

# **APPENDIX D**

## SECTION 4(F) EVALUATION



# SECTION 4(F) EVALUATION

APRIL 2021

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# TABLE OF CONTENTS

1. Introduction.....	1
2. Regulatory Context and Methodology.....	1
2.1. Types of Section 4(f) Use.....	3
2.2. Section 4(f) Approvals.....	3
3. Identification of Section 4(f) Resources.....	5
3.1. Parks, Recreation Areas, and Wildlife and Waterfowl Refuges.....	5
3.2. Historic Sites .....	11
4. Assessment of Use.....	18
4.1. Parks and Recreation Areas .....	18
4.2. Historic Sites .....	39
5. Summary .....	72
5.1. Parks and Recreation Areas .....	72
5.2. Historic Sites .....	73

## LIST OF TABLES

Table 1: Section 4(f) Parks and Recreation Areas in the Study Area .....	6
Table 2: Section 4(f) Historic Sites in the Study Area .....	11
Table 3: Summary of Anticipated Section 4(f) Uses of Parks and Recreation Areas.....	73
Table 4: Summary of Section 4(f) Uses of Historic Sites.....	74

## LIST OF FIGURES

Figure 1: Rush Line BRT Project.....	2
Figure 2: Section 4(f) Parks and Recreation Areas from Union Depot to Arcade Street.....	7
Figure 3: Section 4(f) Parks and Recreation Areas from Arcade Street to County Road B.....	8
Figure 4: Section 4(f) Parks and Recreation Areas from County Road B to County Road E .....	9
Figure 5: Section 4(f) Parks and Recreation Areas from County Road E to Downtown White Bear Lake .....	10
Figure 6: Section 4(f) Historic Sites from Union Depot to Arcade Street.....	14
Figure 7: Section 4(f) Historic Sites from Arcade Street to County Road B.....	15
Figure 8: Section 4(f) Historic Sites from County Road B to County Road E .....	16
Figure 9: Section 4(f) Historic Sites from County Road E to Downtown White Bear Lake .....	17
Figure 10: Pedro Park Impacts.....	20

Figure 11: Phalen Regional Park Impacts .....	22
Figure 12: Eastside Heritage Park Impacts .....	24
Figure 13: Phalen Park Impacts .....	26
Figure 14: Impacts to the Bruce Vento Regional Trail Access from English Street .....	28
Figure 15: Impacts to Harvest Park Under the Build Alternative.....	30
Figure 16: Impacts to Harvest Park Under the Build Alternative Option Without the Highway 36 Park-and-Ride.....	31
Figure 17: Impacts to Weaver Elementary School.....	34
Figure 18: TCO Sports Garden Impacts.....	36
Figure 19: Gateway State Trail Impacts.....	38
Figure 20: Saint Paul Union Depot Impacts .....	43
Figure 21: Saint Paul Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District Impacts .....	45
Figure 22: Lowertown Historic District Impacts.....	47
Figure 23: Saint Paul Urban Renewal Historic District Impacts.....	49
Figure 24: St. Paul Minneapolis and Manitoba Railway Company Shops Historic District Impacts.....	51
Figure 25: Westminster Junction Impacts .....	53
Figure 26: Johnson Parkway Impacts.....	55
Figure 27: Phalen Park Impacts .....	57
Figure 28: Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment Impacts.....	59
Figure 29: Madeline L. Weaver Elementary School Impacts.....	61
Figure 30: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from Union Depot to Arcade Street.....	64
Figure 31: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from Arcade Street to County Road B.....	65
Figure 32: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from County Road B to County Road E .....	66
Figure 33: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from County Road E to Downtown White Bear Lake .....	67
Figure 34: Alternatives Advanced to the Tier 2 Evaluation in the Pre-Project Development Study .....	70

## LIST OF APPENDICES

Appendix A: Identification of Section 4(f) Parks and Recreational Areas

Appendix B: Official with Jurisdiction Coordination

# 1. INTRODUCTION

The Rush Line Bus Rapid Transit (BRT) Project (the Build Alternative) is a proposed 15-mile long BRT route connecting Saint Paul, Maplewood, White Bear Township, Vadnais Heights, Gem Lake and White Bear Lake. It would include 21 stations, and the route would generally run along Robert Street, Jackson Street, Phalen Boulevard, Ramsey County rail right-of-way and Highway 61 (see Figure 1). The Build Alternative would serve the existing Maplewood Mall Transit Center and two proposed park-and-rides at Highway 36 and at County Road E. An option to the Build Alternative, the Build Alternative option without the Highway 36 park-and-ride, is also being evaluated. Differences between the Build Alternative and the Build Alternative option without the Highway 36 park-and-ride are noted where applicable. Ramsey County, on behalf of the Ramsey County Regional Railroad Authority, is preparing an Environmental Assessment (EA) for the project, and this Section 4(f) evaluation has been prepared in support of the EA.

