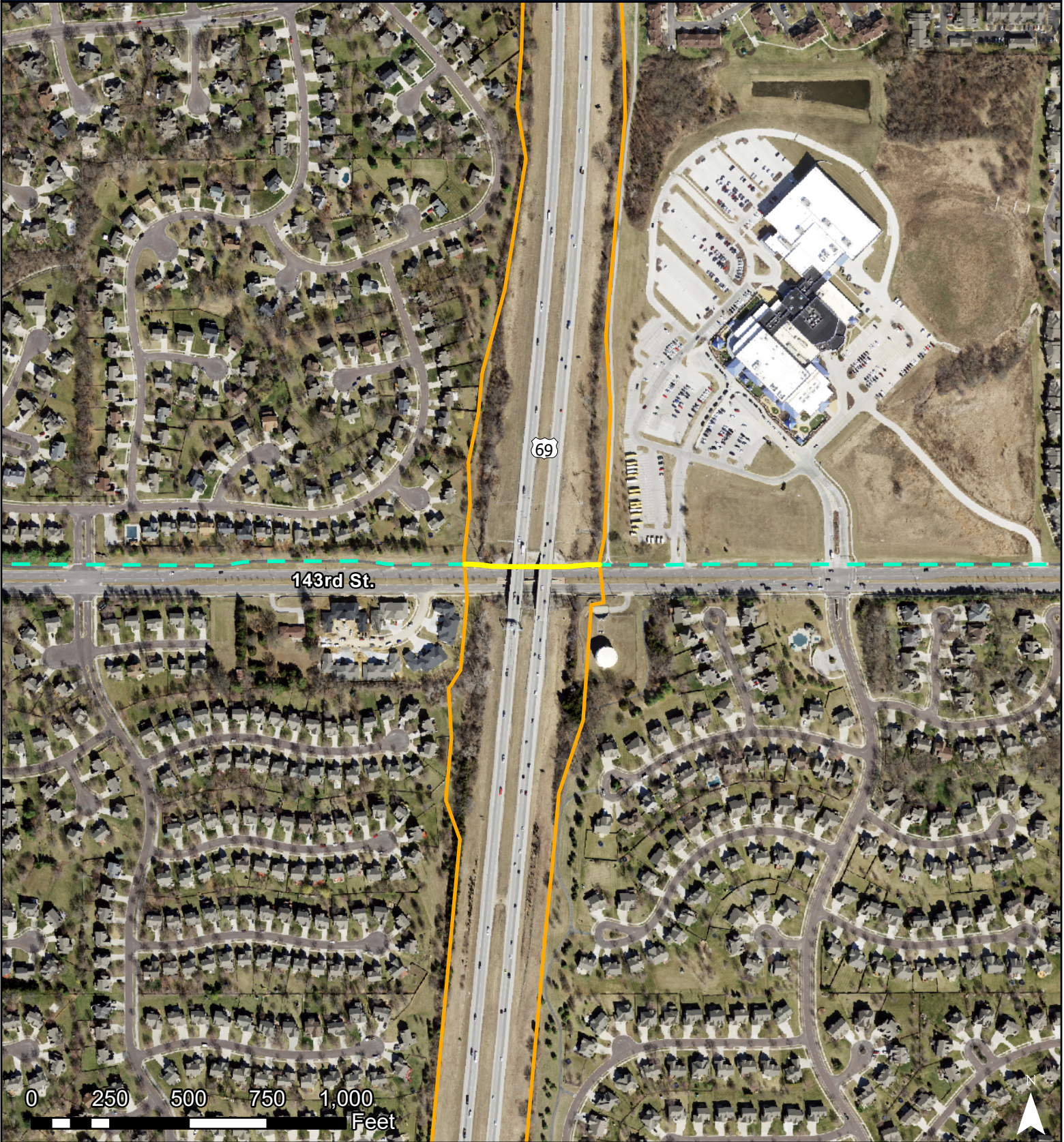
▶ FHWA CONCURRENCE POINT

Step 5: What documentation is needed?




The portion of the Section 4(f) resource to be impacted will experience no impact other than temporary closure from public use. It is a sidewalk adjacent to 143rd Street with no additional recreational facilities. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ FHWA CONCURRENCE POINT

U.S. 69 Section 4(f) - 143rd Street Trail



Legend

-  Preferred Alternative Construction Limits
-  143rd Street Trail
-  Trail Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS

U.S. 69 EXPRESS EA

151ST STREET TRAIL

Overview

The potential Section 4(f) property is the 151st Street Trail. The U.S. 69 Express project Preferred Alternative will impact the 151st Street Trail's property. The 151st Street Trail is within right-of-way owned by the City of Overland Park and the City of Overland Park manages the trail.

It is the contention of the Kansas Department of Transportation that:

- The 151st Street Trail is a 4(f) resource;
- The widening of 151st Street will require slightly shifting a portion of the trail to the north by approximately 5-10 feet;
- Impacts to the 151st Street Trail cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property necessary for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The 151st Street Trail is a multi-use trail on the north side of 151st Street west of Hardy Street. The trail totals 1.25 miles and is classified as an Existing Bike/Hike Trail in Overland Park's 2013 *Comprehensive Park System Master Plan (Parks Master Plan)*. It consists of a shared use sidewalk eight to ten feet in width adjacent to the westbound traffic lane and no additional recreational amenities.

▶ FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 500 feet of the 151st Street Trail will be impacted due to grading and contouring improvements to the 151st Street arterial west of Hardy Street. These impacts include the re-alignment of the trail slightly to the north (approximately 5 -10 feet) to accommodate extending the outside lane of westbound 151st Street to the Hardy Street intersection. Temporary closures will impact recreational use of the trail during construction. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

▶ FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

Realignment of the 151st Street arterial west of Hardy Street is necessary due to the extension of the existing westbound outside lane of 151st Street east to Hardy Street.

▶ FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The impacts to the 151st Street Trail have been minimized by impacting the minimum amount of property necessary to construct the improvements to the 151st Street arterial west of U.S. 69. The trail will be shifted to the north approximately 5-10 feet to accommodate the necessary roadway widening. The length of temporary closure of the trail will be minimized through project scheduling.

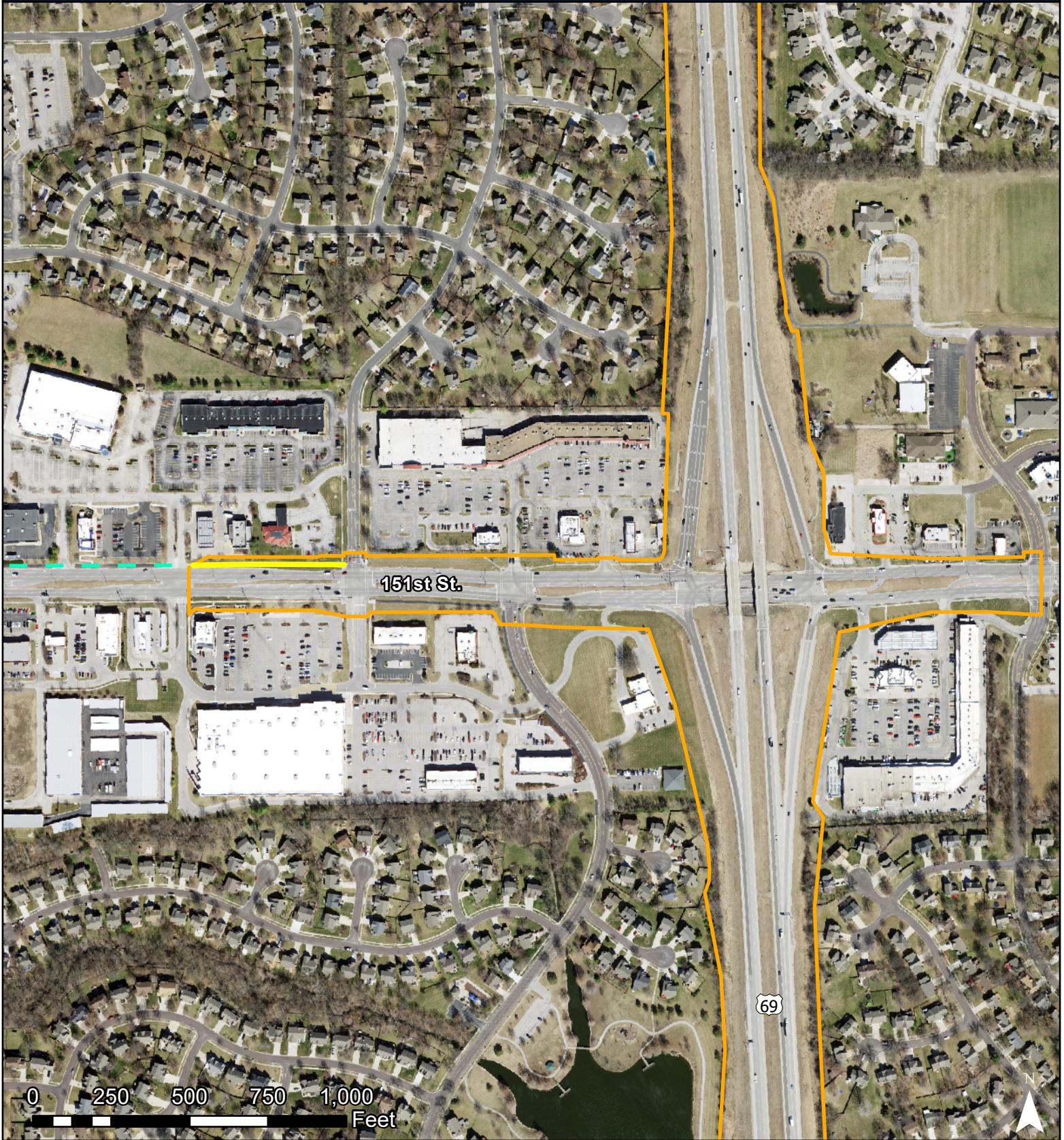
▶ FHWA CONCURRENCE POINT

Step 5: What documentation is needed?




The portion of the Section 4(f) resource to be impacted will be permanently realigned and will experience temporary closures during construction. It is a multi-use trail containing no additional recreational amenities. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ FHWA CONCURRENCE POINT

U.S. 69 Section 4(f) - 151st Street Trail



Legend

-  Preferred Alternative Construction Limits
-  151st Street Trail
-  Trail Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
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SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA BRANDON PLACE LINKAGE - 127TH STREET AND GOODMAN STREET

Overview

The potential 4(f) property is Brandon Place Linkage including the Brandon Place Trail. The U.S. 69 Express project Preferred Alternative will impact the Brandon Place Linkage property and the Brandon Place Linkage Trail. Brandon Place Linkage is on property owned and managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- The Brandon Place Linkage, including the Brandon Place Linkage Trail, is a 4(f) resource;
- Grading necessary for the realignment of U.S. 69 and construction of a direct connect ramp from Blue Valley Parkway to southbound U.S. 69 will impact a portion of the park property and the trail;
- Impacts to the Brandon Place Linkage and Brandon Place Linkage Trail cannot be avoided;
- Impacts are minimized by reducing grading impacts through maintaining a steeper slope and replacing the linkage trail in place;
- *A de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The Brandon Place Linkage encompasses 5.8 acres of land on the west side of U.S. 69 between 127th Street and 132nd Street. The linkage is listed as a Type 5 (Parkway) Linkage per Overland Park's 2013 *Comprehensive Park System Master Plan*. The linkage is classified as a Greenway without play parks. It contains the Brandon Place Linkage Trail which is approximately 0.62 miles in length and no other recreational facilities.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

The U.S. 69 Express Preferred Alternative will impact approximately 1.72 acres of the Brandon Place Linkage. These impacts are grading and contouring in nature due to the necessary realignment of U.S. 69 SB between 127th Street and 132nd Street and the construction of a direct connect ramp from Blue Valley Parkway to southbound U.S. 69. Heavy equipment for the construction of a retaining wall will be used over portions of the Brandon Place Trail requiring it be replaced. A slight vertical change in ground

profile and slight horizontal changes in alignment of the Brandon Place Trail may occur. The total length of trail to be impacted is approximately 990 feet. Approximately 1.29 acres of the park will be acquired as a temporary easement for the U.S. 69 Express Preferred Alternative. The majority of the park property sits between U.S. 69 and the Brandon Place neighborhood with a tree line running along each side of the linkage trail. The northernmost portion of the park sits along the Heartland Elementary School property boundary. The recreational uses of the park will temporarily be impacted by the construction of the U.S. 69 Express Preferred Alternative.

