



U.S. Department  
of Transportation  
**Federal Transit**  
Administration

REGION III  
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Columbia, Maryland,  
Pennsylvania, Virginia,  
West Virginia

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Ms. Mary R. Bradford, Director of Parks  
Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks  
9500 Brunett Avenue  
Silver Spring, MD 20901

NOV 27 2013

**RE: MTA Purple Line Project: Section 4(f) Temporary Occupancy Exception  
Determination for Elm Street Urban Park, Montgomery County, Maryland**

Dear Ms. Bradford:

The purpose of this letter is to seek your concurrence, as the official with jurisdiction over the Elm Street Urban Park, with the Federal Transit Administration's (FTA) intent to make a temporary occupancy exception determination for this property pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, now codified at 49 U.S.C. 303 et seq. and implemented in 23 CFR Part 774.

The Maryland Transit Administration (MTA), in cooperation with the FTA as the lead Federal agency, has prepared a Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Purple Line project (project). MTA and FTA provided public notice of the proposed project and opportunity for public comment on our intent to make a temporary occupancy exception determination for the Elm Street Urban Park during the FEIS and Section 4(f) public comment period that ended on October 21, 2013.

One comment was received pertaining to the Section 4(f) Evaluation for Elm Street Park. The commenter felt that the FEIS/Draft Section 4(f) Evaluation did not acknowledge potential effects of the project on the park. Among their concerns were: the introduction of a wide path through the park and the future redevelopment of the park (both separate planned projects by M-NCPPC); noise and visual effects; and the potential changes due to a minor master plan amendment currently under consideration by Montgomery County. The comments have been reviewed and the concerns raised were already considered in the FEIS/Draft Section 4(f) Evaluation in the design development and mitigation for the park. The fact that the comments were already considered in the FEIS/Draft 4(f) Evaluation will be clarified in the Record of Decision.

The project would be aligned directly north of Elm Street Urban Park, under the existing Air Rights Building and along the Georgetown Branch right-of-way. MTA's proposes to reconstruct the existing connection between Elm Street Park and the proposed Capital Crescent Trail, which would require temporary use of approximately 0.02 acre of land on an existing pathway within the 2.1 acre park. The land to be temporarily used includes a portion of an existing path, an undeveloped corner of a playground, and a grassy area adjacent to the path. The proposed trail

connection would be reconstructed with an Americans with Disabilities Act-compliant connection. The location and design of the trail connection have been coordinated with Montgomery County Department of Transportation and M-NCPPC Montgomery County Department of Parks. MTA will continue this coordination as the project design advances. See **Enclosure 1** for details on the mitigation commitments for this park and **Attachments A and B**, which show overviews of the project and park.

There are two features of design alongside the park that would mitigate potential visual and noise effects and increase safety for park users. A ventilation structure would be located between the park and the transitway, limiting views of the transitway and acting as a barrier for noise from the passing trains. The trail connection would climb on retained fill over the ventilation structure to a point where the connection crosses over the transitway. The only access from the park would be via the trail connection, which would be fenced to provide safe passage over the transitway.

MTA's design of the ventilation structure, retaining wall, and proposed landscaping adjacent to Elm Street Urban Park, as well as the design of the trail connection, are being coordinated with both M-NCPPC – Department of Parks and Department of Planning to ensure interim functionality of the park as well as long-term compatibility with the planned upgrade to the park

MTA expects to complete construction of the trail connection in less time than the overall project construction schedule. The proposed work is confined to a small area of the park; the disturbed area will be restored after project completion in coordination with M-NCPPC Montgomery County Department of Parks. The Purple Line project would not adversely affect or otherwise restrict the public's use of the existing park resources. No substantial impairment of the activities, features, or attributes—playgrounds, gazebo, picnic tables, benches, trails, and public art—that qualify the park for protection under Section 4(f) would occur. MTA will use a temporary construction easement; no change in ownership of the park land will occur.

Pursuant to 23 CFR 774.3(b) and based on a review of information presented in the FEIS, FTA proposes a temporary occupancy exception determination for the project, as it satisfies the five criteria for temporary occupancy set forth in 23 CFR 774.13(d). Specifically, (1) the duration of the proposed work is temporary, less than the overall project construction period, and no change in property ownership would occur; (2) the work is confined to a small area of the park and would result in minimal changes to the park; (3) no permanent adverse impacts to the park and no interference with the protected activities, features, or attributes of the park would occur; (4) the disturbed land would be fully restored to at least as good condition; and (5) the officials with jurisdiction are providing documented agreement to these findings.

At this time, FTA requests M-NCPPC concurrence with the Section 4(f) temporary occupancy exception determination for expected temporary impacts to Elm Street Urban Park as a result of the construction of the proposed trail connection from the park to the proposed Capital Crescent Trail. Pursuant to 23 CFR 774.5, if concurring, M-NCPPC must provide a written response to FTA stating that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. A concurrence clause is provided at the end of this letter for this purpose. If M-NCPPC objects to or if comments raise new concerns about the proposed Section 4(f) temporary occupancy exception determination, FTA will require a formal

Ms. Mary R. Bradford  
**RE: MTA Purple Line Project**

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Section 4(f) evaluation.

We respectfully request your reply to this matter within two weeks of receipt of this letter. We look forward to continuing our successful working relationship with you and should you have any questions or need additional information, please feel free to contact Mr. Timothy Lidiak, Community Planner, at (215) 656-7084, or Mr. Daniel Koenig, Environmental Protection Specialist, at (202) 219-3528.

Sincerely,

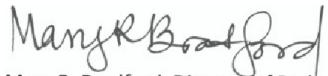


Brigid Hynes-Cherin  
Regional Administrator

cc: Michael Madden, MTA  
John Newton, MTA

**CONCURRENCE:**

We, the undersigned, concur that the existing activities, features, and attributes at the Elm Street Urban Park would not be adversely impacted by the proposed Purple Line and that the Purple Line's proposed temporary use of a portion of the park meets the criteria for a temporary occupancy exception under Section 4(f) of the USDOT Act of 1966 (49 U.S.C. 303 et seq.).



Mary R. Bradford, Director of Parks

12/17/2013

Date

Maryland-National Capital Park and Planning  
Commission, Montgomery County Department of Parks

**Enclosure 1****Elm Street Urban Park Coordination and Minimization and Mitigation Measures****Coordination Activities**

Beginning in January 2012, MTA and M-NCPPC staff met on several occasions to discuss the proposed Purple Line and the potential impacts it would have on Elm Street Urban Park. Specific meetings were held on January 25, 2012, May 16, 2012, November 21, 2012, February 1, 2013, and February 26, 2013. In addition to discussing anticipated impacts, staff from MTA and M-NCPPC discussed ways to minimize and mitigate impacts to the Park. The minimization and mitigation measures agreed upon at these agency coordination meetings are provided below. At the time of the January 25, 2012 meeting, design refinements were still under investigation in the Bethesda area. These refinements were completed by the May 16, 2012 meeting, and at that meeting, the M-NCPPC determined that the proposed project would not adversely affect Elm Street Urban Park. Additional coordination occurred throughout the Fall of 2013 and has resulted in the mitigation measures outlined below and verbal concurrence of FTA's intent to make a temporary occupancy exemption determination. MTA and FTA will continue to coordinate with M-NCPPC to develop the mitigation in more detail throughout the design and construction phases of the project.

**Mitigation and Minimization**

Two features of the Purple Line design alongside the park that would mitigate potential visual and noise effects and increase safety for park users. A ventilation structure would be located between the park and the transitway, limiting views of the transitway and acting as a barrier for noise from the passing trains. The trail connection would climb on retained fill over the ventilation structure to a point where the connection crosses over the transitway. The only access from the park would be via the trail connection, which would be fenced to provide safe passage over the transitway.

MTA's design of the ventilation structure, retaining wall, and proposed landscaping adjacent to Elm Street Urban Park, as well as the design of the trail connection, are being coordinated with both M-NCPPC – Department of Parks and Department of Planning to ensure interim functionality of the park as well as long-term compatibility with the planned upgrade to the park.

Other mitigation measures include:

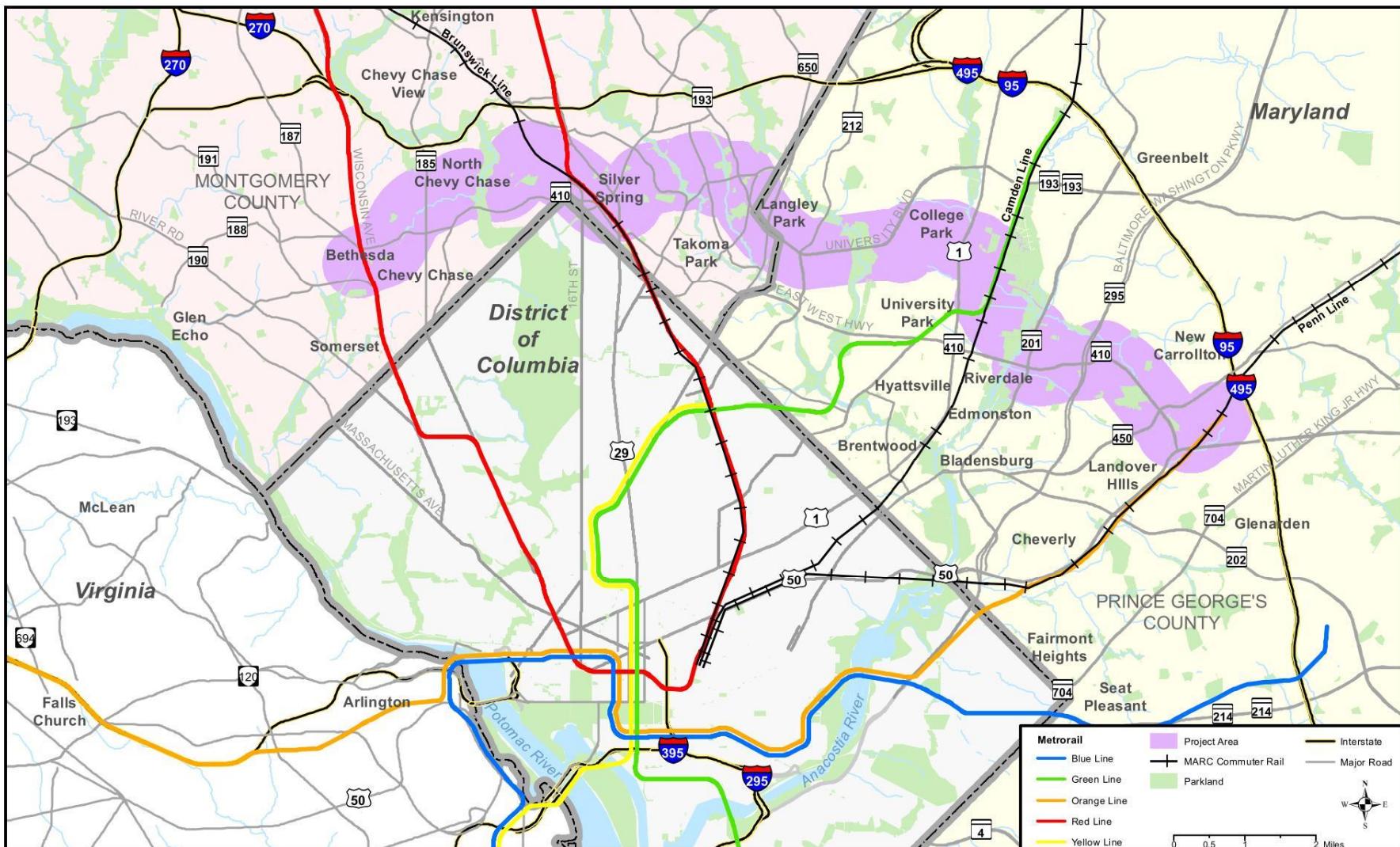
- MTA will maintain access to the park during construction;
- MTA will provide a functional interim condition for the park, reviewed and approved by M-NCPPC, prior to its planned redevelopment;
- MTA will design the proposed trail connection to the proposed Capital Crescent Trail to meet ADA requirements;
- MTA will not construct stormwater management facilities within the boundaries of the Park;
- Land disturbed during construction of the proposed project would be returned to preconstruction conditions or better; and
- Land upon which a temporary construction easement is placed will be returned to M-NCPPC upon completion of the construction of the proposed trail connection.