## 2. REGULATORY CONTEXT AND METHODOLOGY

Section 4(f) of the US Department of Transportation Act of 1966 is a federal law that protects publicly owned parks, recreation areas and wildlife and/or waterfowl refuges and publicly or privately owned significant historic sites. Section 4(f) requirements apply to all transportation projects that require funding or other approvals by the US Department of Transportation, including the Federal Transit Administration. This law, commonly known as Section 4(f), is now codified in 23 USC Section § 138 and 49 USC Section § 303 and is implemented by the Federal Transit Administration through the regulation in 23 CFR Part 774. Additional guidance on the implementation of Section 4(f) is provided in the Federal Highway Administration's *Section 4(f) Policy Paper*.<sup>1</sup> The Federal Transit Administration has formally adopted this guidance, and the following analysis was conducted consistent with this guidance.

Section 4(f) requires consideration of:

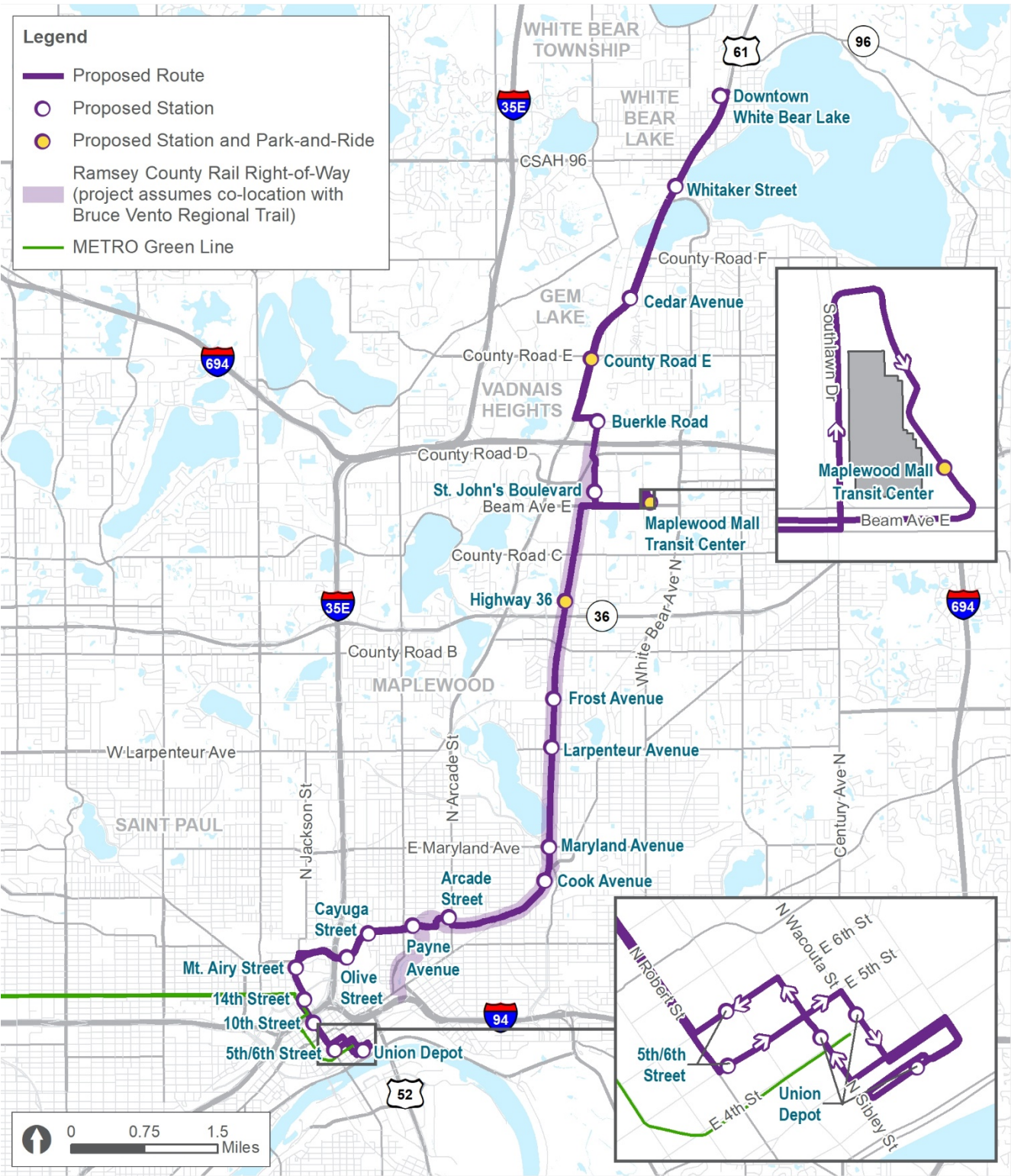
- Parks and recreational areas of national, state or local significance that are both publicly owned and open to the public.
- Publicly owned wildlife and waterfowl refuges of national, state or local significance that are open to the public to the extent that public access does not interfere with the primary purpose of the refuge.
- Historic sites of national, state or local significance in public or private ownership, regardless of whether they are open to the public.