▶ **FHWA CONCURRENCE POINT**

Step 3: Can the 4(f) property be avoided?

Realignment of U.S. 69 southbound between 127th Street and 132nd Street is necessary due to required widening, associated drainage improvements and construction of a direct connection ramp from Blue Valley Parkway to southbound U.S. 69 for the U.S. 69 Express Preferred Alternative.

▶ **FHWA CONCURRENCE POINT**

Step 4: Can the impacts to the 4(f) property be minimized?

The grading impacts to the Brandon Place Linkage have been minimized by impacting the minimum amount of property necessary to construct the improvements to U.S. 69 SB between 127th and 132nd Street. Property impacts have been minimized by reducing grading impacts through maintaining a steeper slope and replacing the linkage trail in place. Construction of a retaining wall resulting in temporary closure of the trail will be done to prevent permanent impacts. The length of temporary closure of the park will be minimized through project scheduling.

▶ **FHWA CONCURRENCE POINT**

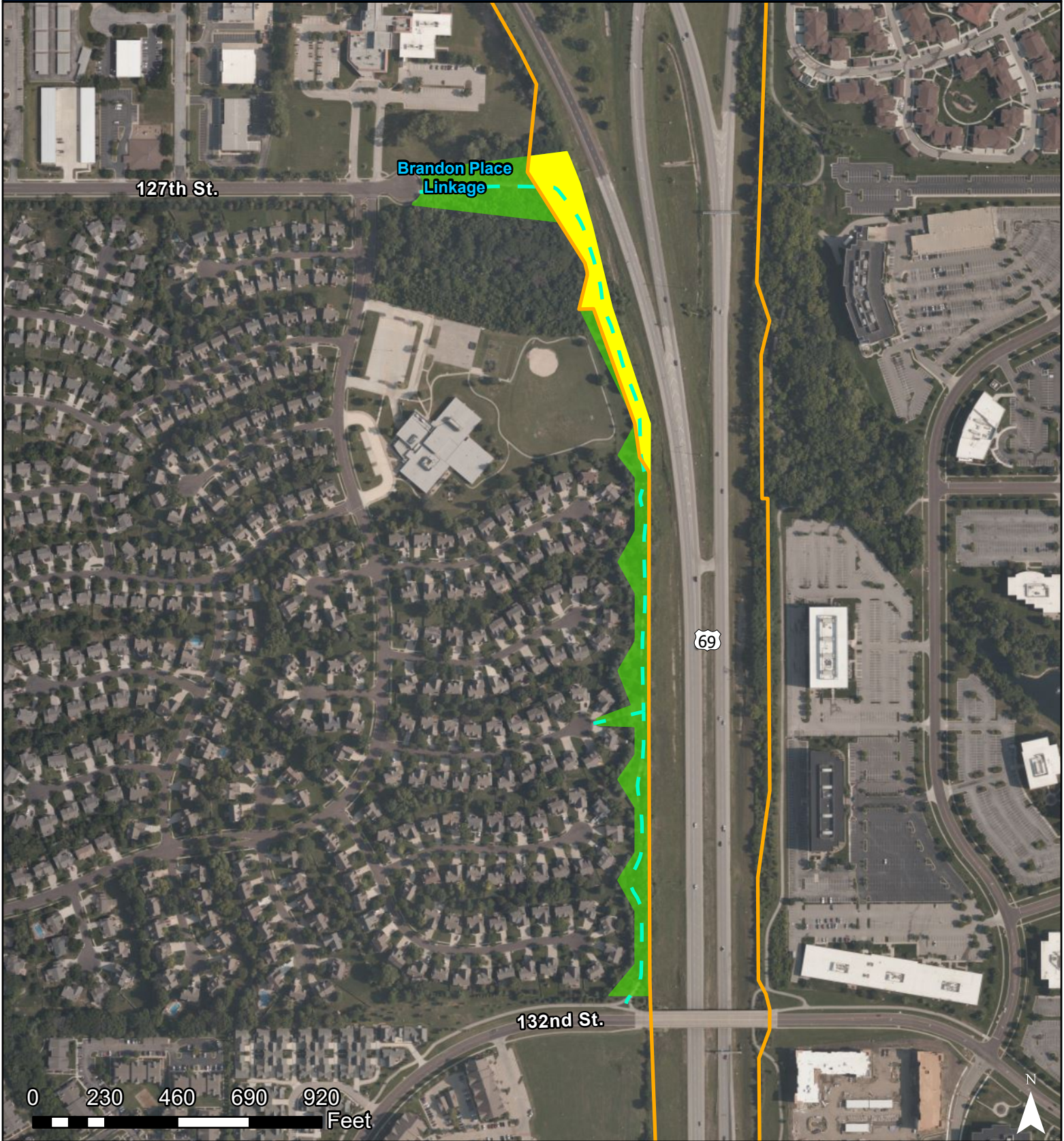
Step 5: What documentation is needed?

The portion of the Section 4(f) resource to be impacted will only experience a temporary closure due to construction of the U.S. 69 Express Preferred Alternative. The only recreational facility being impacted is the Brandon Place Linkage Trail which will be replaced within the Brandon Place Linkage but may have slight changes to its horizontal and vertical alignment. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park,

KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ **FHWA CONCURRENCE POINT**

U.S. 69 Section 4(f) - Brandon Place Linkage



Legend

- Preferred Alternative Construction Limits
- Brandon Place Linkage
- Park Impact
- Brandon Place Linkage Trail

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS

Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA CORPORATE WOODS TRAIL

Overview

The potential 4(f) property is the Corporate Woods Trail. The U.S. 69 Express project Preferred Alternative will impact the Corporate Woods Trail property. The Corporate Woods Trail is within right-of-way owned by the State Highway Commission (Kansas Department of Transportation), Johnson County, and the City of Overland Park. The trails also sits on privately owned land. The trail is managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- The Corporate Woods Trail is a 4(f) resource;
- The impact is temporary closure of the Corporate Woods Trail and a slight horizontal alignment shift of approximately 15-20 feet;
- Impacts to the Corporate Woods Trail cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property necessary for construction of the U.S. 69 improvements and project scheduling;
- *A de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The Corporate Woods Trail is a multi-use trail passing below U.S. 69 north of College Boulevard. The trail totals 2.12 miles in Overland Park and is classified as an Existing Bike/Hike Trail on the 2019 *Indian / Tomahawk Creek Bike and Hike Trail System Map (Trail System Map)*. It consists of a shared use sidewalk ten feet in width adjacent to the westbound traffic lane and no recreational facilities. The *Trail System Map* notes a planned extension of the trail to the west within five years.

▶ FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 415 feet of the Corporate Woods Trail exists within the preliminary construction limits of the U.S. 69 Express Preferred Alternative. The trail will be impacted during construction as it will be shifted horizontally (approximately 15-20 feet) during roadway widening to accommodate U.S. 69 bridge piers. The impacted portion of the trail will be restored during construction. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

▶ FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

Realignment of U.S. 69, as well as the addition of a collector ramp system, requires new bridges over North Branch Indian Creek and channel realignment to avoid an increase in the floodplain elevation. A slight horizontal shift to the north of the Corporate Woods Trail, underneath the U.S. 69 bridges, is necessary due to the channel widening needed to accommodate drainage and meet the no-rise requirements of floodplain permitting.

▶ FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The impacts to the Corporate Woods Trail have been minimized by balancing the north and south over-bank grading needs of the channel to limit trail reconstruction. The impacted portion of the trail is along the western terminus near where the trail currently ends. The length of temporary closure of the trail will be minimized through project scheduling and implementation of preventative mechanisms, such as fencing, trail detour signs, and barricades, to safely maintain public use of the Corporate Woods Trail when possible throughout construction.

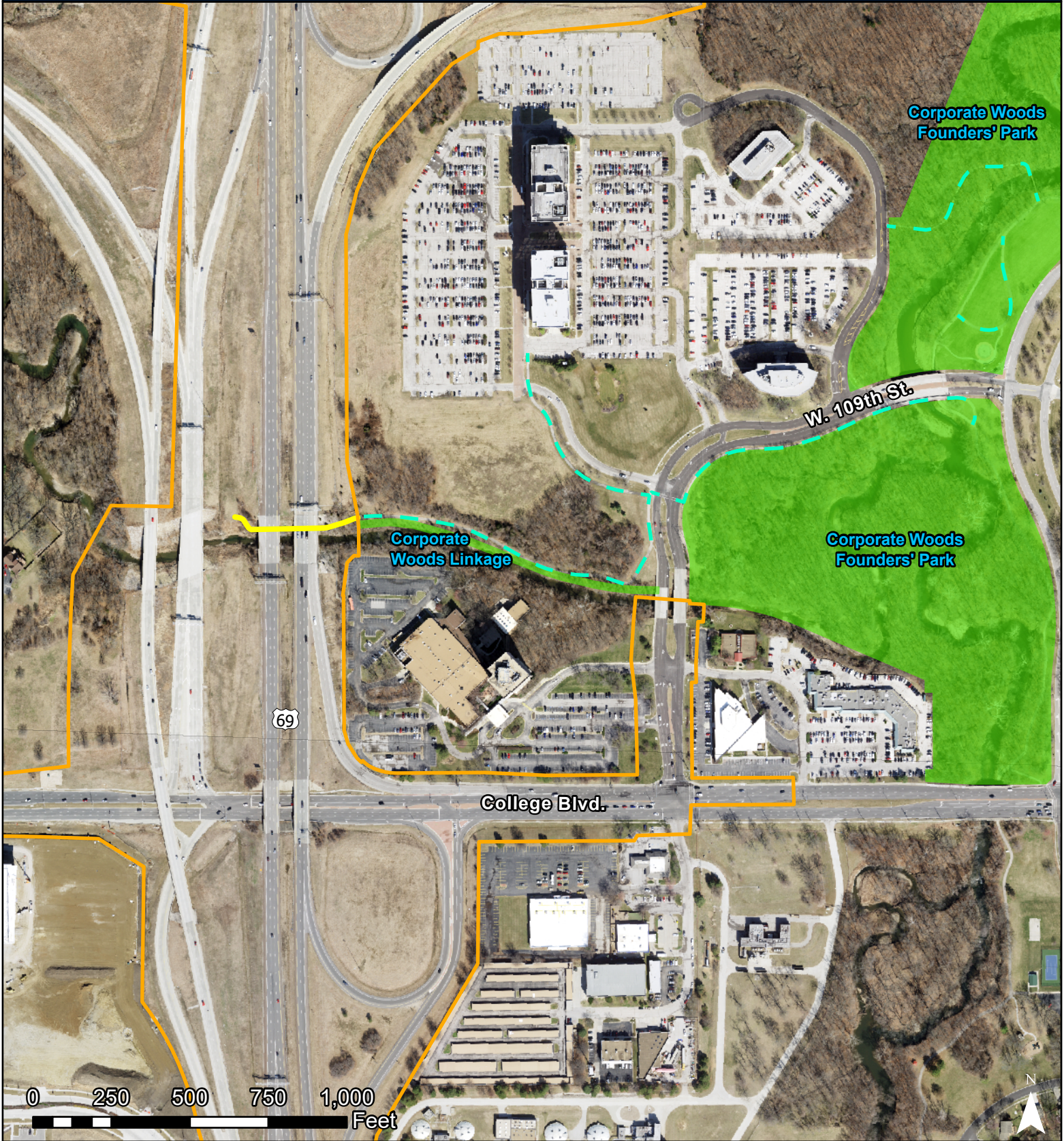
▶ FHWA CONCURRENCE POINT

Step 5: What documentation is needed?




