



# Request for Public Comment

## Section 4(f) of the US Department of Transportation Act- *de minimis* Finding

*MD 355 over Little Bennett Creek Bridge Replacement in Montgomery County*

### PROJECT DESCRIPTION

The Maryland Department of Transportation State Highway Administration (MDOT SHA) is considering replacing the MD 355 (Frederick Road) bridge over Little Bennett Creek in Montgomery County. This project will impact the Little Bennett Regional Park owned and managed by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and protected under Section 4(f) of the US Department of Transportation Act of 1966 (Section 4(f)).

### QUESTIONS AND ANSWERS ABOUT THE PROJECT

#### **Why is this work necessary and what improvements are proposed?**

The improvements are necessary due to the bridge being structurally deficient with significant deterioration of the bridge deck, concrete beams and abutments. The bridge has significant undermining of the abutments due to scour and the current stream alignment is eroding the roadway side slopes of MD 355 at two locations, one at the bridge south abutment and another approximately 200 feet to the south of the bridge.

#### **Why are comments being requested?**

23 CFR 774.5(b) of Section 4(f) allows the Federal Highway Administration (FHWA) to determine that certain transportation uses of Section 4(f) land will have no adverse effect on the protected resource. With respect to publicly owned parks and recreation areas, a finding of *de minimis* impact may occur if a transportation project does not "adversely affect the activities, features and attributes" of the Section 4(f) resource. When this is the case, the finding of FHWA requires written concurrence from the officials with jurisdiction over the resource. In addition, public notice and opportunity for public review and comment on the finding is required.

#### **What are the impacts to protected Section 4(f) resources?**

The improvements at MD 355 over Little Bennet Creek will require right-of-way from the Little Bennett Regional Park which is owned and managed by M-NCPPC. Although the permanent right-of-way required from the park is considered a "use" as defined under Section 4(f), there will be no negative impact on activities, features, and attributes that qualify the recreation area for protection under Section 4(f). MDOT SHA, through this notice, is notifying the public that it will request that FHWA make a *de minimis* (or minor) impact finding, in accordance with Section 4(f). M-NCPPC is being informed of MDOT SHA's intent to seek a Section 4(f) *de minimis* impact finding. With this notice, the public is afforded the opportunity to provide comments on this finding.

#### **How do I comment?**

Please contact Mr. Daniel Beck, MDOT SHA Project Manager at (410) 545-8317 or [dbeck@sha.state.md.us](mailto:dbeck@sha.state.md.us), or Ms. Caryn Brookman, MDOT SHA Consultant Environmental Manager at (410) 545-8698 or [cbrookman@sha.state.md.us](mailto:cbrookman@sha.state.md.us); or visit us at [www.roads.maryland.gov](http://www.roads.maryland.gov).