The study area for parks, recreational areas and wildlife and waterfowl refuges includes those properties within, or directly adjacent to, the potential area of disturbance, which is shown on the concept plans included in Appendix A of the EA. The study area for historic sites is the area of potential effect as determined under Section 106 of the National Historic Preservation Act of 1966.

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<sup>1</sup> Federal Highway Administration, 2012. Available at <https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx>.

**Figure 1: Rush Line BRT Project**



## 2.1. TYPES OF SECTION 4(F) USE

Any properties within the study area protected by Section 4(f) were evaluated to determine if there would be a use of the property, as defined in 23 CFR § 774.17. There are three types of Section 4(f) uses:

- Permanent incorporation.
  - A permanent incorporation occurs when land from a Section 4(f) resource is either purchased outright as transportation right-of-way or when the applicant for federal-aid funds has acquired a property interest that allows permanent access onto the property, such as a permanent easement for maintenance or other transportation-related purposes.
- Temporary occupancy.
  - A temporary occupancy occurs when a Section 4(f) resource, in whole or in part, is required for project construction-related activities. The property is not permanently incorporated into a transportation facility, but the activity is considered to be adverse in terms of the preservation purpose of Section 4(f).
  - Under 23 CFR § 774.13, a temporary occupancy of a resource does not constitute a “use” of a Section 4(f) resource when all of the following conditions are satisfied:
    - The duration of use would be temporary (i.e., less than the time needed for construction of the project), and there would be no change in ownership of land.
    - The scope of work would be minor (i.e., both the nature and magnitude of the changes to the Section 4(f) resource would be minimal).
    - There would be no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features or attributes of the resource, on either a temporary or permanent basis.
    - The land being used would be fully restored to a condition that is at least as good as that which existed before the project.
    - There is documented agreement among appropriate federal, state and local official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.
- Constructive use.
  - A constructive use of a Section 4(f) resource occurs when there is no actual physical use of the Section 4(f) property via permanent incorporation of land or a temporary occupancy, but the proximity of the project results in impacts (e.g., noise, vibration, visual impacts or property access) that substantially impair the activities, features or attributes that qualify a resource for Section 4(f) protection. Factors for assessing substantial diminishment are provided in 23 CFR § 774.15.

## 2.2. SECTION 4(F) APPROVALS

Before approving the use of a Section 4(f) resource, the Federal Transit Administration must either:

- Determine that the project would have a *de minimis* impact on the property (as defined in 23 CFR § 774.17).



- Undertake an individual Section 4(f) evaluation to determine that there is no feasible and prudent avoidance alternative to the use and that all measures to minimize harm to the resource have been undertaken.

## DE MINIMIS IMPACT DETERMINATIONS

For parks, recreation areas and wildlife and waterfowl refuges, a *de minimis* impact is one that will not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f). The official(s) with jurisdiction over the property must be informed of the intent to make a *de minimis* determination, and an opportunity for public review and comment must be provided. After considering any comments received from the public, if the official(s) with jurisdiction concur in writing that the project would not adversely affect the activities, features or attributes that make the property eligible for Section 4(f) protection, then the Federal Transit Administration may finalize the *de minimis* impact determination.

For historic sites, a *de minimis* impact means that the Federal Transit Administration has determined (in accordance with 36 CFR Part 800) that either no historic property would be affected by the project or that the project would have "no adverse effect" on the historic property. The consulting parties identified in accordance with 36 CFR Part 800 must be consulted and the official(s) with jurisdiction over the property must be informed of the intent to make a *de minimis* impact determination and must concur in a finding of no adverse effect or no historic properties affected in accordance with 36 CFR Part 800.