The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ FHWA CONCURRENCE POINT

U.S. 69 Section 4(f) - Corporate Woods Trail



Legend

-  Preferred Alternative Construction Limits
-  Corporate Woods Trail Impact
-  Corporate Woods Trail

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA GRANT STREET BIKE LANE

Overview

The potential Section 4(f) property is the Grant Street Bike Lane. The U.S. 69 Express project Preferred Alternative will impact the Grant Street Bike Lane. The Grant Street Bike Lane is a designated bike lane with separate striping on Grant Street from 119th Street to 124th Street. After 124th Street it becomes a shared lane with marking to Kensington Park where it stops before picking back up on the south side of the park and continues to 131st Street and is within right-of-way owned by the City of Overland Park. The City of Overland Park manages the bike lane.

It is the contention of the Kansas Department of Transportation that:

- The Grant Street Bike Lane is a 4(f) resource;
- The impact to the Section 4(f) resource is temporary closure and reconstruction of the Grant Street Bike Lane;
- Impacts to the Grant Street Bike Lane cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of time feasible for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The Grant Street Bike Lane is a five-foot-wide dedicated on-road bike lane identified by a solid white stripe along the lanes of Grant Street with bike lane pavement markings to 124th Street. After 124th Street the bike lanes are a shared route with markings within the vehicular travel lanes. In total the bike lane extends for approximately one mile, from 119th Street to 131st Street. There are no additional recreational facilities within the bike lane.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 600 feet of the Grant Street Bike Lane exists within the preliminary construction limits of the U.S. 69 Express Preferred Alternative. Temporary closures and reconstruction of Grant Street will impact recreational use of the bike lane due to

utility relocation activities on the south side of 119th Street. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

▶ **FHWA CONCURRENCE POINT**

Step 3: Can the 4(f) property be avoided?

The relocation of utilities on the south side of 119th Street is necessary to accommodate the additional lanes for the U.S. 69 Express Preferred Alternative along 119th Street. Since the only opportunity to widen 119th Street is to the outside of its current lane configuration where several utilities are located, avoidance of temporary closures and reconstruction of the Grant Street Bike Lane are unavoidable.

▶ **FHWA CONCURRENCE POINT**

Step 4: Can the impacts to the 4(f) property be minimized?

The length of temporary closure and subsequent reconstruction of the bike lane will be minimized by coupling its closure with the closure of the entire roadway. Project requirements will specify allowable closure and detours will be provided to safely maintain public use of the Grant Street Bike Lane when possible throughout construction.

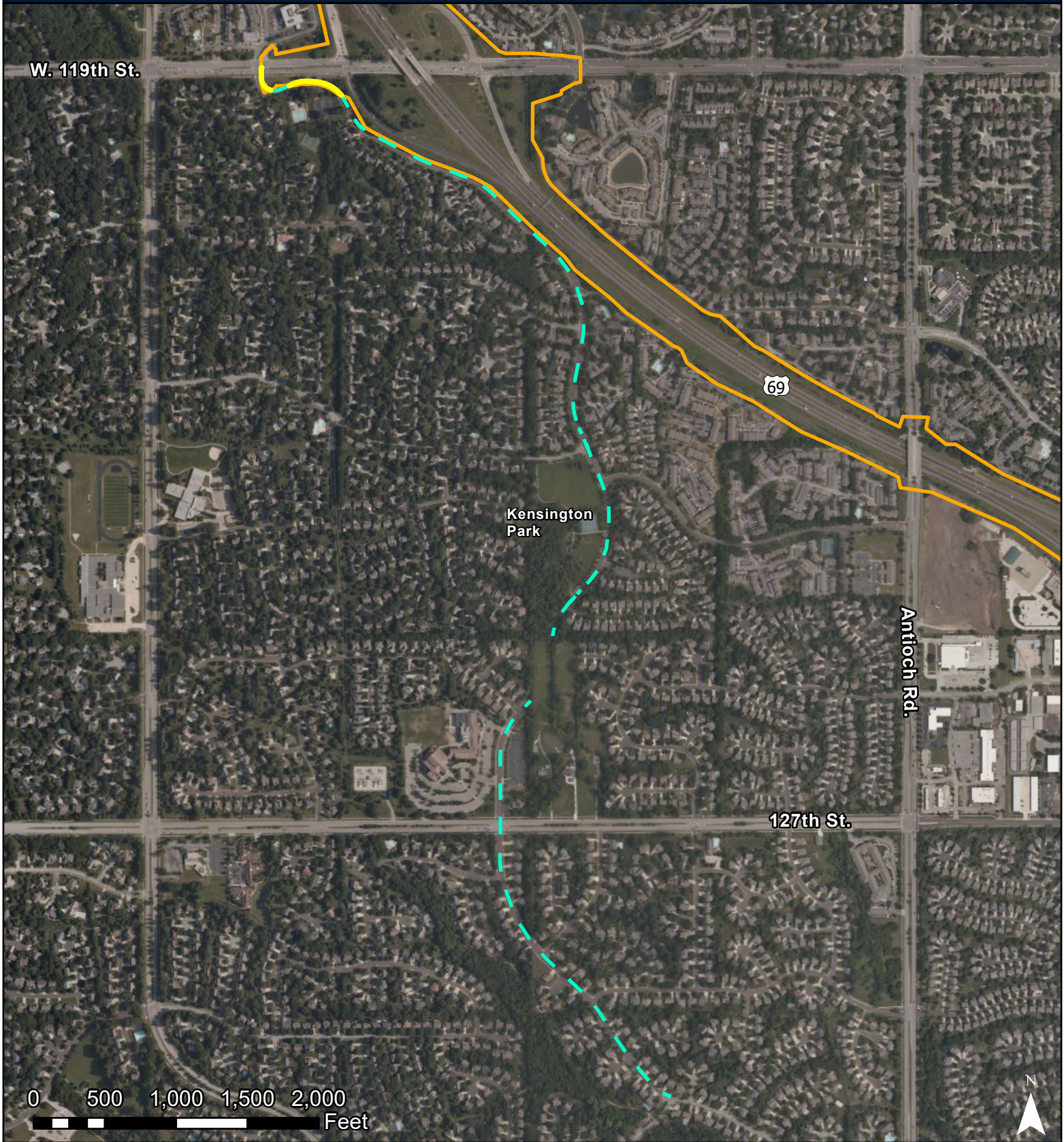
▶ **FHWA CONCURRENCE POINT**

Step 5: What documentation is needed?




The portion of the Section 4(f) resource to be impacted will experience no impact other than temporary closure and reconstruction from public use. It is a designated bike lane along the outside of the southbound lanes of Grant Street with no additional recreational facilities. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a *de minimis* finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ **FHWA CONCURRENCE POINT**

U.S. 69 Section 4(f) - Grant Street Bike Lane



Legend

-  Preferred Alternative Construction Limits
-  Grant Street Bike Lane
-  Bike Lane Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA INDIAN CREEK BIKE/HIKE TRAIL

Overview

The 4(f) property is the Indian Creek Bike/Hike Trail or the Indian Creek Trail. The U.S. 69 Express Project Preferred Alternative will impact the Indian Creek Trail's property. The trail is within right-of-way owned by State Highway Commission (Kansas Department of Transportation) and property owned by the Johnson County Board of Commissioners (Johnson County). The trail is managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- The Indian Creek Trail is a 4(f) resource;
- The impact is temporary closure and partial reconstruction of the Indian Creek Bike/Hike Trail;
- Impacts to the Indian Creek Bike/Hike Trail cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property and time feasible for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The Indian Creek Bike/Hike Trail is a 17-mile-long paved shared use path that connects Olathe, Overland Park, Leawood, and Kansas City. This trail connects the city's parks, neighborhoods, schools, recreation facilities, and other attractions. The trail is approximately ten feet in width with mile markers every half mile. The Indian Creek Bike/Hike Trail is designated as part of the American Discovery Trail (ADT), which is a cross country trail stretching from Cape Henlopen State Park in Delaware to Ft. Reyes National Seashore in California. The ADT is a network of existing trails operated by local, state, and federal agencies. The organization of the trail network as the ADT is overseen by the Non-Profit American Discovery Trail Society. It has no specific regulations or protections other than those for the existing trail system that it utilizes. The trail crosses the study area at Corporate Woods Founders' Park along College Boulevard and Indian Valley Park along U.S. 69. The trail totals ten miles in Overland Park and is classified as an Existing Bike/Hike Trail on the 2019 Indian / Tomahawk Creek Bike and Hike Trail System Map (Trail System Map).

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 450 feet of the Indian Creek Bike/Hike Trail will be temporarily closed during U.S. 69 bridge construction and temporarily impacted for box culvert reconstruction. The impacted portion of the trail will be replaced during construction. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

▶ FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

Since the trail passes under U.S. 69, the temporary closure of the trail is necessary due to required widening and associated drainage improvements for the U.S. 69 Express Preferred Alternative. The culverts under the Indian Creek Bike/Hike Trail will be reconstructed to accommodate drainage and meet the no-rise requirements of floodplain permitting. To minimize impacts to Indian Valley Park, storm water carried along the east side of U.S. 69 must be enclosed in a reinforced concrete box (RCB) culvert extension. The RCB culvert extension beneath the Indian Creek Trail ensures that proposed bridge end grading and surface drainage at Indian Creek can both be accommodated while also minimizing impacts to Indian Valley Park.

▶ FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The impacts to the Indian Creek Bike/Hike Trail have been minimized by performing the drainage improvements along the north bank of Indian Creek. The length of temporary closure of the trail will be minimized through project scheduling and implementation of preventative mechanisms to safely maintain public use of the Indian Creek Bike/Hike Trail when possible throughout construction. Barricades and construction fencing will be utilized during the trail closure along with a signed trail detour. Project requirements will limit consecutive adjacent trail closures.

▶ FHWA CONCURRENCE POINT

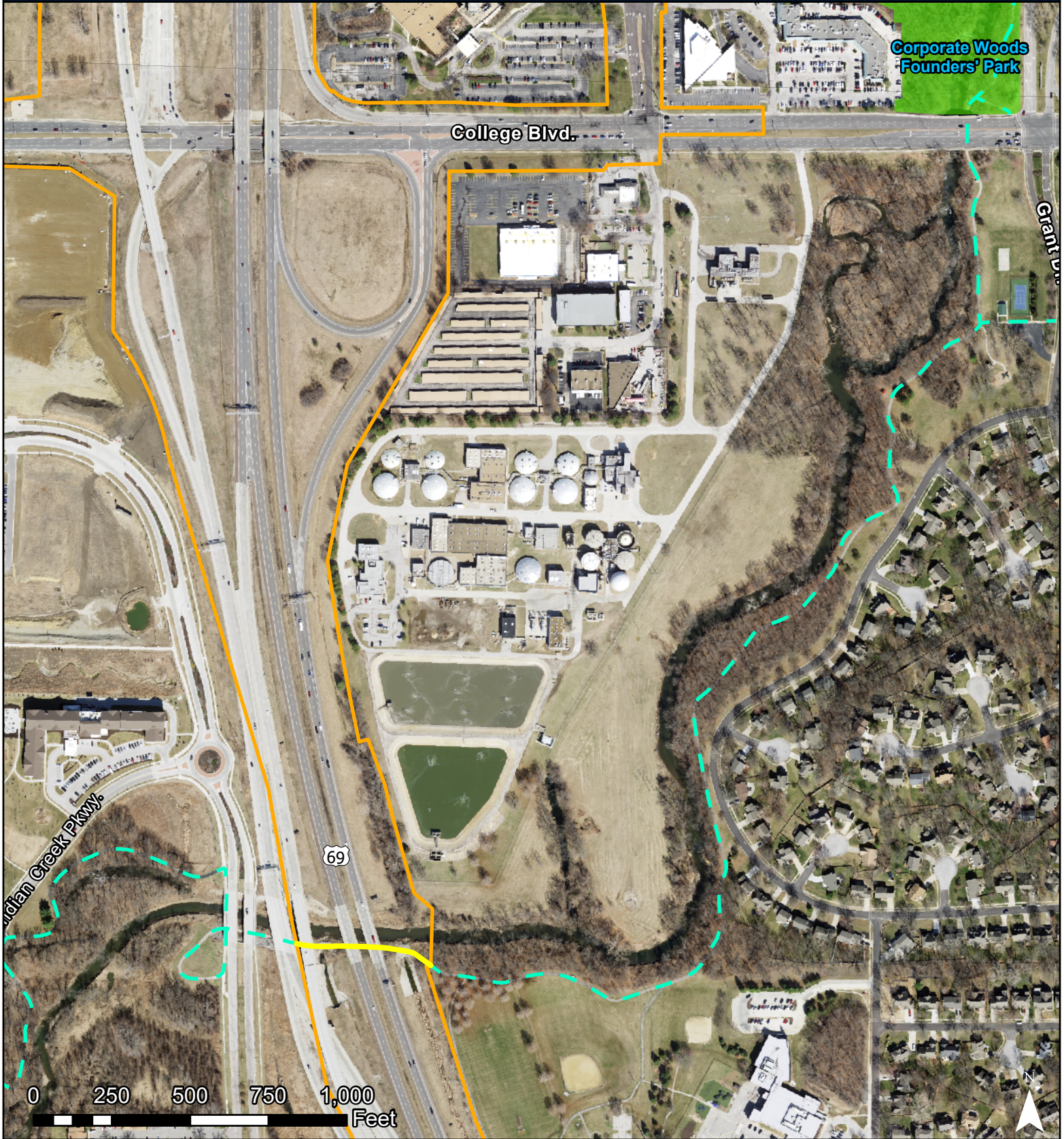
Step 5: What documentation is needed?