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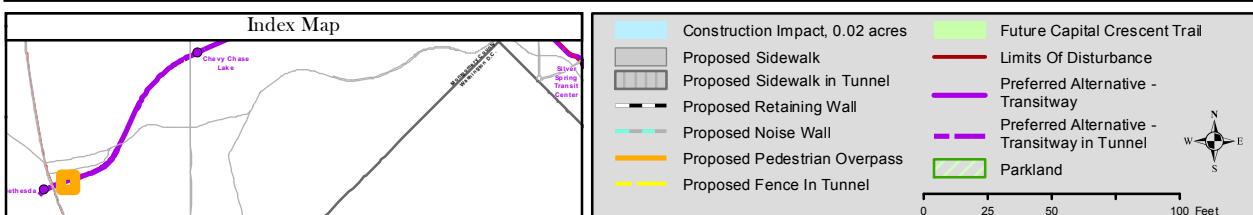
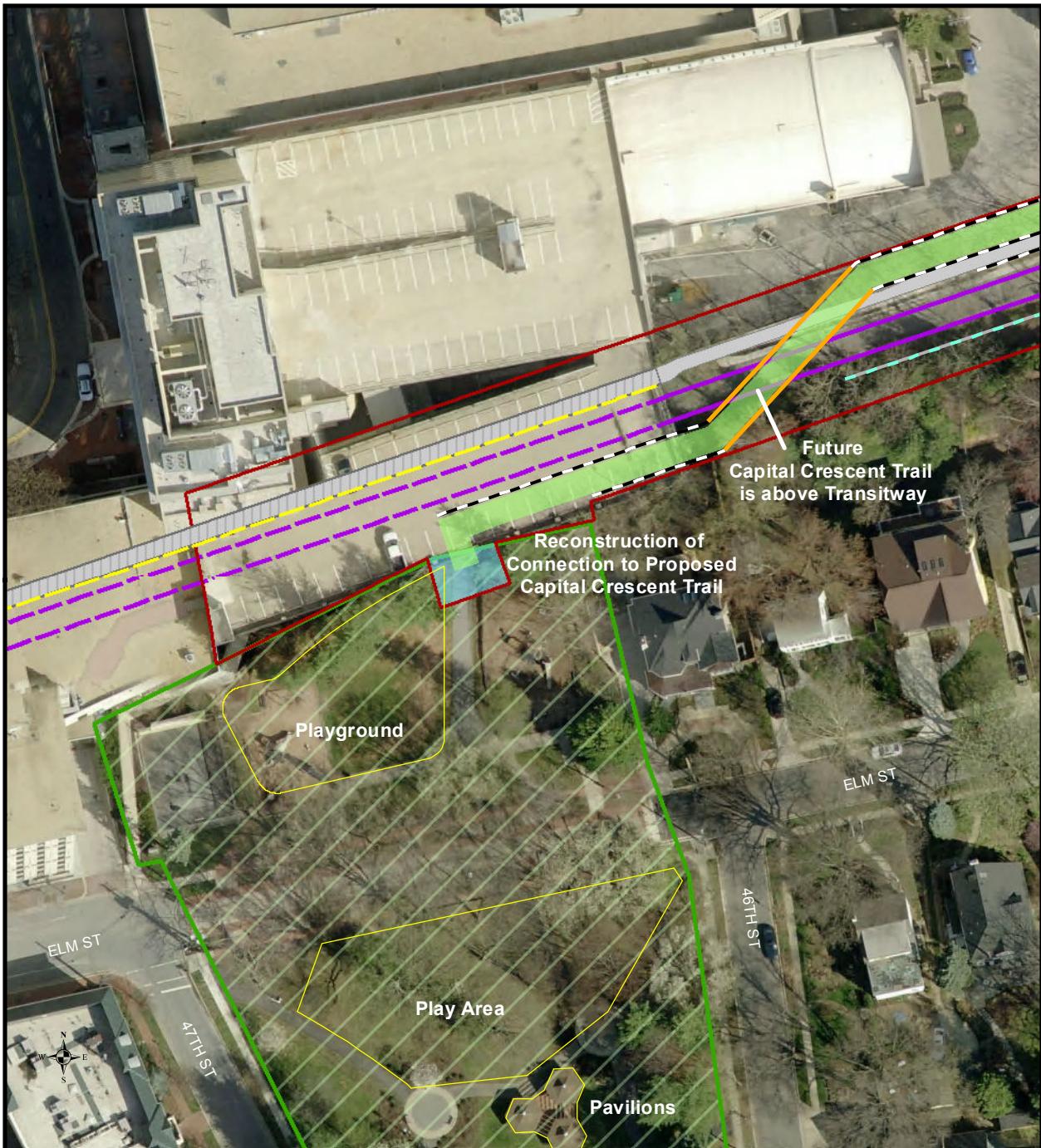
Attachment A: Purple Line Project Alignment and Section 4(f) Resources Overview Map

Attachment B: Detailed Map of Proposed Park Impacts

## ATTACHMENT A



## ATTACHMENT B



**Elm Street Urban Park**

Source: Maryland-National Capital Park and Planning Commission, Montgomery County Department of Parks, Maryland Transit Administration



U.S. Department  
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Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks  
9500 Brunett Avenue  
Silver Spring, MD 20901

**RE: MTA Purple Line Project: Section 4(f) Temporary Occupancy Exception  
Determination for Rock Creek Stream Valley Park and Rock Creek National  
Recreational Trail, Montgomery County, Maryland**

Dear Ms. Bradford:

The purpose of this letter is to seek your concurrence, as the official with jurisdiction over the Rock Creek Stream Valley Park and Rock Creek National Recreational Trail, with the Federal Transit Administration's (FTA) temporary occupancy exception determination for this property pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, now codified at 49 U.S.C. 303 et seq. and implemented in 23 CFR Part 774.

The Maryland Transit Administration (MTA), in cooperation with the FTA as the lead Federal agency, has prepared a Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Purple Line project (project). MTA and FTA provided public notice of the proposed project and opportunity for public comment on our intent to make a temporary occupancy exception determination for the Rock Creek Stream Valley Park and Rock Creek National Recreational Trail during the FEIS and Section 4(f) Evaluation public comment period that ended on October 21, 2013. Two comments were received during the public comment period on FTA's intent to make a temporary occupancy exemption determination for Rock Creek Stream Valley Park and Rock Creek National Recreational Trail. One commenter expressed general concern for potential impacts to the park and the other commenter expressed concerns that overall park impacts were not acknowledged in the Draft Section 4(f) Evaluation. The comments have been reviewed and the concerns raised were considered in the FEIS/Draft Section 4(f) Evaluation in the design development and proposed mitigation for the park. The fact that the comments were already considered in the FEIS/Draft 4(f) Evaluation will be clarified in the Record of Decision.

The project would cross Rock Creek Stream Valley Park, completely within Montgomery County Department of Transportation right-of-way. MTA proposes to replace the existing bridge over Rock Creek with two new bridges (one for the transitway and one for the Capital Crescent Trail) within the county right-of-way through the park. This work would improve connections to the Rock Creek National Recreational Trail, as the Capital Crescent Trail bridge would lead to a new ramp connection from the Capital Crescent Trail to the existing Rock Creek National Recreational

Trail. See **Enclosure 1** for details on the mitigation commitments for this park and **Attachments A** and **B**, which show overviews of the project and park.

For short periods of time during construction, MTA would temporarily detour the portion of Rock Creek National Recreational Trail in the immediate vicinity of the bridges. The detour route would begin to the north of the proposed project area and use Susanna Lane to Jones Mill Road, south to East-West Highway, then east to Meadowbrook Lane, where the Rock Creek National Recreational Trail would be accessed to the south of the proposed project area. While Rock Creek National Recreational Trail would be temporarily detoured during the construction of the bridges, the trail would remain open. MTA expects the temporary trail detour to occur for less time than the overall Purple Line construction schedule. The portion of the trail to be detoured is small compared to the overall length of the trail (19 miles) and the size of the park (3,960 acres). The original trail alignment across the county right-of-way will be restored. The project would not adversely affect or otherwise restrict the public's use of the existing Rock Creek National Recreational Trail, and it would not adversely affect the activities, features, or attributes—trails, lakes, historic plantation, athletic fields, playgrounds and picnic areas—of the park. No change in ownership of the park land will occur.

Extensive coordination has occurred between the MTA, M-NCPPC, Montgomery County Department of Transportation, as well as the National Capital Planning Commission (NCPC), regarding the design and construction of the Rock Creek bridges and the trail connection to the Rock Creek National Recreational Trail. The proposed Capital Crescent Trail bridge would be at a lower elevation than the proposed transitway bridge to provide views from the new trail bridge north and south into the park. Retaining walls will be used to reduce impacts and maximize planting areas. MTA will develop design and landscaping plans in consultation with M-NCPPC. Coordination has and will continue as the project advances. Through this coordination, MTA developed several minimization and mitigation measures.

Pursuant to 23 CFR 774.3(b) and based on review of the information contained in the FEIS, FTA proposes a temporary occupancy exception determination for the trail detour, as it satisfies the five criteria for temporary occupancy set forth in 23 CFR 774.13(d). Specifically, (1) the duration of the proposed work is temporary, less than the overall project construction period, and no change in property ownership would occur; (2) the work is confined to a small area of the park and would result in minimal changes to the park; (3) no permanent adverse impacts to the park and no interference with the protected activities, features, or attributes of the park would occur; (4) the disturbed land would be fully restored to at least as good condition; and (5) the officials with jurisdiction are providing documented agreement to these findings.