## INDIVIDUAL SECTION 4(F) EVALUATIONS

### Analyze Avoidance Alternatives

If the impact is greater than *de minimis*, the Federal Transit Administration must consider alternatives that completely avoid the use of a Section 4(f) resource and evaluate if the avoidance alternatives are feasible and prudent, as defined in 23 CFR § 774.17. An alternative is not feasible if it cannot be built as a matter of sound engineering judgement. An alternative is not prudent if:

- It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
- It results in unacceptable safety or operational problems;
- After reasonable mitigation, it still causes:
  - Severe social, economic or environmental impacts;
  - Severe disruption to established communities;
  - Severe disproportionate impacts to minority or low-income populations; or
  - Severe impacts to environmental resources protected under other federal statutes;
- It results in additional construction, maintenance or operational costs of an extraordinary magnitude;
- It causes other unique problems or unusual factors; or
- It involves multiple factors listed above, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

### Consider All Possible Planning to Minimize Harm

If the Federal Transit Administration determines that there is no feasible and prudent alternative to avoid the use of a Section 4(f) resource, Section 4(f) requires the consideration and documentation of

all possible planning to minimize harm to the Section 4(f) resource. As defined in 23 CFR § 774.17, this means that all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse effects must be included in the project. For parks recreation areas and wildlife and waterfowl refuges, measures may include design modifications, replacement of land or facilities of comparable value and function, or monetary compensation to enhance the remaining property or to mitigate the adverse impact in other ways. For historic sites, the measures normally serve to preserve the historic activities, features or attributes of the site as agreed to by the Federal Transit Administration and the official(s) with jurisdiction over the Section 4(f) resource in accordance with the consultation process under 36 CFR Part 800. In evaluating the reasonableness of measures to minimize harm, the Federal Transit Administration will consider the purpose of the statute and the views of the official(s) with jurisdiction, whether the cost is a reasonable public expenditure in light of the adverse impacts on and benefits to the Section 4(f) resource, and any impacts or benefits to communities or environmental resources outside of the Section 4(f) resource.

### Determine the Alternative with Least Overall Harm

If no feasible and prudent avoidance alternatives are identified and all remaining alternatives would result in the use of a Section 4(f) resource, the Federal Transit Administration must compare the alternatives to determine which causes the least overall harm in light of the preservationist purpose of the statute. As defined in 23 CFR § 774.3, the least overall harm is determined by balancing the following factors:

- The ability to mitigate adverse impacts on each Section 4(f) resource (including any measures that result in benefits to the property).
- The relative severity of the remaining harm, after mitigation, to the protected activities, attributes or features that qualify each Section 4(f) resource for protection.
- The relative significance of each Section 4(f) resource.
- The views of the official(s) with jurisdiction over each Section 4(f) resource.
- The degree to which each alternative meets the purpose and need for the project.
- After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f).
- Substantial differences in costs among the alternatives.

## 3. IDENTIFICATION OF SECTION 4(F) RESOURCES

### 3.1. PARKS, RECREATION AREAS, AND WILDLIFE AND WATERFOWL REFUGES

For Section 4(f) to apply to parks, recreation areas and wildlife and waterfowl refuges, they must be all of the following:

- Publicly owned.
- Open to the public.
- Designated as a park, recreation area or refuge.
- Considered a significant property.

There are no wildlife or waterfowl refuges located within the study area. Parks and recreation areas within the study area were reviewed, and 18 were identified that met the above criteria.<sup>2</sup> The parks, recreation areas and trails subject to Section 4(f) are listed in Table 1 and are illustrated in Figure 2 through Figure 5.

**Table 1: Section 4(f) Parks and Recreation Areas in the Study Area**

Resource Name	Official with Jurisdiction
Union Depot Trail	Saint Paul Parks and Recreation
Depot Tot Lot	Saint Paul Parks and Recreation
Mears Park	Saint Paul Parks and Recreation
Pedro Park	Saint Paul Parks and Recreation
Valley Park	Saint Paul Parks and Recreation
Eastside Heritage Park	Saint Paul Parks and Recreation
Duluth & Case Recreation Center	Saint Paul Parks and Recreation
Phalen Regional Park	Saint Paul Parks and Recreation
Phalen Park	Saint Paul Parks and Recreation
Bruce Vento Regional Trail Access from English Street	City of Maplewood
Harvest Park	City of Maplewood
Kohlman Creek Preserve	City of Maplewood
Hazelwood-Legacy Trail Connection	City of Maplewood
Veterans Park	City of White Bear Lake
Railroad Park	City of White Bear Lake
Weaver Elementary School	Independent School District 622
TCO Sports Garden	Ramsey County
Gateway State Trail	Minnesota Department of Natural Resources