The portion of the Section 4(f) resource to be impacted will experience no impact other than temporary closure from public use. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park,





KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ **FHWA CONCURRENCE POINT**

U.S. 69 Section 4(f) - Indian Creek Trail



Legend

-  Preferred Alternative Construction Limits
-  Parks
-  Trail Impact
-  Indian Creek Bike/Hike Trail

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA INDIAN VALLEY PARK - 11606 KNOX ST

Overview

The potential 4(f) property is Indian Valley Park. The U.S. 69 Express project Preferred Alternative will impact Indian Valley Park property. Indian Valley Park is on property owned and managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- Indian Valley Park is a 4(f) resource;
- The impacts are to an unimproved portion of the park with no recreational facilities;
- Impacts to Indian Valley Park cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property necessary for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

Indian Valley Park is a 23.5-acre park located south of Shannon Valley Park on the west and east sides of U.S. 69. This park is a sub-community park. Overland Park's 2013 Comprehensive Park System Master Plan (*Parks Master Plan*) defines a sub-community park as a park that is at least 15 acres in size with the main park entry fronting on a collector street or thoroughfare. Secondary access points or trail connections for sub-community parks are desirable from a local residential street. The intent of a sub-community park is to provide active recreation opportunities, organized play, and large-group recreation opportunities in a location that can accommodate increased traffic and demand, while also providing space for socializing, relaxing, and gathering in large and small groups. Sub-community parks are also intended to serve the neighborhood park function for nearby residents.

Indian Valley Park is adjacent to a school with a playground and contains a portion of the Indian Creek Bike/Hike Trail, the Indian Valley Park Trail, a baseball field, soccer field, picnic area, roller hockey rink, and tennis courts. This park contains formal sports fields which are maintained at a standard to meet the needs of tournament games and league play. In the future, the sports courts will be resurfaced to improve their condition, surface lots will have improvements, and restrooms will be added to the park. The *Parks Master Plan* recommends implementing a park master plan for Indian Valley Park as this is one of the larger and well-used parks in the city.

▶ **FHWA CONCURRENCE POINT**

Step 2: Is there a use of the 4(f) property?

The U.S. 69 Express Preferred Alternative will impact approximately 0.68 acres of Indian Valley Park. These impacts are grading and contouring in nature and due to realignment of U.S. 69 NB north of 119th Street and associated drainage improvements. No portions of Indian Valley Park will be acquired as part of this project, the City of Overland Park will retain ownership of the entire property. Areas of the park impacted are along the west boundary of the park adjacent to east side of U.S. 69. This portion of the park property sits between U.S. 69 and the Indian Valley Elementary School and Jefferson Pointe neighborhood properties. This portion of the park is unimproved and contains no recreational facilities, therefore no recreational uses will be impacted by U.S. 69 Express Preferred Alternative.

▶ **FHWA CONCURRENCE POINT**

Step 3: Can the 4(f) property be avoided?

Realignment of U.S. 69 NB is necessary due to widening of the U.S. 69 corridor to accommodate new lanes. Substantial roadside stormwater drainage must be accommodated along the east side of the highway. A 26-inch high pressure gas line and drainage impact minimization solutions contribute to the roadside grading extending into the park boundary.

▶ **FHWA CONCURRENCE POINT**

Step 4: Can the impacts to the 4(f) property be minimized?

The grading impacts to Indian Valley Park have been minimized by using a reinforced concrete box culvert (RCB) adjacent to the roadway instead of grading a roadside ditch through the park. A 26-inch high pressure gas line controls how deep the RCB can be constructed. The RCB is a wide, shallow structure to carry the water and decrease the height of grading required to cover the RCB, which limits fill grading on the park and decreases the temporary excavation limits required to install the RCB.

▶ **FHWA CONCURRENCE POINT**

Step 5: What documentation is needed?

The portion of the Section 4(f) resource to be impacted is not actively used by park patrons. It contains no recreational facilities and is primarily open area with some trees/shrubs. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process




currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ **FHWA CONCURRENCE POINT**

U.S. 69 Section 4(f) - Indian Valley Park



Legend

-  Preferred Alternative Construction Limits
-  Indian Valley Park
-  Park Impacts

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA KINGSTON LAKE PARK - 15254 LOWELL AVE

Overview

The potential 4(f) property is Kingston Lake Park. The U.S. 69 Express project Preferred Alternative will impact Kingston Lake Park property. Kingston Lake Park is on property owned and managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- Kingston Lake Park is a 4(f) resource;
- The impacts are to an unimproved portion of the park with no recreational facilities;
- Impacts to Kingston Lake Park cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property necessary for construction of the U.S. 69 Express Preferred Alternative;
- *A de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

Kingston Lake Park is a 21.5-acre sub-community park on the west side of U.S. 69, south of the U.S. 69 and 151st Street interchange. Overland Park's 2013 Comprehensive Park System Master Plan (*Parks Master Plan*) defines a sub-community park as a park that is at least 15 acres in size with the main park entry fronting on a collector street or thoroughfare. Secondary access points or trail connections for sub-community parks are desirable from a local residential street. The intent of a sub-community park is to provide active recreation opportunities, organized play, and large-group recreation opportunities in a location that can accommodate increased traffic and demand, while also providing space for socializing, relaxing, and gathering in large and small groups. Sub-community parks are also intended to serve the neighborhood park function for nearby residents.

Kingston Lake Park contains a six-acre lake stocked with fish, three fishing piers, a shelter, a playground, and approximately 0.6 miles of shared use path and paved walking trails. This park has two playgrounds and surface parking lots that are accessed from Lowell Avenue. The *Parks Master Plan* calls for parking lots to be replaced/upgraded as well as shelters and restrooms to be added to the park. In the *Parks Master Plan*, it was recommended that the park develop its own master plan as it is one of Overland Park's larger and well-used parks.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

The U.S. 69 Express Preferred Alternative will temporarily impact approximately 0.34 acres of Kingston Lake Park, the City of Overland Park will retain ownership of all areas impacted. These impacts are grading and contouring in nature due to necessary realignment of the U.S. 69 SB On Ramp from 151st Street. Areas of the park impacted are along the east boundary of the park adjacent to U.S. 69. This portion of the park property sits between U.S. 69 and the Kingston by the Park neighborhood. This portion of the park is unimproved and does not include the Kingston Lake Park Trail. No recreational uses will be impacted by construction of the U.S. 69 Express Preferred Alternative.

▶ FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

Realignment of the U.S. 69 SB On-Ramp from 151st Street is necessary due to widening of 151st Street and realignment of the SB Ramp Terminal. The impacts to the Kingston Lake Park property can't be avoided due to the Eastland Meadows neighborhood adjacent to the east side of U.S. 69. If the ramps and U.S. 69 roadway alignment were shifted east to avoid the park property, the additional construction on the east side of U.S. 69 would result in additional residential displacements.

▶ FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The grading impacts to Kingston Lake Park have been minimized by impacting the minimum amount of property necessary to construct the improvements to the 151st Street SB On-Ramp.

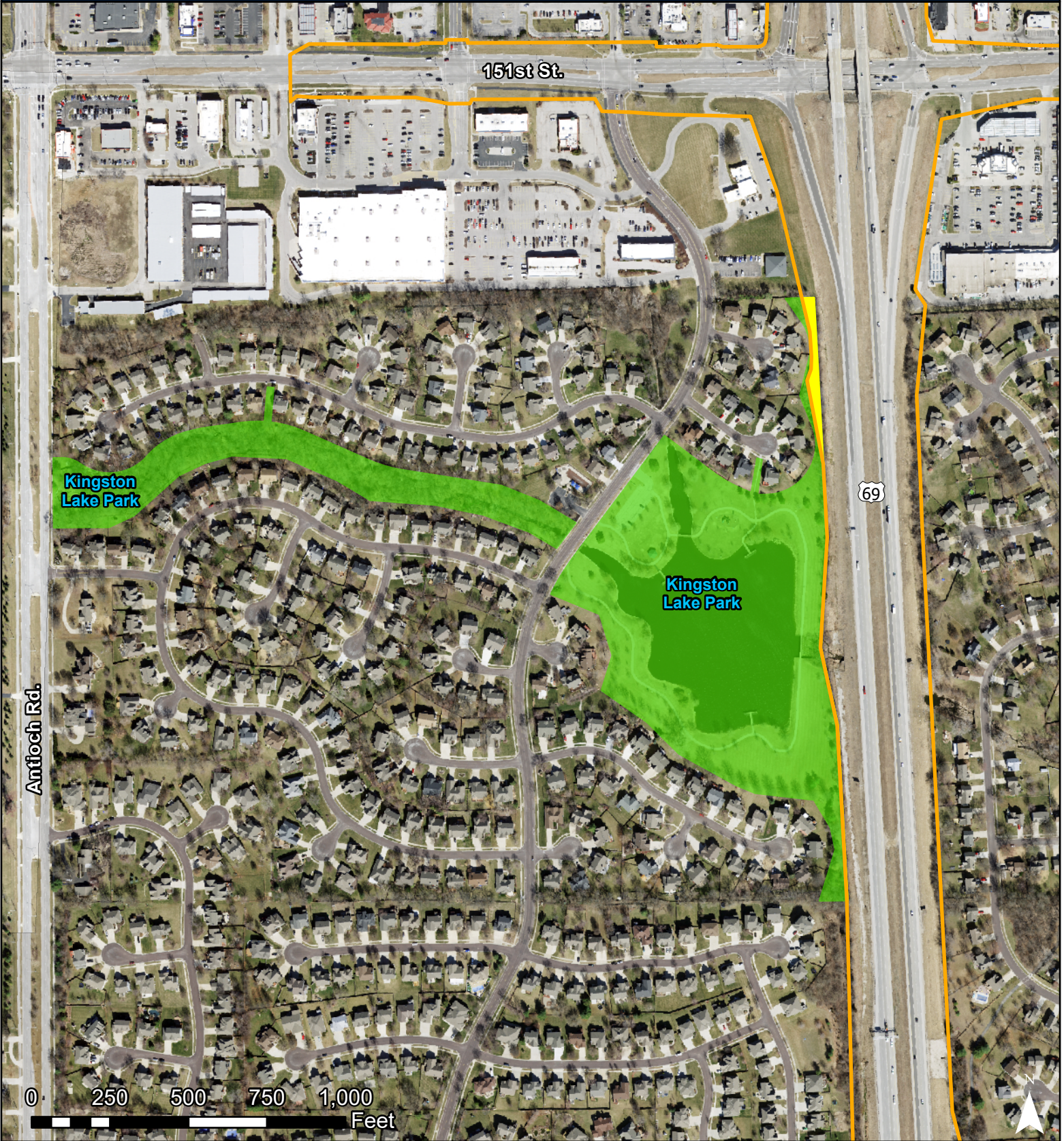
▶ FHWA CONCURRENCE POINT

Step 5: What documentation is needed?