FTA has determined that the project would not adversely affect or otherwise restrict the public's use of the existing resources; will not adversely affect the features, attributes, or activities that make Rock Creek Stream Valley Park and Rock Creek National Recreational Trail eligible for Section 4(f) protection as a park. Pursuant to 23 CFR 774.5, M-NCPPC- Montgomery County Department of Parks must concur in writing to FTA stating that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection as a park. A concurrence clause is provided at the end of this letter for this purpose. If M-NCPPC objects to or if comments raise new concerns about the proposed Section 4(f) temporary occupancy

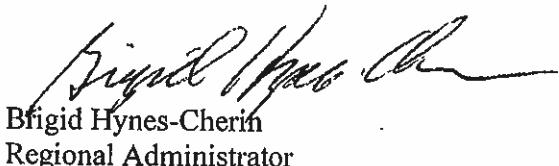
Ms. Mary R. Bradford  
RE: MTA Purple Line Project

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exception determination, FTA will require a formal Section 4(f) evaluation.

We respectfully request your reply to this matter within two weeks of receipt of this letter. We look forward to continuing our successful working relationship with you and should you have any questions or need additional information, please feel free to contact Mr. Timothy Lidiak, Community Planner, at (215) 656-7084, or Mr. Daniel Koenig, Environmental Protection Specialist, at (202) 219-3528.

Sincerely,



Bfigid Hynes-Cherin  
Regional Administrator

cc: Michael Madden, MTA  
John Newton, MTA  
Mike Weil, NCPC

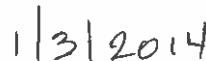
CONCURRENCE:

We, the undersigned, concur that the existing facilities, activities, and purposes at the Rock Creek Stream Valley Park and Rock Creek National Recreational Trail would not be adversely impacted by the proposed Purple Line and that the Purple Line's proposed temporary use of the park meets the criteria for a temporary occupancy exception under Section 4(f) of the USDOT Act of 1966 (49 U.S.C. 303 et seq.).



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Maryland-National Capital Park and Planning  
Commission, Montgomery County Department of Parks



Date

## **Enclosure 1**

### **Rock Creek Stream Valley Park and Rock Creek Recreational Trail Minimization and Mitigation Measures**

#### **Coordination Activities**

Extensive coordination has occurred between the MTA, M-NCPPC, Montgomery County Department of Transportation, as well as the National Capital Planning Commission (NCPCC), regarding the design and construction of the Rock Creek bridges and the trail connection to the Rock Creek National Recreational Trail. The proposed Capital Crescent Trail bridge would be at a lower elevation than the proposed transitway bridge to provide views from the new trail bridge north and south into the park. Retaining walls will be used to reduce impacts and maximize planting areas. MTA will develop design and landscaping plans in consultation with M-NCPPC. Through this coordination, MTA developed several minimization and mitigation measures. Coordination will continue as the project advances.

Meetings were held between MTA and M-NCPPC on January 25, 2012, May 16, 2012, November 21, 2012, February 1, 2013, and February 26, 2013 regarding the Rock Creek Stream Valley Park and Rock Creek National Recreational Trail. During the initial meeting, the design of the proposed Purple Line through the park was discussed. M-NCPPC requested additional information as to the nature of potential temporary impacts, particularly with regard to the trail connection from the proposed Capital Crescent Trail to Rock Creek National Recreational Trail. Since that time, refinements have been made to the design of the trail connection that would minimize impacts to the park. At the May 16, 2012 meeting, M-NCPPC determined that the proposed project would not adversely affect Rock Creek Stream Valley Park or Rock Creek National Recreational Trail. Additional coordination occurred throughout the Fall of 2013 and FTA's intent to make a temporary occupancy exemption determination was discussed in addition to the mitigation measures outlined below. MTA and FTA will continue to coordinate with M-NCPPC to develop the mitigation in more detail throughout the design and construction phases of the project.

#### **Mitigation and Minimization**

To minimize impacts, MTA would construct all elements of the proposed project completely within Montgomery County right-of-way. The proposed detour of the Rock Creek National Recreational Trail will be temporary and for short periods of time during the construction of the proposed project through Rock Creek Stream Valley Park.

Within the county right-of-way, the Rock Creek National Recreational Trail would be raised out of the one-year floodplain on an elevated wooden boardwalk to reduce flooding and siltation that currently plague the trail. MTA coordination with M-NCPPC will be ongoing regarding the design of the raised section of trail.

Selective tree clearing would occur within the Montgomery County right-of-way adjacent to Rock Creek Stream Valley Park. Replanting and restoration of disturbed areas would occur within the Montgomery County right-of-way to the extent reasonably feasible to mitigate for tree removal. MTA would not construct stormwater management ponds or structures within Rock Creek Stream Valley Park.

MTA and the Purple Line Team has been and will continue to work extensively with NCPC, M-NCPPC, and Montgomery County to improve the aesthetics of the proposed transitway and trail bridges through Rock Creek Stream Valley Park. The bridges will be designed as signature facilities with aesthetic considerations for park users.

Contingent upon approval by regulatory permitting agencies, as part of the removal of the existing bridge over Rock Creek, the pier foundation within the existing stream channel would be removed 12-18 inches below existing grade. The stream will be stabilized with appropriate stream design methods that factor hydrology, hydraulics, and existing conditions both upstream and downstream of the pier and aquatic passage. The design of the pier removal and stream improvements will be further refined as the design of the project progresses.

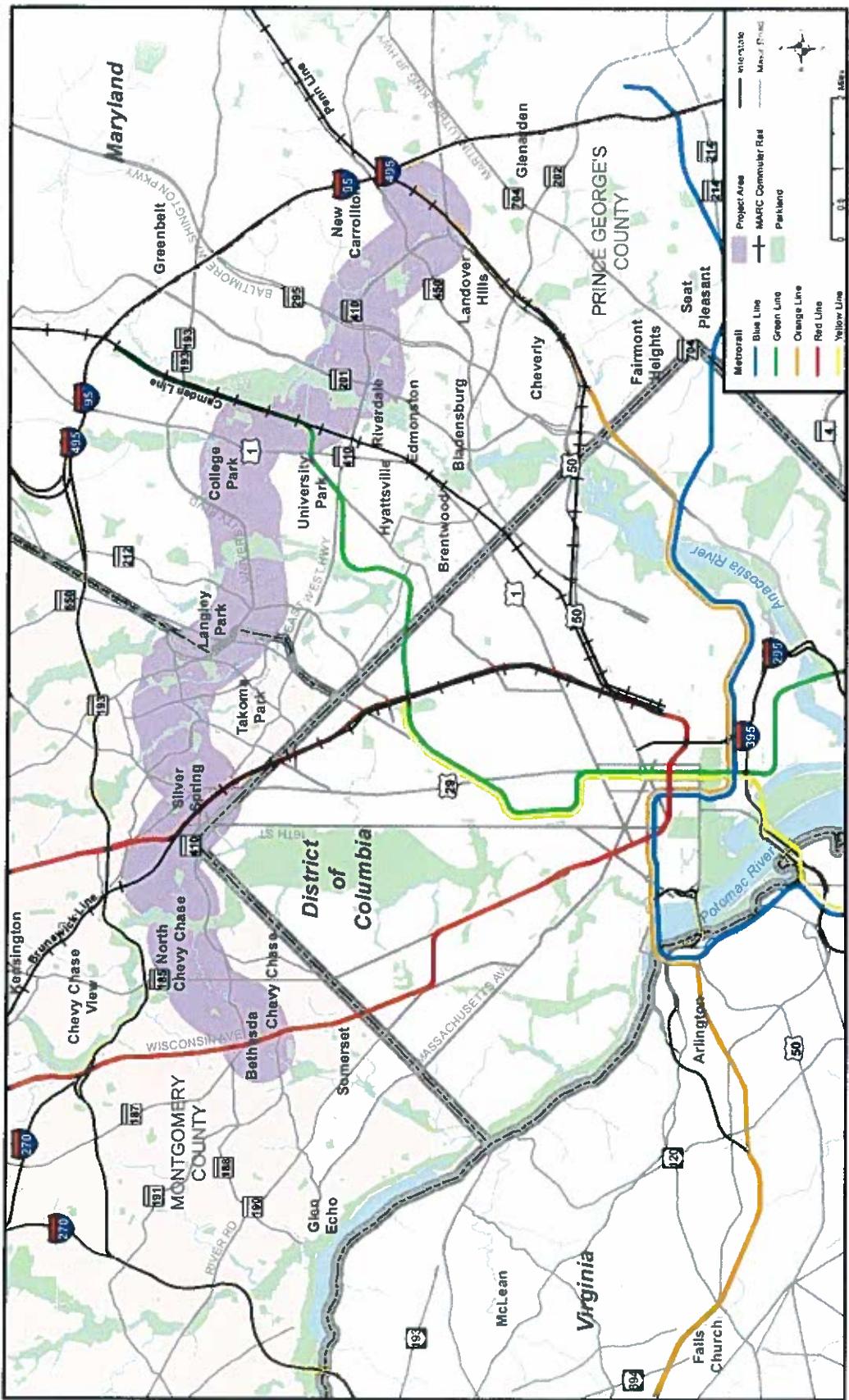
Other mitigation includes:

- MTA will maintain access to the park and Rock Creek National Recreational Trail during construction.
- MTA will design the proposed Capital Crescent Trail and the connection to Rock Creek National Recreational Trail to meet ADA requirements.
- MTA will develop design of retaining walls and landscaping plans through the Park in consultation with M-NCPPC.
- MTA will not construct stormwater management facilities within the boundaries of the park.

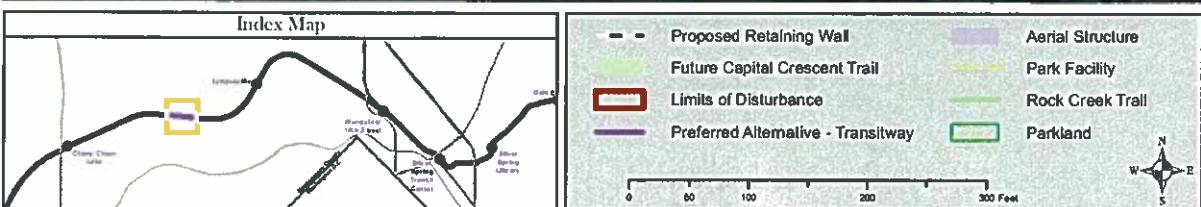
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Attachment A: Purple Line Project Alignment and Section 4(f) Resources Overview Map  
Attachment B: Detailed Park Impact Map

**ATTACHMENT A**



## ATTACHMENT B



	<b>Rock Creek Stream Valley Park and Rock Creek National Recreational Trail</b>	Source: Maryland-National Capital Park and Planning Commission, Montgomery County Department of Parks, Maryland Historical Trust, National Register of Historic Places, Maryland Transit Administration
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U.S. Department  
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**Federal Transit**  
**Administration**

NOV 27 2013

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Ms. Mary R. Bradford, Director of Parks  
Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks  
9500 Brunett Avenue  
Silver Spring, MD 20901

**RE: MTA Purple Line Project: Section 4(f) De Minimis Impact Determination for Sligo Creek Stream Valley Park, Montgomery County, Maryland**

Dear Ms. Bradford:

The purpose of this letter is to seek your concurrence, as the official with jurisdiction over the Sligo Creek Stream Valley Park, with Federal Transit Administration's (FTA) *de minimis* impact determination for this property pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, now codified at 49 U.S.C. 303 et seq. and implemented in 23 CFR Part 774.