The portion of the Section 4(f) resource to be impacted is not actively used by park patrons. It contains no recreational facilities and is primarily wooded. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ FHWA CONCURRENCE POINT

U.S. 69 Section 4(f) - Kingston Lake Park



Legend

-  Preferred Alternative Construction Limits
-  Kingston Lake Park
-  Park Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA LOWELL AVENUE TRAIL

Overview

The 4(f) property is the Lowell Avenue Trail. The U.S. 69 Express project Preferred Alternative will impact the Lowell Avenue Trail's property. The Lowell Avenue Trail is within right-of-way owned by the City of Overland Park as well as a private landowner. The trail is managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- The Lowell Avenue Trail is a 4(f) resource;
- The impacts to the trail include no additional recreational amenities;
- Impacts to the Lowell Avenue Trail cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property and time necessary for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The Lowell Avenue Trail is a multi-use trail along the west side of Lowell Avenue north of 167th Street. The trail totals 0.98 miles and is classified as an Existing Bike/Hike Trail in Overland Park's 2013 *Comprehensive Park System Master Plan (Parks Master Plan)*. It consists of a shared use sidewalk eight to ten feet in width and no additional recreational amenities.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 65 feet of the Lowell Avenue Trail will be impacted due to grading and contouring associated with the widening of 167th Street and the interchange improvements which include the addition of a U.S. 69 SB On-Ramp and a U.S. 69 NB Off-Ramp. Temporary closure will impact recreational use of the trail during construction. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

► FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

The widening and realignment of the 167th Street arterial between U.S. 69 and Antioch Road is necessary due to grading and associated drainage improvements for the U.S. 69 Express Preferred Alternative.

▶ FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The grading impacts to the Lowell Avenue Trail have been minimized by impacting the minimum amount of property necessary to construct the improvements to the 167th Street arterial. The only portion of the trail to be impacted is the southern terminus of the trail. The length of temporary closure of the trail will be minimized through coupling the trail closure with the construction along the westbound lanes of 167th Street, west of U.S. 69.

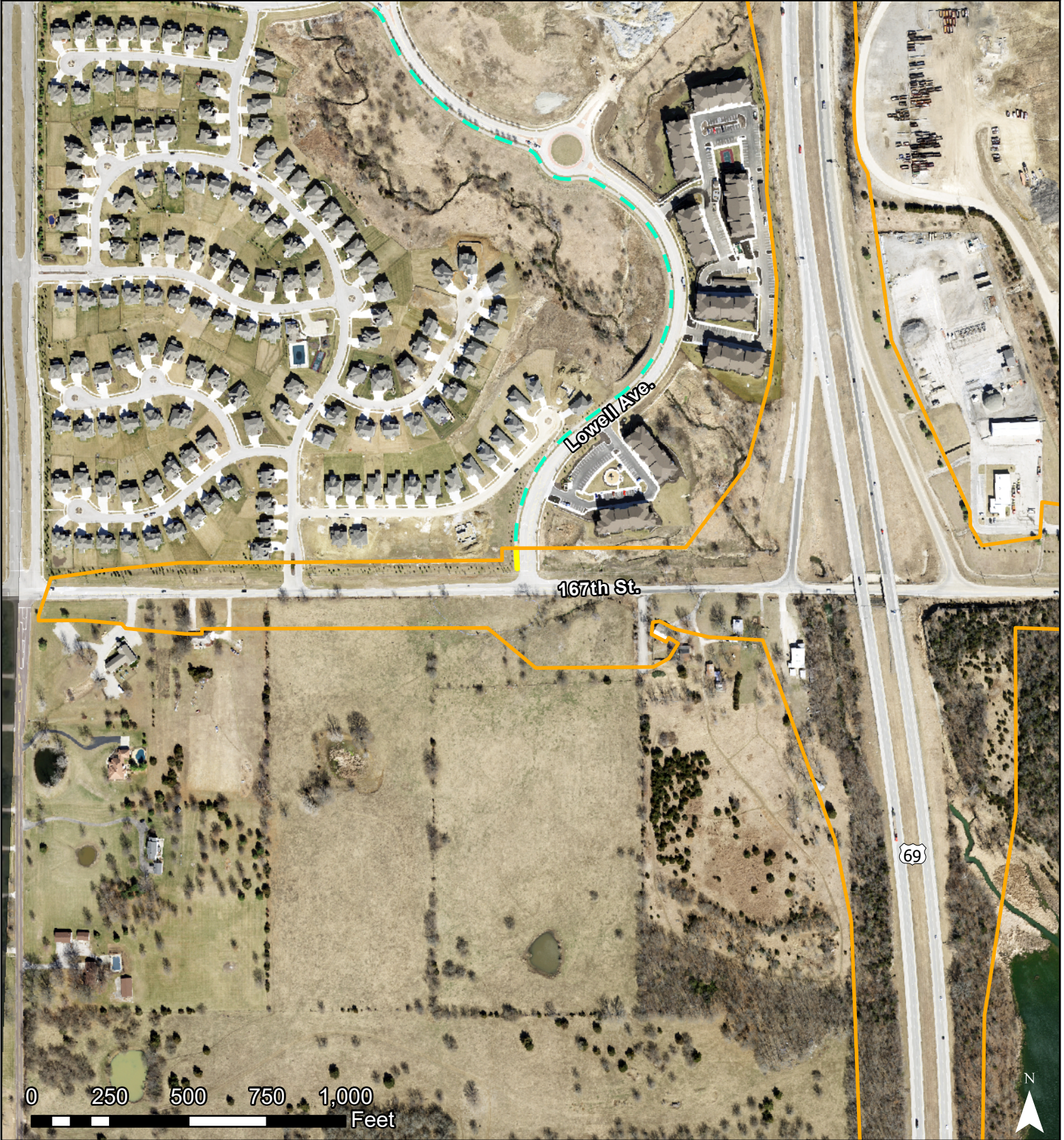
▶ FHWA CONCURRENCE POINT

Step 5: What documentation is needed?

The portion of the Section 4(f) resource to be impacted will experience no impact beyond temporary closure from patron. It is a sidewalk containing no recreational facilities. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.




▶ FHWA CONCURRENCE POINT

U.S. 69 Section 4(f) - Lowell Avenue Trail



0 250 500 750 1,000 Feet

Legend

-  Preferred Alternative Construction Limits
-  Lowell Avenue Trail
-  Trail Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 

Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA NOTTINGHAM SOUTH PARK - 13889 ANTIOCH ROAD

Overview

The potential 4(f) property is Nottingham South Park. The U.S. 69 Express project Preferred Alternative will impact Nottingham South Park property. Nottingham South Park is on property owned and managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- Nottingham South Park is a 4(f) resource;
- The impacts are to an unimproved portion of the park with no recreational facilities;
- Impacts to Nottingham South cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property necessary for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

Nottingham South Park is an 8.2-acre greenway and open space park between U.S. 69 and Antioch Road, near the Blue Valley Recreation Sports Complex. Nottingham South Park is a wooded park and contains bike/hike trail connections, open area/multi-use field, soccer fields, and parking. This park is classified as a special use site in Overland Park's 2013 *Comprehensive Park System Master Plan*. Nottingham South Park contains a portion of the Tomahawk Creek Trail which is another 4(f) resource.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

The U.S. 69 Express Preferred Alternative will impact approximately 0.63 acres of Nottingham South Park. These impacts are grading and contouring in nature due to the necessary realignment of the U.S. 69 SB On-Ramp from 135th Street and the arterial road grading of 135th Street. Areas of the park impacted are along the northeast boundary of the park adjacent to the U.S. 69 SB On-Ramp. This portion of the park property sits between U.S. 69, the Estates of Nottingham South neighborhood, and businesses adjacent to 135th Street. This portion of the park is unimproved, and no recreational uses will be impacted by the U.S. 69 Express Preferred Alternative. The existing connection of the Tomahawk Creek Trail to 135th Street will be moved from the east side of the U.S. 69 SB On-Ramp to the west side of the U.S. 69 SB On-Ramp

and will be located in Nottingham South Park. The Tomahawk Creek Trail connection to 135th Street, which was previously not ADA compliant, will become ADA compliant through the associated grading modifications. The addition of the connection in Nottingham South Park will benefit the accessibility of the Overland Park Trail System as a whole.

▶ **FHWA CONCURRENCE POINT**

Step 3: Can the 4(f) property be avoided?

Realignment of the U.S. 69 southbound Ramp Terminal and 135th Street is necessary due to the existing On-Ramp bridge being replaced and slightly raised to improve hydraulic conditions. The movement of the Tomahawk Creek Trail connection to 135th Street is necessary due to the widening of 135th Street. If the trail connection remained in its current location, it would not be ADA compliant. The trail connection is being relocated to the west side of the On-Ramp where an ADA-compliant profile can be accommodated.

▶ **FHWA CONCURRENCE POINT**

Step 4: Can the impacts to the 4(f) property be minimized?

The grading impacts to Nottingham South Park have been minimized by impacting the minimum amount of property necessary to construct the improvements to the 135th Street SB On-Ramp.

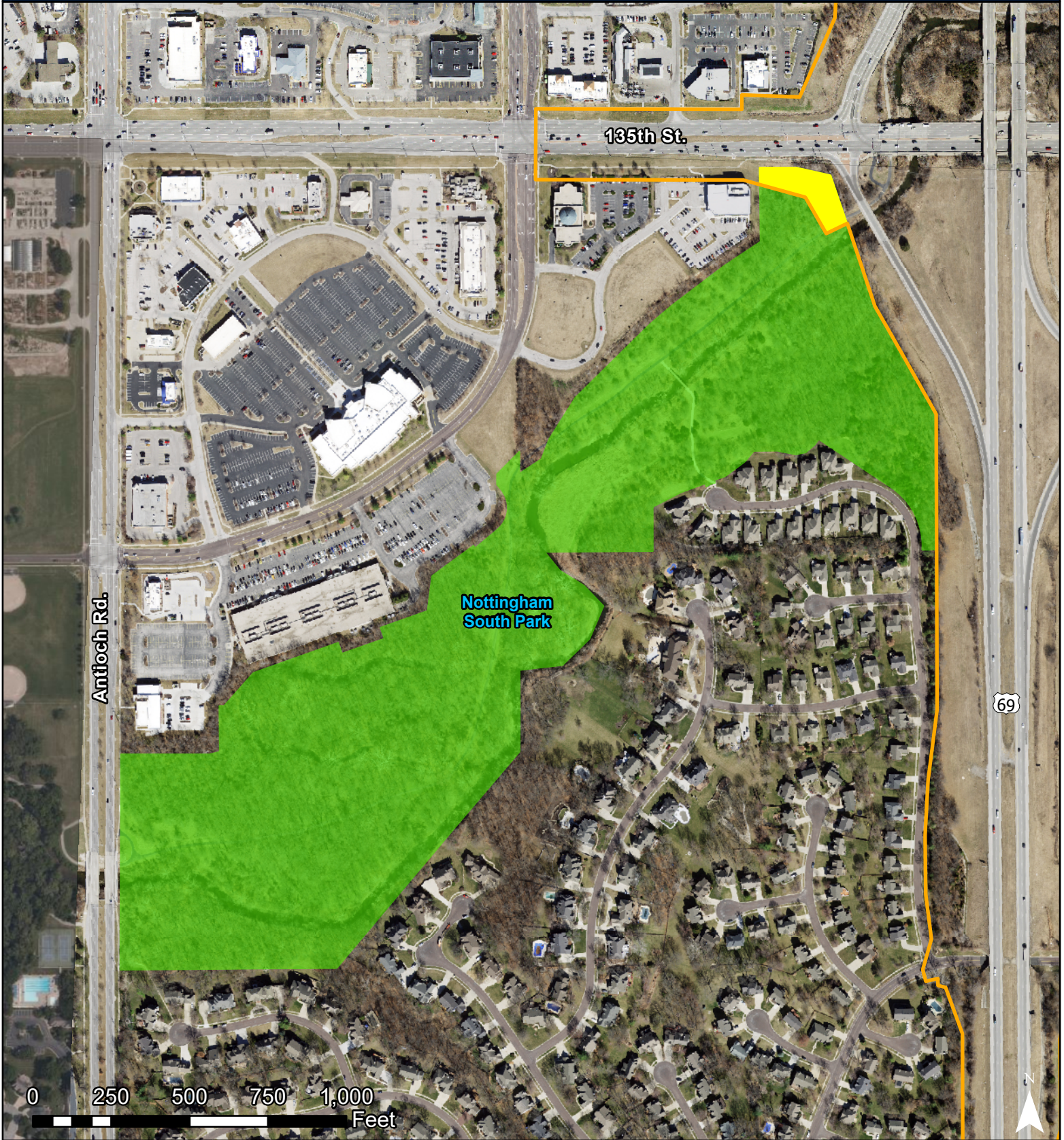
▶ **FHWA CONCURRENCE POINT**

Step 5: What documentation is needed?




The only portion of the Section 4(f) resource to be impacted that is actively used by park patrons is the Tomahawk Creek Trail. Other than the trail, the park property being impacted contains no recreational facilities and is primary wooded. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ **FHWA CONCURRENCE POINT**

U.S. 69 Section 4(f) - Nottingham South Park



Legend

-  Preferred Alternative Construction Limits
-  Nottingham South Park
-  Park Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 


Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS U.S. 69 EXPRESS EA TOMAHAWK CREEK TRAIL

Overview

The 4(f) property is the Tomahawk Creek Trail. The U.S. 69 Express project Preferred Alternative will impact the Tomahawk Creek Trail property. The Tomahawk Creek Trail within right-of-way owned by the State Highway Commission (Kansas Department of Transportation) and is managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- The Tomahawk Creek Trail is a 4(f) resource;
- The impact is temporary closure of the Tomahawk Creek Trail;
- Impacts to the Tomahawk Creek Trail cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property necessary for construction of the U.S. 69 improvements and project scheduling;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The Tomahawk Creek Trail is a paved shared use path. The trail totals approximately 7.8 miles in Overland Park and is classified as an Existing Bike/Hike Trail on the 2019 *Indian / Tomahawk Creek Bike and Hike Trail System Map (Trail System Map)*. It consists of a shared use sidewalk typically ten feet in width running adjacent to Tomahawk Creek. The trail crosses the preliminary construction limits of the U.S. 69 Express Preferred Alternative in the vicinity of the U.S. 69 and 135th Street interchange where it enters Nottingham South Park.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

Approximately 1,650 feet of the Tomahawk Creek Trail exists within the preliminary construction limits of the U.S. 69 Express Preferred Alternative. Temporary closure will impact recreational use of the trail due to reconstruction of the existing bridges for the 135th Street interchange ramps and the U.S. 69 bridges that cross over the Tomahawk Creek Trail. The only portion of the Tomahawk Creek Trail to be relocated is the trail connection to 135th Street which will be moved to the west side of the U.S.

69 SB On-Ramp and connect to the Tomahawk Creek Trail inside of Nottingham South Park.

▶ **FHWA CONCURRENCE POINT**

Step 3: Can the 4(f) property be avoided?

Realignment of U.S. 69 and construction on the 135th Street Interchange are necessary due to required widening and grading for drainage improvements for the U.S. 69 Express Preferred Alternative. The relocation of the Tomahawk Creek Trail access from 135th Street is necessary due to the location of new bridge piers.

▶ **FHWA CONCURRENCE POINT**

Step 4: Can the impacts to the 4(f) property be minimized?

The impacts to the Tomahawk Creek Trail have been minimized by impacting the minimum amount of property necessary to construct the U.S. 69 improvements. The length of temporary closure of the trail will be minimized through project scheduling and implementation of preventative safety mechanisms to allow public access when possible throughout construction.

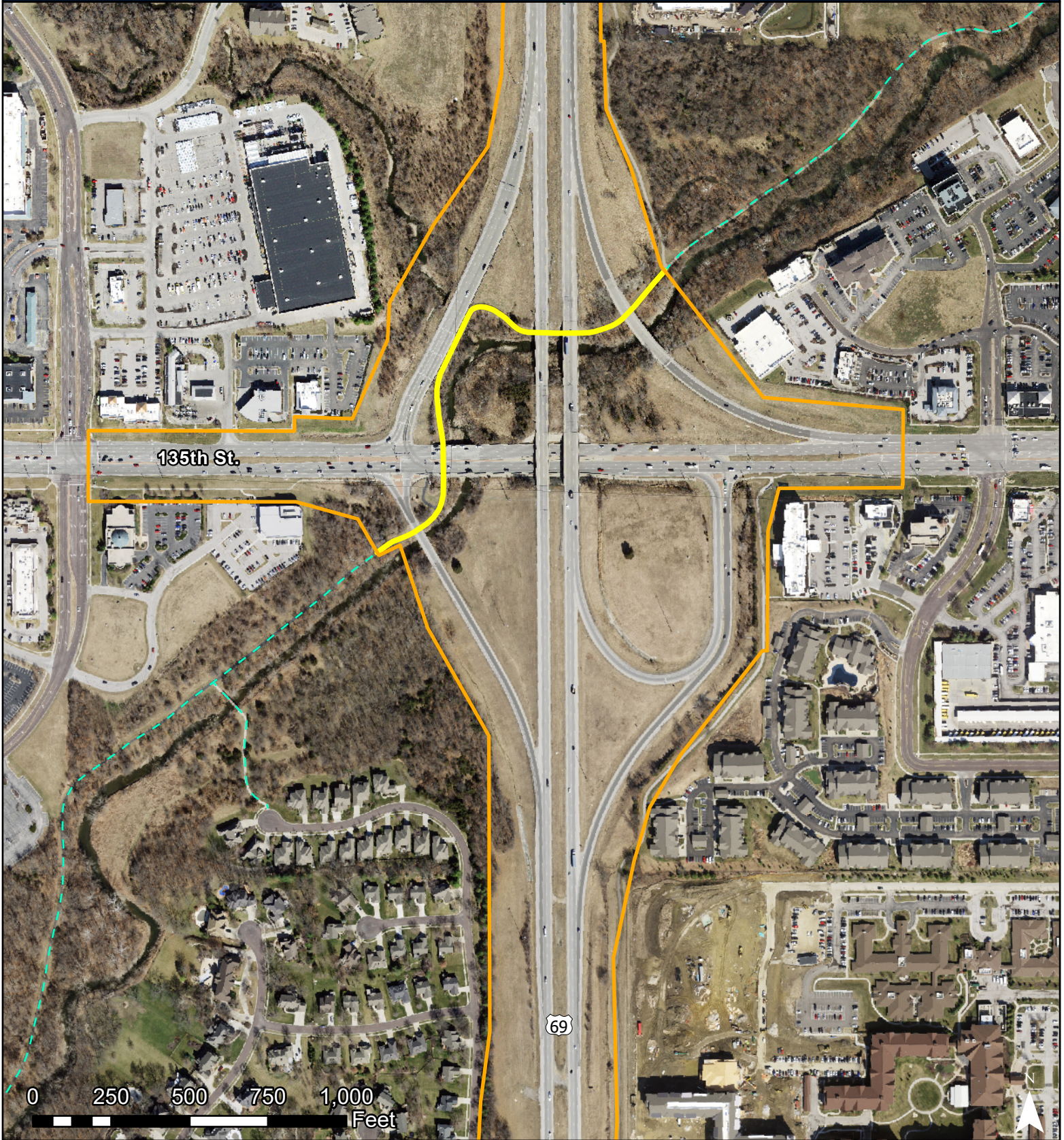
▶ **FHWA CONCURRENCE POINT**

Step 5: What documentation is needed?



The portion of the Section 4(f) resource to be impacted will experience no impact other than temporary closure from public use. It is a sidewalk through a wooded area containing no recreational facilities. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ **FHWA CONCURRENCE POINT**

U.S. 69 Section 4(f) - Tomahawk Creek Trail



Legend

-  Preferred Alternative Construction Limits
-  Tomahawk Creek Trail
-  Trail Impact

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

69 EXPRESS 

Kansas
Department of Transportation

SECTION 4(F) DECISION PROCESS

U.S. 69 EXPRESS EA

U.S. 69 LINKAGES – ALONG U.S. 69, SOUTH OF 127TH STREET

Overview

The potential 4(f) property are the U.S. 69 Linkages. The U.S. 69 Express project Preferred Alternative will impact the property of the U.S. 69 Linkages. The U.S. 69 Linkages are on property owned and managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- The U.S. 69 Linkages are a 4(f) resource;
- The impacts are to unimproved portions of the Linkages with no recreational facilities as well as portions of the U.S. 69 Trail, (the portions of the U.S. 69 Trails impacted are discussed in a separate worksheet);
- Impacts to the U.S. 69 Linkages cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property necessary for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The U.S. 69 Linkages are listed as Type 5 (Parkway) Linkages. They are comprised of separate Greenways located in various locations along the U.S. 69 corridor, south of 127th Street, that combined total approximately 34.8 acres of land. The linkages are classified as Greenways without play parks in Overland Park's 2013 *Comprehensive Park System Master Plan (Parks Master Plan)*. The U.S. 69 Linkages are located outside of the highway right-of-way on both sides of U.S. 69 and contain portions of the paved U.S. 69 Trail which is classified as a multi-use trail in the *Parks Master Plan*. Future park developments from the *Park Master Plan* includes proposed public park, recreation, and open space along portions of U.S. 69 between I-435 and College Boulevard, between College Boulevard and 119th Street, and between 159th and 179th Streets. Goals that the *Parks Master Plan* intends to implement in the design of the greenway space is to integrate flood mitigation into the greenway design; improve safety issues and missing connections; develop primary and secondary trailheads; and consider multi-modal connections.

► FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

The U.S. 69 Express Preferred Alternative will temporarily impact approximately 6.2 acres of the U.S. 69 Linkages, full ownership will be retained at the conclusion of construction. These impacts are related to grading and drainage improvements to accommodate for widening along the U.S. 69 corridor and temporary closure of portions of the U.S. 69 Trail. The areas of the Linkages impacted are along the east and west boundaries of U.S. 69 between 127th Street and 151st Street. The affected portions of the Linkages run between the east and west boundary of U.S. 69 and the adjacent neighborhoods with sparse trees on either side. No recreational uses will be permanently impacted by U.S. 69 Express Preferred Alternative.

► FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

Realignment of U.S. 69 northbound between 127th Street and 151st Street is necessary due to required grading for widening and the associated drainage improvements necessary to meet floodplain permitting requirements for the U.S. 69 Express Preferred Alternative. The impacts to the Linkage south of 127th Street can't be avoided due to Brandon Place Linkage, Heartland Elementary School, and residential areas being adjacent to the west side of U.S. 69. If the Preferred Alternative alignment was shifted west to avoid impacts to the U.S. 69 Linkage, it would create more impacts to the Brandon Place Linkage (including the Brandon Place Linkage Trail), move traffic closer to the residential area and Heartland Elementary School, and require replacing the 132nd Street bridge that spans U.S. 69 which would impact the 132nd Street Bike Lane. The impacts to the Linkages near 143rd Street can't be avoided due to Linkages being located adjacent to both sides of U.S. 69.

► FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The grading and drainage impacts to the U.S. 69 Linkages have been minimized by impacting the minimum amount of property necessary to construct the improvements to the U.S. 69 corridor between 127th and 159th Street by reducing grading impacts through maintaining a steeper slope. Property impacts, including temporary closure, have been minimized by maintaining a steeper slope in grading and through project scheduling.

► FHWA CONCURRENCE POINT

Step 5: What documentation is needed?