The Maryland Transit Administration (MTA), in cooperation with FTA as the lead Federal agency, has prepared a Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Purple Line project (project). MTA has provided public notice of the proposed project and opportunity for public comment on our intent to make a *de minimis* impact determination for the Sligo Creek Stream Valley Park during the FEIS and Section 4(f) Evaluation public comment period that ended on October 21, 2013. No comments were received during the public comment period on FTA's intent to make a *de minimis* impact determination for Sligo Creek Stream Valley Park.

The project would cross Sligo Creek Stream Valley Park in the median of Wayne Avenue, primarily within Montgomery County Department of Transportation right-of-way. MTA would permanently use 0.24 acre of the 543-acre Sligo Creek Stream Valley Park to widen Wayne Avenue and replace the existing Wayne Avenue bridge with a wider, single span structure to accommodate the transitway and the proposed Green Trail. The decision to operate the transitway in mixed-traffic lanes on Wayne Avenue was done to minimize impacts to the community, including the use of park property. See **Enclosure 1** for details on the mitigation commitments for this park and **Attachments A** and **B**, which show overviews of the project and park.

MTA would temporarily use 1.68 acres of Sligo Creek Stream Valley Park to access the work area. The park land to be temporarily used is primarily grassy or wooded and undeveloped. Approximately three of 25 parking spaces in the park parking lot west of the stream would be temporarily used by MTA for access and staging. These parking spaces would be restored upon completion of project construction.

MTA is committed to designing an environmentally sensitive stream crossing when designing the Wayne Avenue bridge. The bridge will be designed to provide the least amount of environmental impact and improve the hydraulics of Sligo Creek through the proposed project area. Sligo Creek would be realigned as part of the bridge replacement. MTA would not use or affect developed recreational facilities associated with the park or affect the retaining walls along Sligo Creek Parkway; no use of the Sligo Creek National Recreational Trail is proposed.

Ms. Mary R. Bradford  
**RE: MTA Purple Line Project**

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FTA's intent to make a *de minimis* impact determination was discussed at several coordination meetings between the Purple Line Team and M-NCPPC- Montgomery County Department of Parks, beginning in January 2012. These meetings were established for coordination purposes on the project and have led to the incorporation of specific avoidance, minimization, and mitigation measures to reduce the impact to the M-NCPPC owned parks within the proposed project corridor. Coordination between MTA and M-NCPPC is ongoing and will continue; however, replacement land has been identified adjacent to the New Hampshire Estates Neighborhood Park which will serve as mitigation for the use of parkland throughout Montgomery County.

The FTA has determined that the project would not adversely affect or otherwise restrict the public's use of the park nor will it adversely affect the features, attributes, or activities - playgrounds, athletic field, picnic areas, and aesthetic features - that make the Sligo Creek Stream Valley Park eligible for Section 4(f) protection as a park. Pursuant to 23 CFR 774.5, M-NCPPC- Montgomery County Department of Parks must concur in writing to FTA stating that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection as a park. A concurrence clause is provided at the end of this letter for this purpose. If M-NCPPC objects to or if comments raise new concerns about the proposed Section 4(f) *de minimis* impact determination, FTA will require a formal Section 4(f) evaluation.

We respectfully request your reply to this matter within two weeks of receipt of this letter. We look forward to continuing our successful working relationship with you and should you have any questions or need additional information, please feel free to contact Mr. Timothy Lidiak, Community Planner, at (215) 656-7084, or Mr. Daniel Koenig, Environmental Protection Specialist, at (202) 219-3528.

Sincerely,



Brigid Hynes-Cherin  
Regional Administrator

cc: Michael Madden, MTA  
John Newton, MTA  
Mike Weil, NCPC

CONCURRENCE:

We, the undersigned, concur that the existing activities, features, or attributes at Sligo Creek Stream Valley Park would not be adversely impacted by the proposed Purple Line; the right-of-way impacts of the Purple Line to the park would be minimal; permanent impacts would be minor including widening Wayne Avenue and replacing the existing Wayne Avenue bridge and making drainage improvements; temporary impacts would be minor and would be limited to providing equipment access and work area; MTA will plant trees and provide replacement parkland for land it permanently uses, convey land to the park, and replace disturbed guiderails, signs and structures it disturbs in the work area; and therefore, we agree that the Purple Line's proposed use of portions of the park meet the criteria for a *de minimis* impact determination under Section 4(f) of the USDOT Act of 1966 (49 U.S.C. 303 et seq.).

  
Mary R. Bradford, Director of Parks

12/17/2013

Maryland-National Capital Park and Planning  
Commission, Montgomery County Department of Parks

Date

**Enclosure 1****Sligo Creek Stream Valley Park Coordination and Minimization and Mitigation Measures****Coordination Activities**

Beginning in January 2012, MTA and M-NCPPC's Montgomery County Department of Parks staff met several times to discuss the proposed Purple Line and the potential impacts it would have on the Sligo Creek Stream Valley Park. Specific meeting dates were January 25, 2012, May 16, 2012, November 21, 2012, February 1, 2013, and February 26, 2013. During those meetings, the potential use of portions of the park by the Purple Line was discussed. At the May 16, 2012 meeting, M-NCPPC requested that additional information be provided regarding access roads and tree loss. In addition to discussing anticipated impacts, staff discussed avoidance measures and ways to minimize and mitigate impacts to the park. The minimization and mitigation measures discussed at these meetings were intended to reduce the potential impacts to the park to the maximum extent practicable and provide replacement parkland. After the November 21, 2012 meeting, the M-NCPPC determined that the proposed project would not adversely affect the Sligo Creek Stream Valley Park. Additional coordination occurred throughout the Fall of 2013 and has resulted in the mitigation measures outlined below and verbal concurrence with the *de minimis* use finding. MTA and FTA will continue to coordinate with M-NCPPC to develop the mitigation in more detail throughout the design and construction phases of the project.

**Mitigation and Minimization**

In coordination with M-NCPPC-Montgomery County Department of Parks, MTA has agreed to provide replacement parkland to mitigate the permanent use of land at Sligo Creek Stream Valley Park. MTA will consolidate its mitigation for permanent use of parkland in Montgomery County at a single site adjacent to New Hampshire Estates Neighborhood Park. MTA will continue to coordinate with M-NCPPC-Montgomery County Department of Parks regarding the design and implementation of this mitigation plan.

MTA will minimize impacts on Sligo Creek Stream Valley Park by constructing retaining walls to limit the land area required for grading and vegetation removal, selectively clear trees in the work area to minimize tree loss, and stabilize temporarily disturbed stream banks. Specifically, MTA will work with M-NCPPC-Montgomery County Department of Parks as the project moves forward to identify significant or champion trees in the construction area. Trees to be preserved will be marked with protective fencing to avoid impacts or removal during construction. In addition, MTA would build its construction access road to the south of Wayne Avenue on an existing Washington Suburban Sanitary Commission (WSSC) utility easement to minimize tree removal. MTA will plant trees within Sligo Creek Stream Valley Park, where reasonable and feasible to mitigate tree loss that occurs as a result of the proposed project. MTA will replace guardrail, signs, and other existing structures on park land it disturbs with new structures designed to match the existing elements in the park.

Upon completion of the Purple Line, approximately 0.04 acre of property currently owned by Montgomery County Department of Public Works abutting the park will be converted to green space.

A work group will be formed between M-NCPPC and MTA to further study and recommend appropriate design and mitigation for the stream realignment at Sligo Creek with the goal of ensuring long-term stability and reducing stress on the stream. The group will work together, hold field visits, and coordinate with the appropriate resource agencies to gain approval for the recommended improvements. The work group will collect and assess data on the competing issues in the area including a downstream project by WSSC, specimen trees, existing utilities, floodplain connectivity, structural requirements for the new bridge, stream hydraulics, and existing habitat. They will also consider the effects of widening the bridge to accommodate a wider Green Trail. Finally, the work group will weigh the cost (impacts and financial) and benefits of the proposals and recommend specific mitigation. The final recommended mitigation measure is contingent

upon approval from the regulatory agencies.

MTA is committed to designing an environmentally sensitive stream crossing when designing the Wayne Avenue bridge. The bridge will be designed to provide the least amount of environmental impact and improve the hydraulics of Sligo Creek through the proposed project area. Sligo Creek will be realigned as part of the bridge replacement.