Portions of the Section 4(f) resource to be impacted are not actively used by park patrons. The resource contains no recreational facilities and is primarily wooded. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ FHWA CONCURRENCE POINT

U.S. 69 Section 4(f) - U.S. 69 Linkages



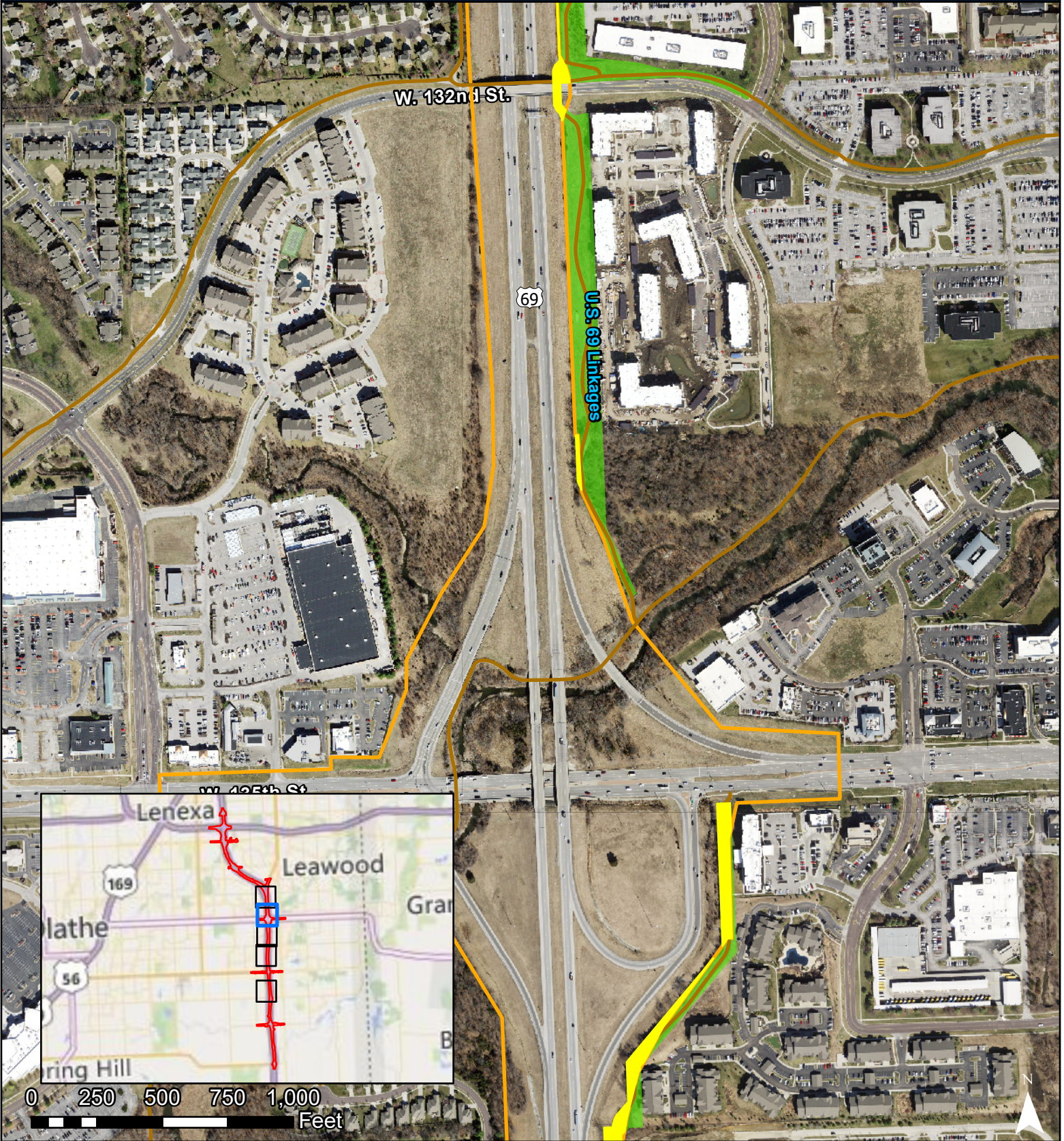
Legend

- Preferred Alternative Construction Limits
- Park Impacts
- Parks
- Trails


U.S. 69 Modernization and Expansion Project
Environmental Assessment
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U.S. 69 Section 4(f) - U.S. 69 Linkages



Legend

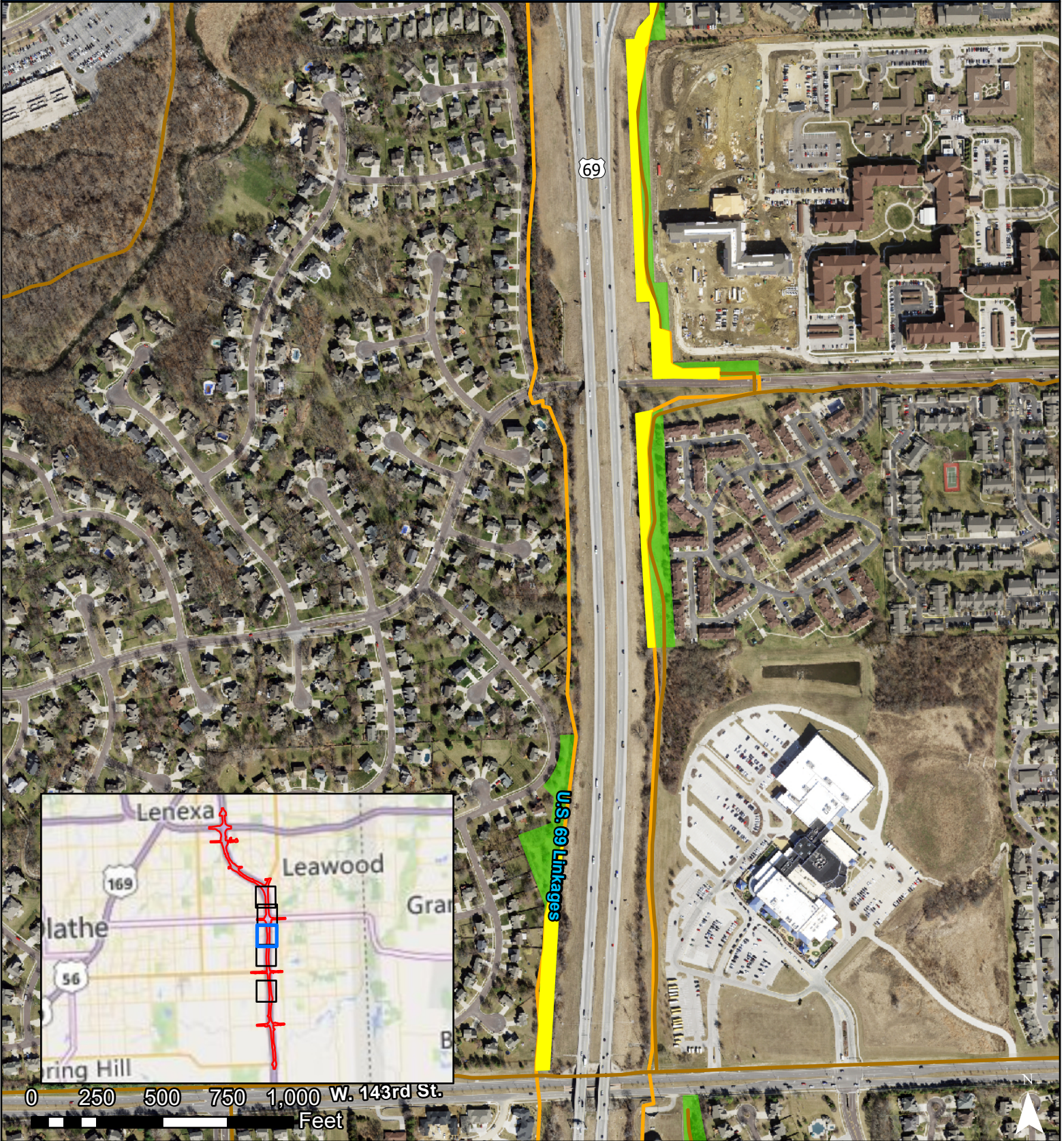
-  Preferred Alternative Construction Limits
-  Park Impacts
-  Parks
-  Trails

U.S. 69 Modernization and Expansion Project
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69 EXPRESS

Kansas
 Department of Transportation

U.S. 69 Section 4(f) - U.S. 69 Linkages



Legend

-  Preferred Alternative Construction Limits
-  Park Impacts
-  Parks
-  Trails

**U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02**



U.S. 69 Section 4(f) - U.S. 69 Linkages



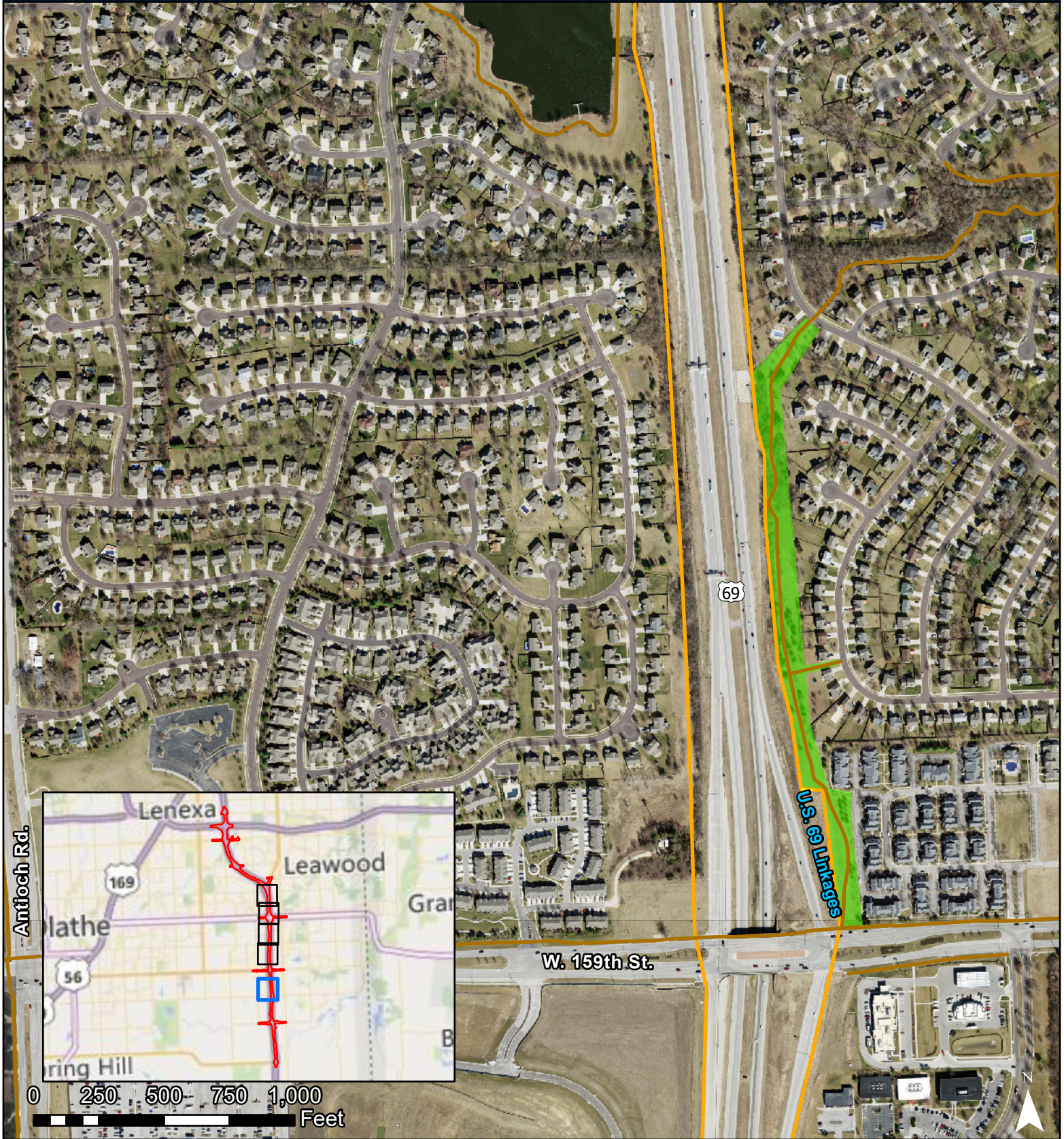
Legend

-  Preferred Alternative Construction Limits
-  Park Impacts
-  Parks
-  Trails

U.S. 69 Modernization and Expansion Project
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U.S. 69 Section 4(f) - U.S. 69 Linkages



Legend	
	Preferred Alternative Construction Limits
	Park Impacts
	Parks
	Trails

U.S. 69 Modernization and Expansion Project
 Environmental Assessment
 KDOT# 69-46 KA-5700-02



SECTION 4(F) DECISION PROCESS

U.S. 69 EXPRESS EA

U.S. 69 TRAIL

Overview

The potential 4(f) property are the U.S. 69 Trail. The U.S. 69 Express project Preferred Alternative will impact the property of the U.S. 69 Trail. The majority of the U.S. 69 Trail is on property owned and managed by the City of Overland Park; however, a portion of the trail at 151st Street is on property owned by the Blue Valley School District, but the trail is still managed by the City of Overland Park.