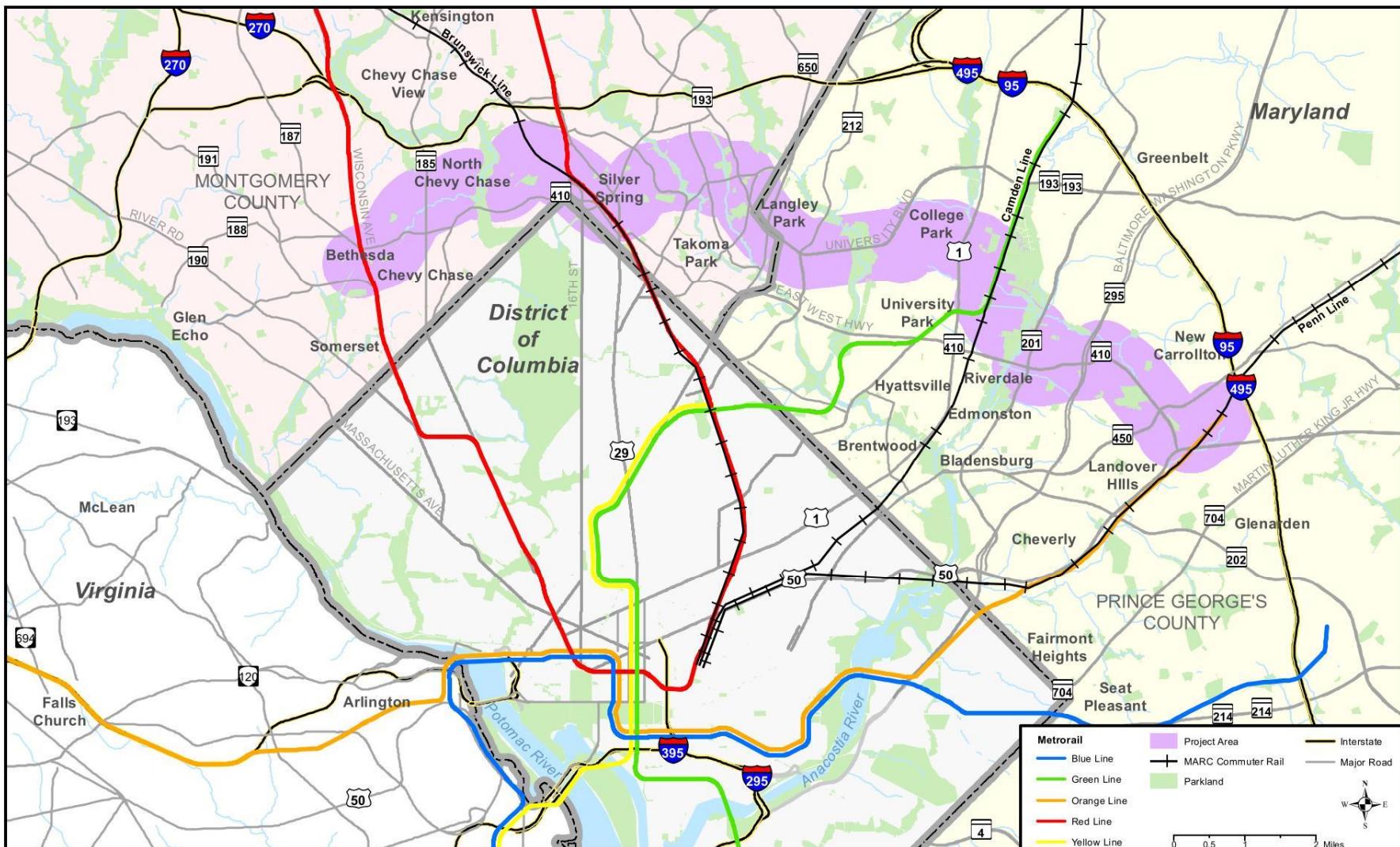
Other mitigation includes:

- MTA will maintain access to recreational facilities, including the existing playground within Sligo Creek Stream Valley Park and Sligo Creek National Recreational Trail during construction.
  - Impacts to significant trees will be avoided within the park, where practicable.
  - MTA will design sidewalk improvements along Wayne Avenue to meet ADA requirements.
  - MTA will complete the design and construction of the proposed Green Trail, to be funded by Montgomery County Department of Public Works, and constructed in conjunction with the Purple Line.
  - MTA will restore the parking lot west of the stream to a condition equal to or better than the existing condition.
- 

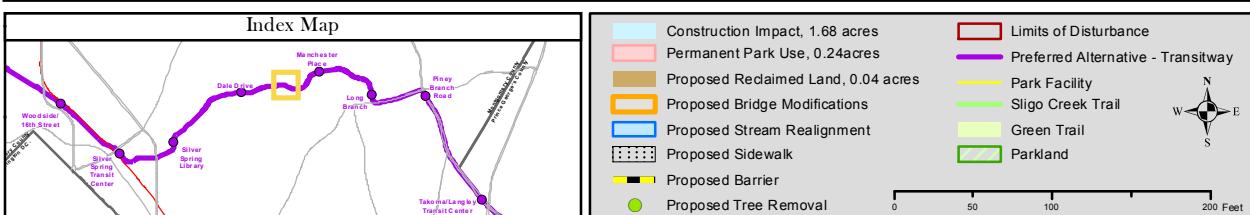
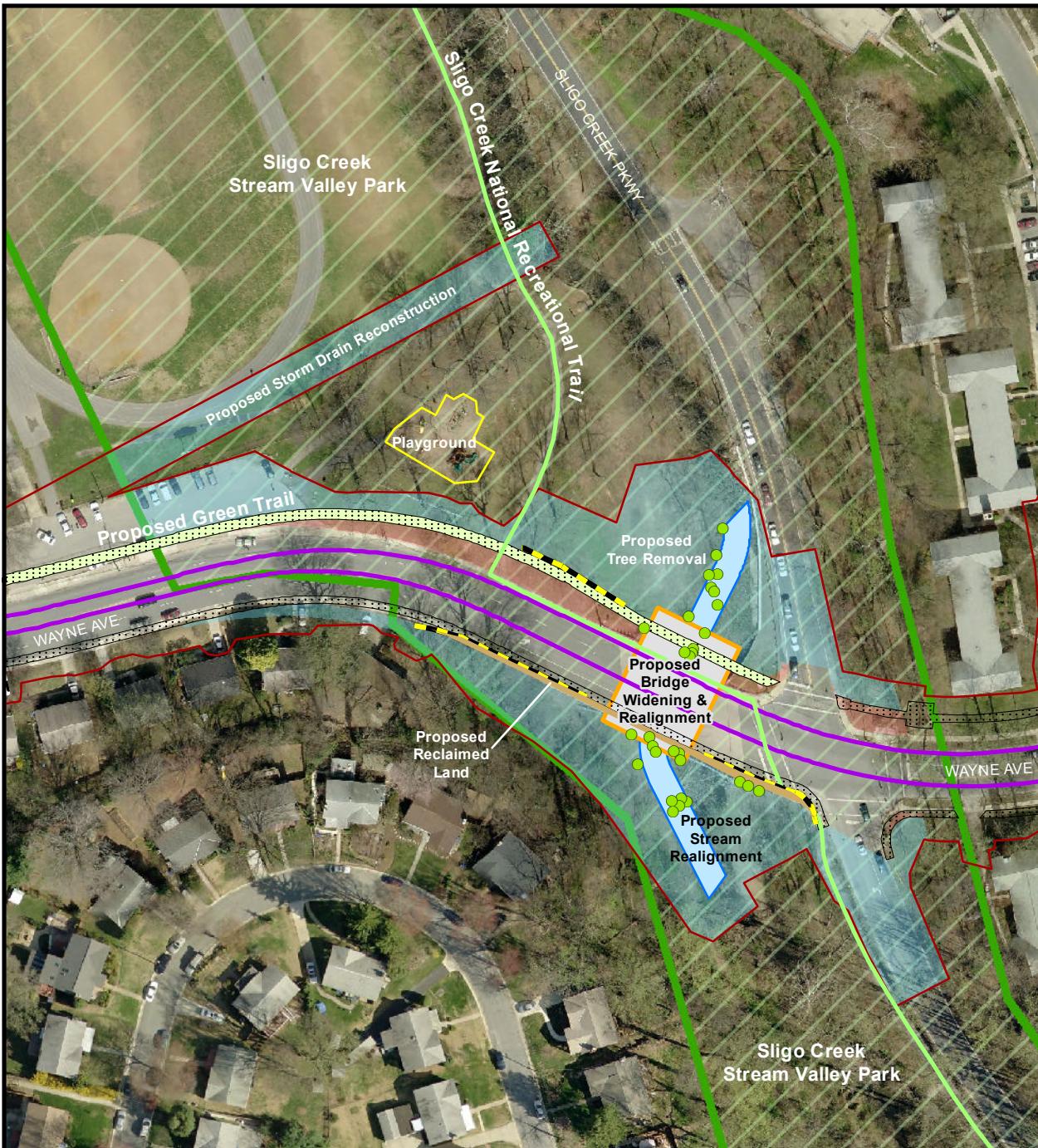
Attachment A: Purple Line Project Alignment and Section 4(f) Resources Overview Map

Attachment B: Detailed Park Impact Map

## ATTACHMENT A



## ATTACHMENT B



	<b>Sligo Creek Stream Valley Park &amp; Sligo Creek National Recreational Trail</b>	Source: Maryland-National Capital Park and Planning Commission, Montgomery County Department of Parks, Maryland Historical Trust, National Register of Historic Places, Maryland Transit Administration
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U.S. Department  
of Transportation  
**Federal Transit**  
Administration

NOV 27 2013

REGION III  
Delaware, District of  
Columbia, Maryland,  
Pennsylvania, Virginia,  
West Virginia

1760 Market Street  
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215-656-7260 (fax)

Ms. Mary R. Bradford, Director of Parks  
Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks  
9500 Brunett Avenue  
Silver Spring, MD 20901

**RE: MTA Purple Line Project: Section 4(f) De Minimis Impact Determination on the  
Long Branch Stream Valley Park, Montgomery County, Maryland**

Dear Ms. Bradford:

The purpose of this letter is to seek your concurrence, as the official with jurisdiction over the Long Branch Stream Valley Park, with Federal Transit Administration's (FTA) *de minimis* impact determination for this property pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, now codified at 49 U.S.C. 303 et seq. and implemented in 23 CFR Part 774.

The Maryland Transit Administration (MTA), in cooperation with FTA as the lead Federal agency, has prepared a Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Purple Line project (project). MTA and FTA provided public notice of the proposed project and opportunity for public comment on our intent to make a *de minimis* impact determination for the Long Branch Stream Valley Park during the FEIS and Section 4(f) Evaluation public comment period that ended on October 21, 2013. No comments were received during the public comment period on FTA's intent to make a *de minimis* impact determination for Long Branch Stream Valley Park.

The project would be aligned in the median of Piney Branch Road, just north of Long Branch Stream Valley Park. MTA would permanently use 0.11 acre from the 41-acre Park to widen Piney Branch Road to accommodate the transitway, lengthen the existing culvert conveying Long Branch under Piney Branch Road, reconstruct sidewalks along the roadway, and improve signalized pedestrian crossings along Piney Branch Road, which would benefit Long Branch Trail users wanting to cross Piney Branch Road. No park amenities would be affected by the proposed project. The roadway widening is primarily to the south to minimize impacts to the access driveway of Long Branch Community Center to the north, the portion of the Long Branch Trail within the park, and the businesses east and west of the park. The portion of the park to be permanently used is undeveloped and wooded. See **Enclosure 1** for details on the mitigation commitments for this park and **Attachments A** and **B**, which show overviews of the project and park.

The culvert that conveys Long Branch Stream beneath Piney Branch Road would be lengthened, and a new parallel pipe would be constructed to better convey the stream and mitigate flooding.

The headwalls and wingwalls associated with the proposed culvert extension and new pipe would be raised to accommodate future sidewalk widening to 10 feet without the need for further culvert extension. New guardrails, signs, railings, or other structures on Piney Branch Road within the Park would match existing elements throughout the park, as reasonably feasible.

MTA would temporarily use 0.36 acre of park property for access to the work area along Piney Branch Road. This work area is necessary to enable construction of the widened roadway and culvert extension. The temporary work area is currently wooded and undeveloped. Most of the construction would occur from Piney Branch Road in order to minimize impacts to the park. Some tree removal would be necessary within the park along Piney Branch Road and the stream adjacent to the road for grading. MTA will remove invasive species within its construction work area and replant the disturbed area.

Long Branch Local Park is located to the north side of Piney Branch Road. Therefore, the culvert extension would affect both parks. If specific work activities in Long Branch Stream Valley Park necessitate work or access through Long Branch Local Park, MTA will avoid affecting park access and parking within Long Branch Local Park during construction within Long Branch Stream Valley Park during June and July to minimize operational impacts to Long Branch Community Center.

FTA's intent to make a *de minimis* impact determination was discussed at several coordination meetings between MTA's Purple Line Team and M-NCPPC- Montgomery County Department of Parks, beginning in January 2012. These meetings were established for coordination purposes on the project and have led to the incorporation of specific avoidance, minimization, and mitigation measures to reduce the impact to the M-NCPPC owned parks within the proposed project corridor. Coordination between MTA and M-NCPPC is ongoing and will continue and replacement land has been identified adjacent to the New Hampshire Estates Neighborhood Park which will serve as mitigation for the use of parkland throughout Montgomery County. MTA will consolidate its mitigation for permanent use of parkland in Montgomery County at a single site adjacent to New Hampshire Estates Neighborhood Park.

FTA has determined that the project would not adversely affect or otherwise restrict the public's use of the existing resources nor will it adversely affect the features, attributes, or activities - playgrounds, athletic field, picnic areas, natural areas, and a paved recreational/commuter trail - that make the Long Branch Stream Valley Park eligible for protection under Section 4(f) . Pursuant to 23 CFR 774.5, M-NCPPC- Montgomery County Department of Parks must concur in writing to FTA stating that the project will not adversely affect the activities, features, or attributes that make the property eligible for protection under Section 4(f). A concurrence clause is provided at the end of this letter for this purpose. If M-NCPPC objects to the proposed Section 4(f) *de minimis* impact determination, FTA will require a formal Section 4(f) evaluation.

Ms. Mary R. Bradford  
**RE: MTA Purple Line Project**

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We respectfully request your reply to this matter within two weeks of receipt of this letter. We look forward to continuing our successful working relationship with you and should you have any questions or need additional information, please feel free to contact Mr. Timothy Lidiak, Community Planner, at (215) 656-7084, or Mr. Daniel Koenig, Environmental Protection Specialist, at (202) 219-3528.

Sincerely,

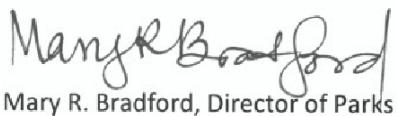


Brigid Hynes-Cherin  
Regional Administrator

cc: Michael Madden, MTA  
John Newton, MTA

CONCURRENCE:

We, the undersigned, concur that the existing activities, features, and attributes at Long Branch Stream Valley Park would not be adversely impacted by the proposed Purple Line; the right-of-way impacts of the Purple Line to the park would be minimal; permanent use of land would be limited to widening Piney Branch Road and extending the culvert; temporary access to the work area would be located along Piney Branch Road; and the project would include reconstructing sidewalks and providing signalized pedestrian crossing improvements along Piney Branch Road; the MTA will coordinate with M-NCPPC-Montgomery County Department of Parks to provide replacement parkland, remove invasive species and replant the work area, and avoid construction activity effects on park access and parking at Long Branch Local Park during June and July; and therefore, we agree that the Purple Line's proposed use of portions of the park meet the criteria for a *de minimis* impact determination under Section 4(f) of the USDOT Act of 1966 (49 U.S.C. 303 et seq.).



Mary R. Bradford, Director of Parks

12/17/2013

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Maryland-National Capital Park and Planning  
Commission, Montgomery County Department of Parks

Date

**Enclosure 1****Long Branch Stream Valley Park Coordination and Minimization and Mitigation Measures****Coordination Activities**

Beginning in January 2012, MTA and M-NCPPC's Montgomery County Department of Parks staff met several times to discuss the proposed Purple Line and the potential impacts it would have on the Long Branch Stream Valley Park. Specific meeting dates were January 25, 2012, May 16, 2012, November 21, 2012, February 1, 2013, and February 26, 2013. In addition to discussing anticipated impacts, staff discussed avoidance measures and ways to minimize and mitigate impacts to the park. The minimization and mitigation measures discussed at these meetings were intended to reduce the potential impacts to the park to the maximum extent practicable and provide replacement parkland. At the May 16, 2012 meeting, the M-NCPPC concurred that the proposed project would not adversely affect the Long Branch Stream Valley Park. Additional coordination occurred throughout the Fall of 2013 and has resulted in the mitigation measures outlined below and verbal concurrence with the *de minimis* use finding. MTA and FTA will continue to coordinate with M-NCPPC to develop the mitigation in more detail throughout the design and construction phases of the project.

**Mitigation and Minimization**

In coordination with M-NCPPC-Montgomery County Department of Parks, MTA has agreed to provide replacement parkland to mitigate the permanent use of land at the Long Branch Stream Valley Park. MTA will consolidate its mitigation for permanent use of parkland in Montgomery County at a single site adjacent to New Hampshire Estates Neighborhood Park. MTA will continue to coordinate with M-NCPPC-Montgomery County Department of Parks regarding the design and implementation of this mitigation plan.

A work group will be formed between M-NCPPC and MTA to further study and recommend appropriate design and mitigation at Long Branch with the goal of enhancing long-term stream stability and improving the health of the resource. The group will work together, hold field visits, and coordinate with the appropriate resource agencies to gain approval for the recommended improvements. The work group will collect and assess data on the health of downstream resources and the presence of fish and other species. While an existing gravity sewer line under the existing culvert limits the ability to lower the culvert, the work group will study the viability of raising the stream to facilitate fish passage. They will also review the capacity of the planned conveyance and study appropriate stream improvements upstream and downstream of the road crossing. Finally, the work group will weigh the cost (impacts and financial) and benefits of the proposals and recommend specific mitigation. The final recommended mitigation measure is contingent upon approval from the regulatory agencies.

MTA is committed to designing an environmentally sensitive stream crossing with the goal of maximizing capacity and reducing stream velocity. Early in the coordination process, M-NCPPC stated that there are issues within Long Branch Stream Valley Park with invasive plant species. Invasive species will be removed in the immediate project area and a management plan will be developed for review by M-NCPPC. Areas that are cleared as a result of invasive species removal would be replanted with native vegetation.

Other mitigation includes:

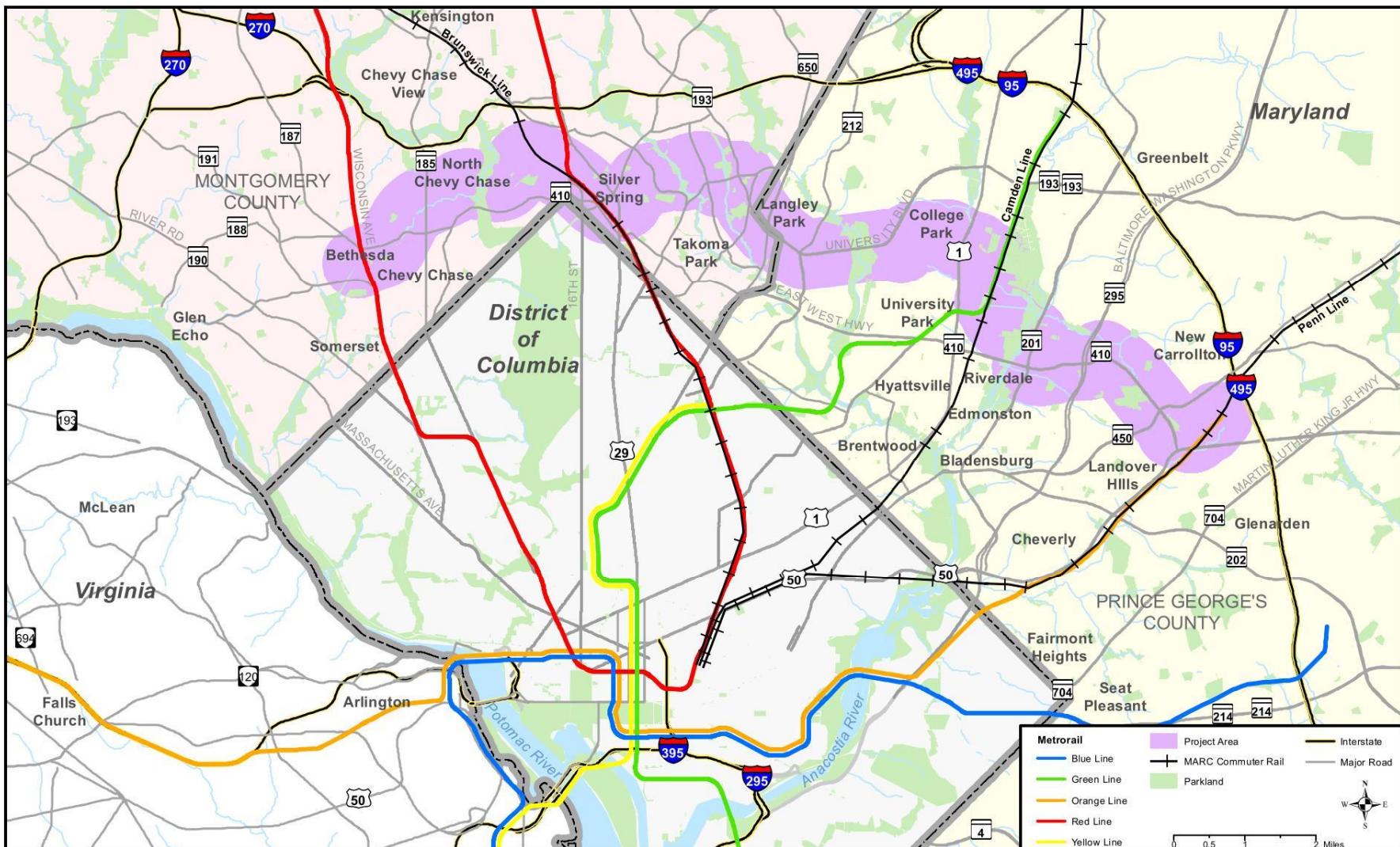
- MTA will maintain access to Long Branch Trail during construction.
- Impacts to significant trees will be avoided within the park, where reasonably feasible.
- MTA will design sidewalk improvements along Piney Branch Road to meet ADA requirements. The headwalls and wingwalls associated with the proposed culvert extension and new pipe would be raised to accommodate future sidewalk widening to 10 feet without impacting the need for additional culvert extension.
- If specific work activities in Long Branch Stream Valley Park necessitate work or access through Long Branch Local Park, MTA will avoid affecting park access and parking within Long Branch Local Park during construction within Long Branch Stream Valley Park during June and July to minimize operational impacts to Long Branch Community Center.