It is the contention of the Kansas Department of Transportation that:

- The U.S. 69 Trail is a 4(f) resource;
- The impacts are to the U.S. 69 Trail with no additional recreational amenities;
- Impacts to the U.S. 69 Trail cannot be avoided;
- Impacts are minimized by utilizing the minimum amount of property and time necessary for construction of the U.S. 69 Express Preferred Alternative;
- A *de minimis* impact finding is appropriate.

Step 1: Is it 4(f)?

The U.S. 69 Trail is a paved multi-use trail located totaling approximately 4.32 miles in length and is classified as a multi-use trail in Overland Park's 2013 *Comprehensive Park System Master Plan (Parks Master Plan)*. The U.S. 69 Trail is located outside of the highway right-of-way on the east side of U.S. 69 and consists of a shared use sidewalk ten feet in width and no additional recreational amenities.

▶ FHWA CONCURRENCE POINT

Step 2: Is there a use of the 4(f) property?

The U.S. 69 Express Preferred Alternative will impact approximately 1,980 feet of the U.S. 69 Trail. These impacts are related to grading and drainage improvements to accommodate for widening along the U.S. 69 corridor. The sections of the U.S. 69 Trail impacted are adjacent to the east side of U.S. 69 between 132nd Street and 139th Street and located outside the boundaries of the U.S. 69 Linkages. No recreational uses will be permanently impacted by the U.S. 69 Express Preferred Alternative.

▶ FHWA CONCURRENCE POINT

Step 3: Can the 4(f) property be avoided?

Realignment of U.S. 69 northbound between 132nd Street and 139th Street is necessary due to required grading for widening and associated drainage improvements for the U.S. 69 Express Preferred Alternative. The impacts to the U.S. 69 Trail can't be avoided due to the Nottingham South Park and residential areas adjacent to the west side of U.S. 69. If the Preferred Alternative was shifted to the west in order to avoid impacts to the U.S. 69 Trail, it would increase impacts to Nottingham South Park and encroach upon the residential area.

▶ FHWA CONCURRENCE POINT

Step 4: Can the impacts to the 4(f) property be minimized?

The grading and drainage impacts to the U.S. 69 Trail have been minimized by impacting the minimum amount of property necessary to construct the improvements to the U.S. 69 corridor between 132nd Street and 139th Street, the steepest grade allowable near the U.S. 69 Trail, and through the use of retaining walls where possible. The length of temporary closure of the trail will be minimized through project scheduling.

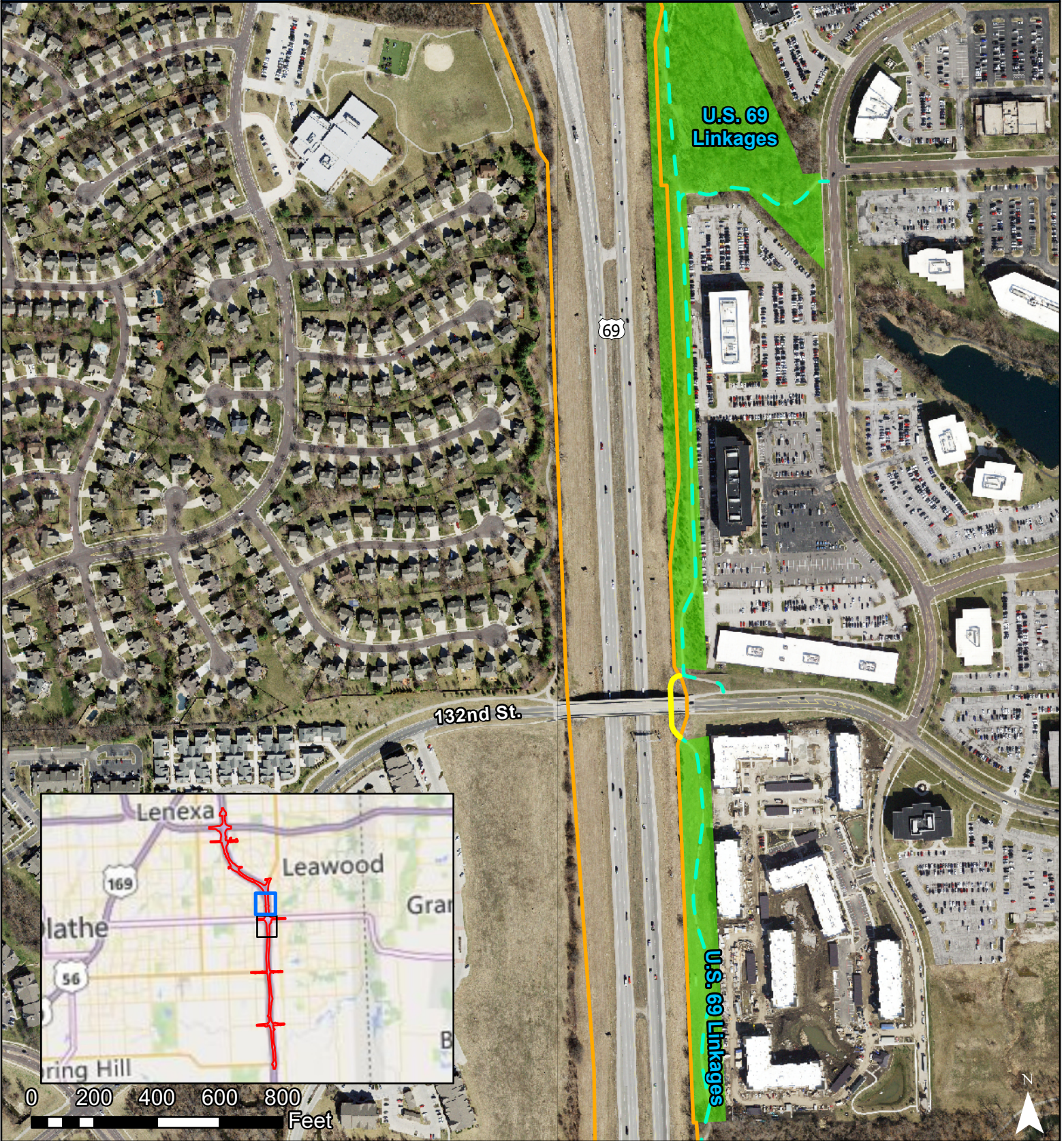
▶ FHWA CONCURRENCE POINT

Step 5: What documentation is needed?

Portions of the Section 4(f) resource to be impacted will be permanently realigned and will experience temporary closures during construction. It is a multi-use trail containing no additional recreational amenities. The public notice and comment requirements would be met through the requirements of the NEPA environmental assessment documentation process currently underway. All received comments and responses would be documented within the administrative record produced for the Environmental Assessment, and written concurrence from the City of Overland Park, KDOT, and FHWA would be obtained. As a result, a de minimis finding is appropriate and a formal Section 4(f) evaluation is not required.

▶ FHWA CONCURRENCE POINT

U.S. 69 Section 4(f) - U.S. 69 Trails

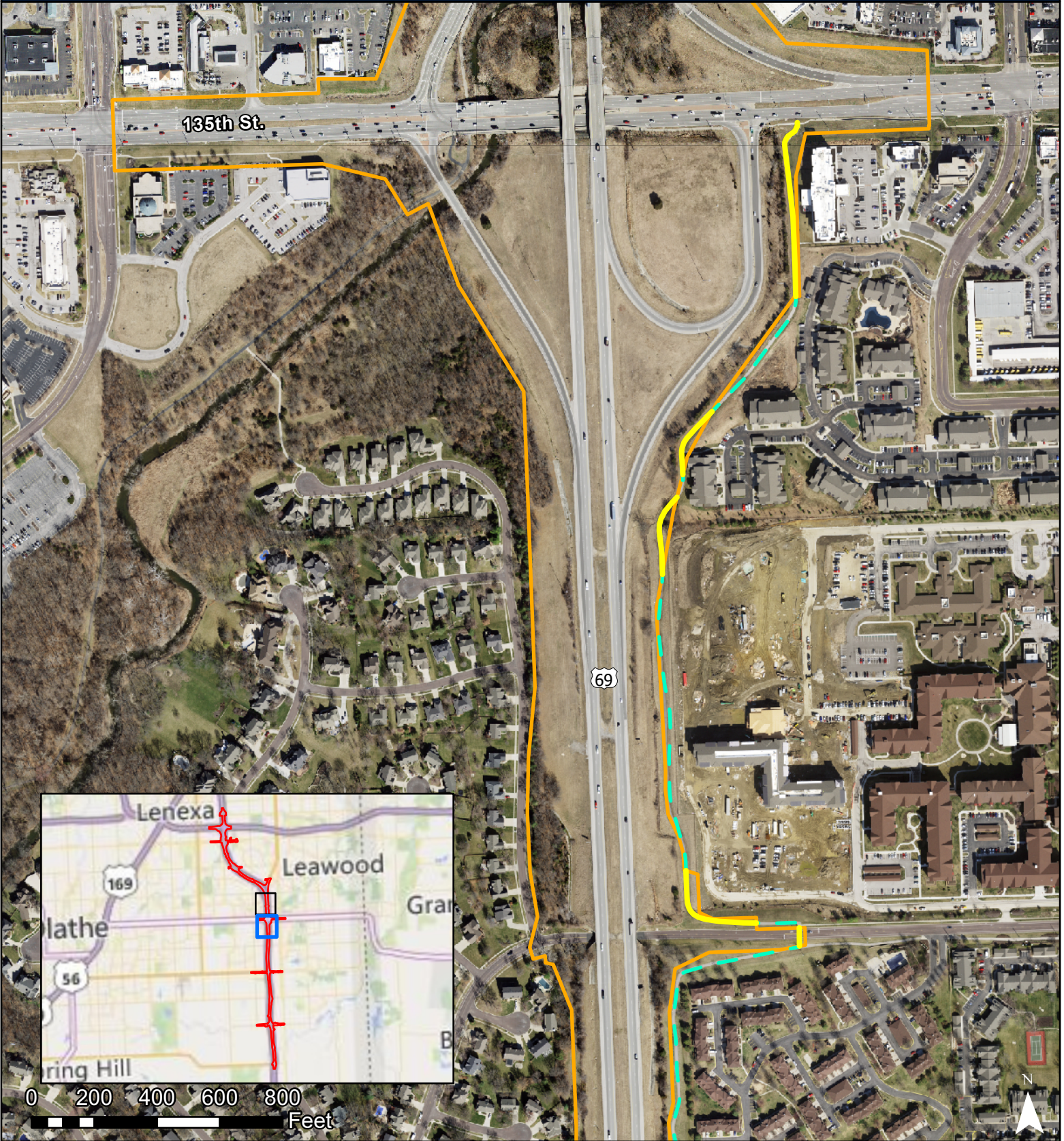


Legend	
	Preferred Alternative Construction Limits
	Parks
	U.S. 69 Trail
	Trail Impact

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U.S. 69 Section 4(f) - U.S. 69 Trails



- Legend**
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 - U.S. 69 Trail
 - Trail Impact

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