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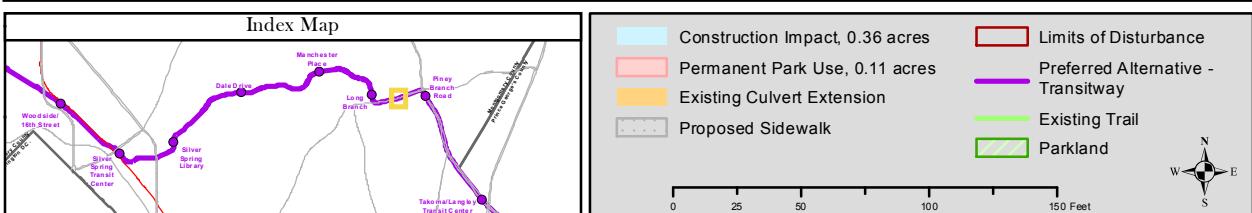
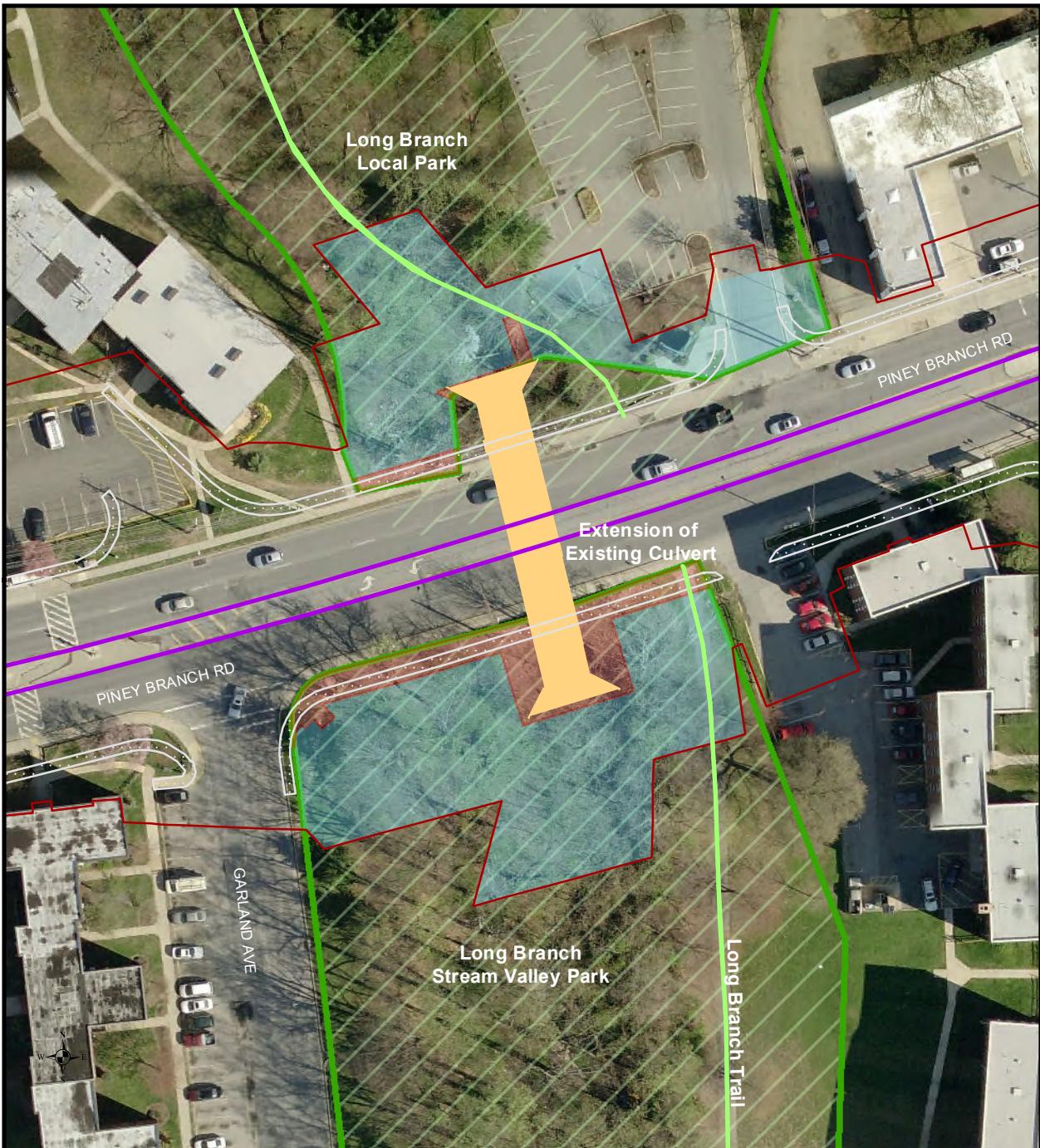
Attachment A: Purple Line Project Alignment and Section 4(f) Resources Overview Map

Attachment B: Detailed Park Impact Map

## ATTACHMENT A



## ATTACHMENT B



	<b>Long Branch Stream Valley Park</b>	Source: Maryland-National Capital Park and Planning Commission, Montgomery County Department of Parks, Maryland Transit Administration
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U.S. Department  
of Transportation  
**Federal Transit**  
Administration

NOV 27 2013

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Ms. Mary R. Bradford, Director of Parks  
Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks  
9500 Brunett Avenue  
Silver Spring, MD 20901

**RE: MTA Purple Line Project: Section 4(f) *De Minimis* Impact Determination on the New Hampshire Estates Neighborhood Park, Montgomery County, Maryland**

Dear Ms. Bradford:

The purpose of this letter is to seek your concurrence, as the official with jurisdiction over the New Hampshire Estates Neighborhood Park, with the Federal Transit Administration's (FTA) *de minimis* impact determination for this public park property pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, now codified at 49 U.S.C. 303 et seq. and implemented in 23 CFR Part 774.

The Maryland Transit Administration (MTA), in cooperation with FTA as the lead Federal agency, has prepared a Final Environmental Impact Statement (FEIS) and Draft Section 4(f) Evaluation for the Purple Line project (project). MTA and FTA provided public notice of the proposed project and opportunity for public comment on our intent to make a *de minimis* impact determination for the New Hampshire Estates Neighborhood Park during the FEIS and Section 4(f) Evaluation public comment period that ended on October 21, 2013. No comments were received during the public comment period on FTA's intent to make a *de minimis* impact determination for the New Hampshire Estates Neighborhood Park.

MTA's Purple Line project would be aligned in the median of Piney Branch Road. The alignment would turn right onto University Boulevard, where it would be aligned within the median. Directly east of the Piney Branch Road-University Boulevard intersection, the Piney Branch Station would be constructed within the median. MTA would permanently use approximately 0.20 acre of the 4.7 acre New Hampshire Estates Neighborhood Park to widen University Boulevard to accommodate the dedicated transitway and station, while maintaining two lanes of traffic eastbound and three lanes westbound on University Boulevard, as well as turn lanes. Park amenities affected by the proposed project would include some sitting areas and aesthetic features, such as landscaped structures, artwork and decorative bricks adjacent to University Boulevard, as well as an existing parking lot that would be removed during construction. See **Enclosure 1** for details on the mitigation commitments for this park and **Attachments A** and **B**, which show overviews of the project and park.

The project would temporarily use approximately 0.35 acre of the park to undertake the roadway widening and stream and culvert upgrades. The park land used temporarily includes grassy and landscaped areas, paved walkways, and an existing parking lot. MTA would provide temporary parking and park access during construction directly to the north of the park behind its proposed staging area in the southeast quadrant of the Piney Branch Road/University Boulevard intersection.

FTA's intent to make a *de minimis* impact determination was stated at coordination meetings between the Purple Line Team and M-NCPPC- Montgomery County Department of Parks, beginning in January 2012. These meetings were established for coordination purposes on the project and have led to the incorporation

Ms. Mary R. Bradford  
**RE: MTA Purple Line Project**

2

of specific avoidance, minimization, and mitigation measures to reduce the impact to the M-NCPPC owned parks within the proposed project corridor. Coordination between MTA and M-NCPPC is ongoing and will continue; however replacement land has been identified adjacent to the New Hampshire Estates Neighborhood Park which will serve as mitigation for the use of parkland throughout Montgomery County.

The FTA has determined that the Purple Line would not adversely affect or otherwise restrict the public's use of the existing resources nor will it adversely affect the features, attributes, or activities - playgrounds, athletic field, picnic areas, and aesthetic features - that make the New Hampshire Estates Neighborhood Park eligible for protection under Section 4(f). Pursuant to 23 CFR 774.5, M-NCPPC- Montgomery County Department of Parks must concur in writing to FTA stating that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection as a park. A concurrence clause is provided at the end of this letter for this purpose. If M-NCPPC objects to or if comments raise new concerns about the proposed Section 4(f) *de minimis* impact determination, FTA will require a formal Section 4(f) evaluation.

We respectfully request your reply to this matter within two weeks of receipt of this letter. We look forward to continuing our successful working relationship with you and should you have any questions or need additional information, please feel free to contact Mr. Timothy Lidiak, Community Planner, at (215) 656-7084, or Mr. Daniel Koenig, Environmental Protection Specialist, at (202) 219-3528.

Sincerely,

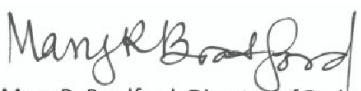


Brigid Hynes-Cherin  
Regional Administrator

cc: Michael Madden, MTA  
John Newton, MTA

**CONCURRENCE:**

We, the undersigned, concur that the existing activities, features, and attributes at the New Hampshire Estates Neighborhood Park would not be adversely impacted by the proposed Purple Line; the right-of-way impacts of the Purple Line to the park would be minimal; temporary impacts would be minor and would be limited to property needed to undertake the roadway widening and stream and culvert upgrades; MTA would provide replacement parkland adjacent to the park; and therefore, we agree that the Purple Line's proposed use of portions of the park meet the criteria for a *de minimis* impact determination under Section 4(f) of the USDOT Act of 1966 (49 U.S.C. 303 et seq.).



Mary R. Bradford, Director of Parks

12/17/2013

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Maryland-National Capital Park and Planning  
Commission, Montgomery County Department of Parks

Date

**Enclosure 1****New Hampshire Estates Neighborhood Park Coordination and Minimization and Mitigation Measures****Coordination Activities**

Beginning in January 2012, MTA and M-NCPPC's Montgomery County Department of Parks staff met several times to discuss the proposed Purple Line and the potential impacts it would have on the New Hampshire Estates Neighborhood Park. Specific meeting dates were January 25, 2012, May 16, 2012, November 21, 2012, February 1, 2013, and February 26, 2013. In addition to discussing anticipated impacts, staff discussed avoidance measures and ways to minimize and mitigate impacts to the Park. The minimization and mitigation measures discussed at these meetings were intended to reduce the potential impacts to the park to the maximum extent practicable and provide replacement parkland. The minimization and mitigation measures agreed upon at these agency coordination meetings are provided below. At the February 1, 2013 meeting, the M-NCPPC determined that the proposed project would not adversely affect the New Hampshire Estates Neighborhood Park. Additional coordination occurred throughout the Fall of 2013 and has resulted in the mitigation measures outlined below and verbal concurrence with FTA's intent to make a *de minimis* use finding. MTA and FTA will continue to coordinate with M-NCPPC to develop the mitigation in more detail throughout the design and construction phases of the project.

**Mitigation and Minimization**

To minimize impacts, MTA would eliminate the space between the expanded roadway curb and sidewalk and implement a closed drainage system. In addition, MTA would address a drainage issue on the eastern edge of the park by upgrading an existing stormwater culvert and grading the associated stream for a short distance. New guardrails, signs, railings or other structures on University Boulevard within or adjacent to the park would match existing park elements, as reasonably feasible.

In coordination with M-NCPPC-Montgomery County Department of Parks, MTA has agreed to provide replacement parkland to mitigate the permanent use of land at the New Hampshire Estates Neighborhood Park. MTA will consolidate its mitigation for permanent use of parkland in Montgomery County at a single site adjacent to the New Hampshire Estates Neighborhood Park. M-NCPPC-Montgomery County Department of Parks would accommodate the replacement land in their future redevelopment plan for the park. MTA will continue to coordinate with M-NCPPC-Montgomery County Department of Parks regarding the design and implementation of this mitigation plan and effects on park amenities.

Additional mitigation includes:

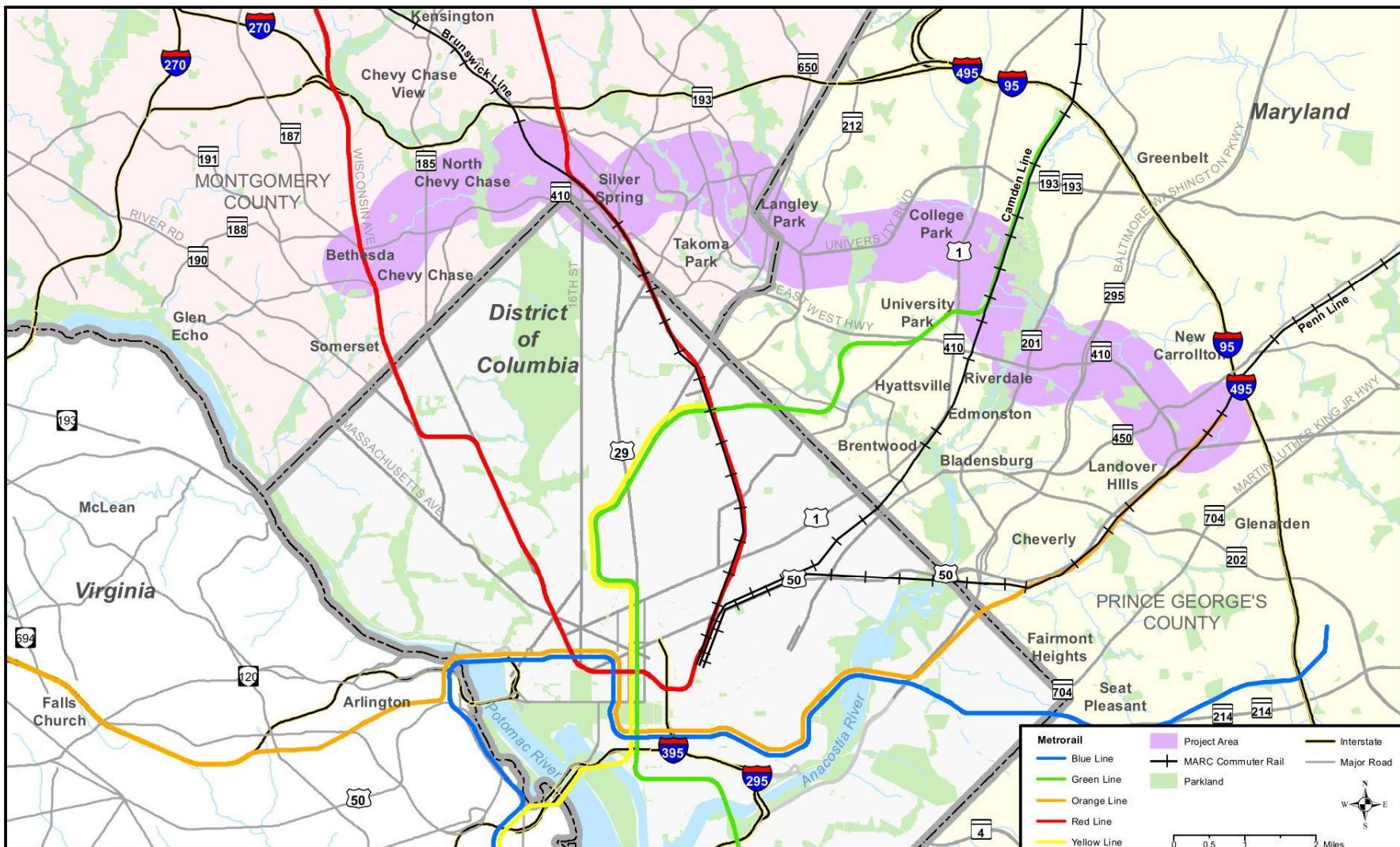
- MTA will maintain access to the park during construction including temporary parking and access, as appropriate.
- MTA will provide a functional interim condition, for review and approval of M-NCPPC-Montgomery County Department of Parks, for the park prior to its planned redevelopment.
- MTA will design sidewalk improvements along University Boulevard to meet ADA requirements.
- MTA will not construct stormwater management facilities within the boundaries of the Park (beyond the retrofit of the existing drainage ditch).

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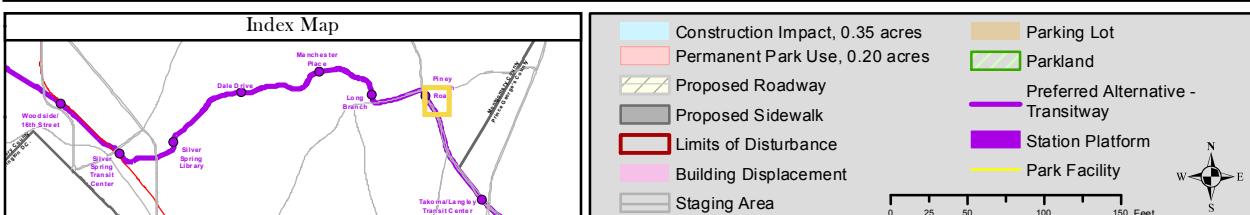
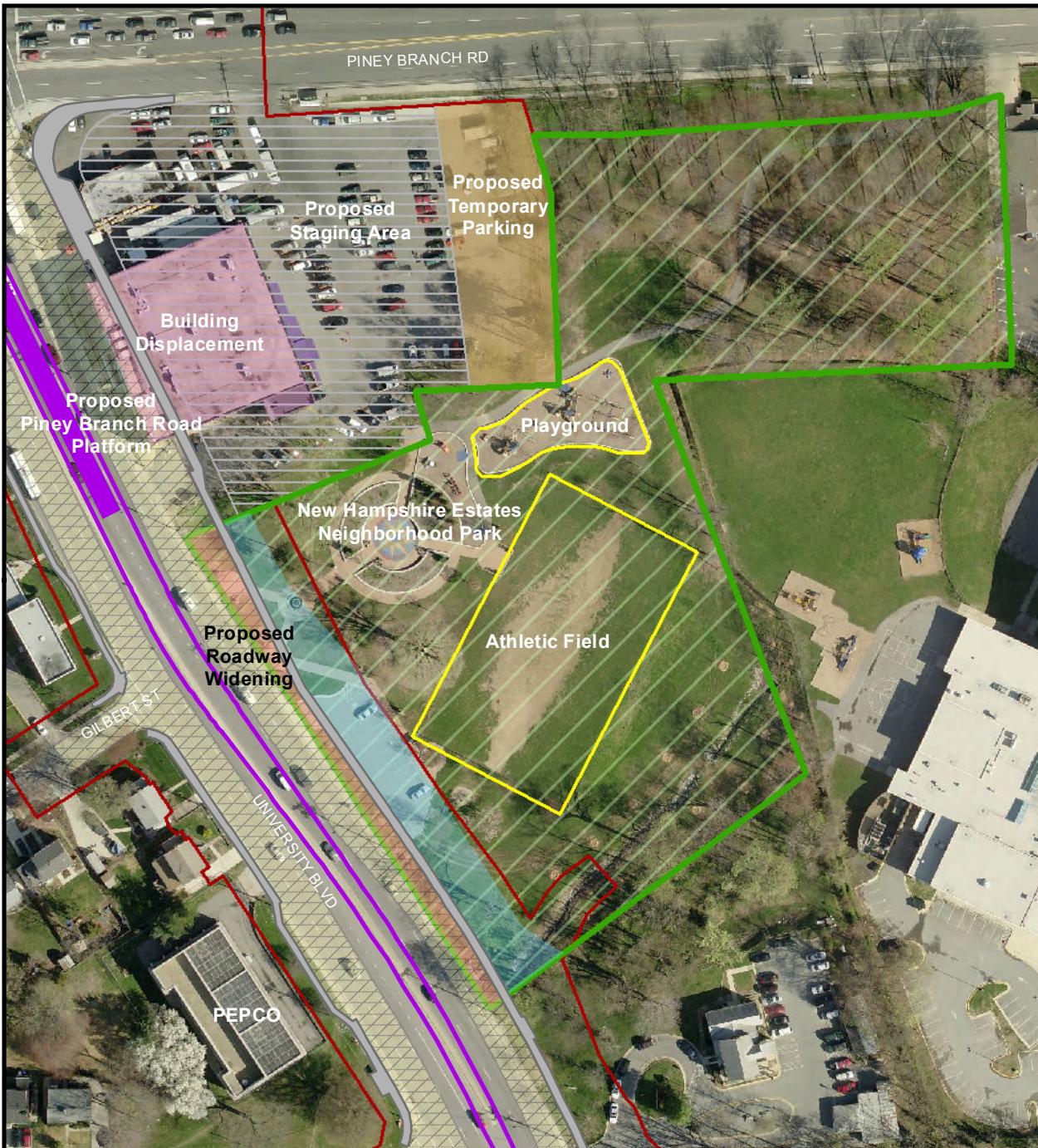
Attachment A: Purple Line Project Alignment and Section 4(f) Resources Overview Map

Attachment B: Detailed Park Impact Map

## ATTACHMENT A



## ATTACHMENT B



 <b>Purple Line</b>	<b>New Hampshire Estates Neighborhood Park</b>	Source: Maryland-National Capital Park and Planning Commission, Montgomery County Department of Parks, Maryland Transit Administration
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