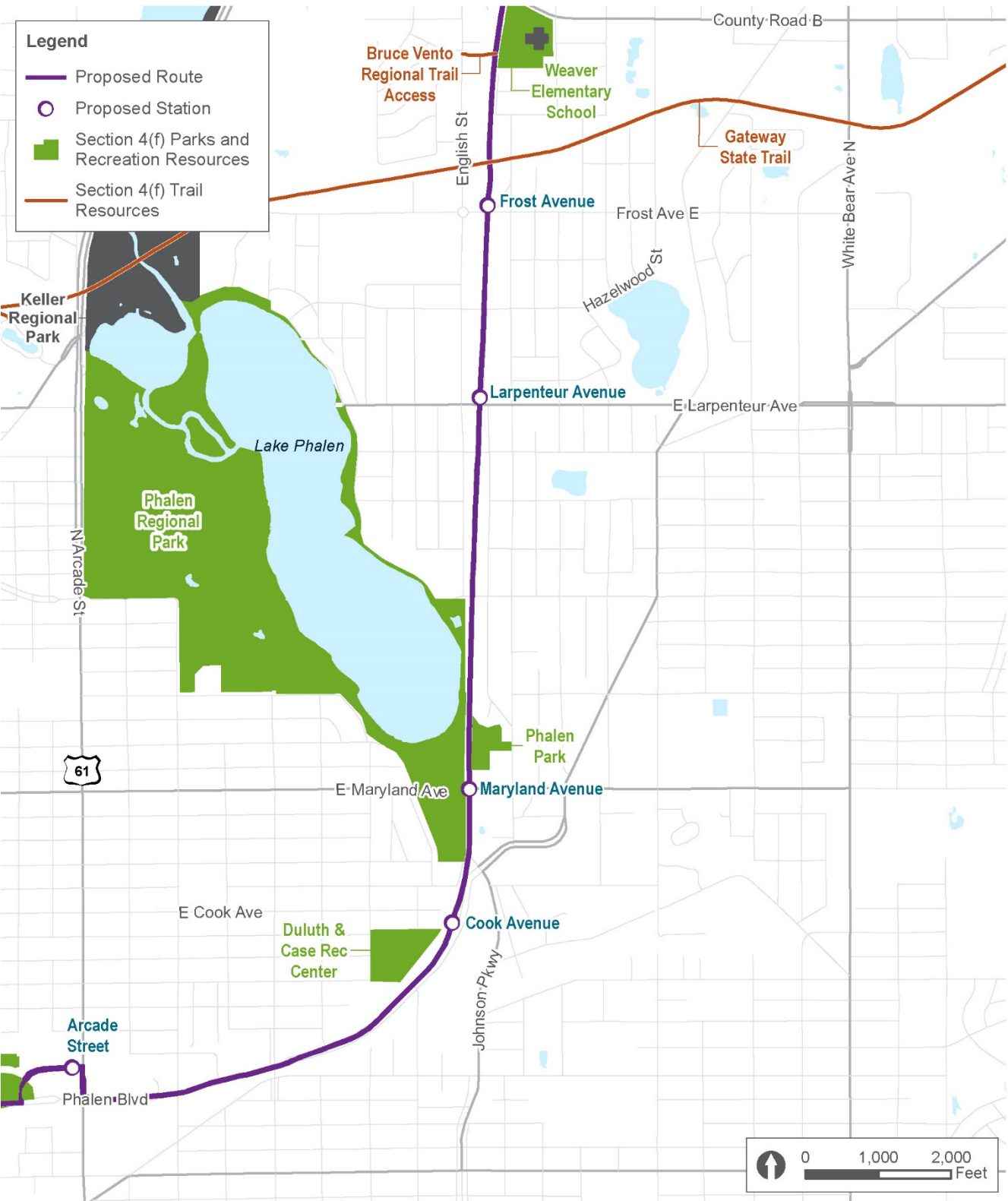
<sup>2</sup> Trail facilities within transportation right-of-way were not considered to be designated recreation areas in accordance with 23 CFR § 774.13 and the Federal Highway Administration's *Section 4(f) Policy Paper*. See Appendix A for more information.



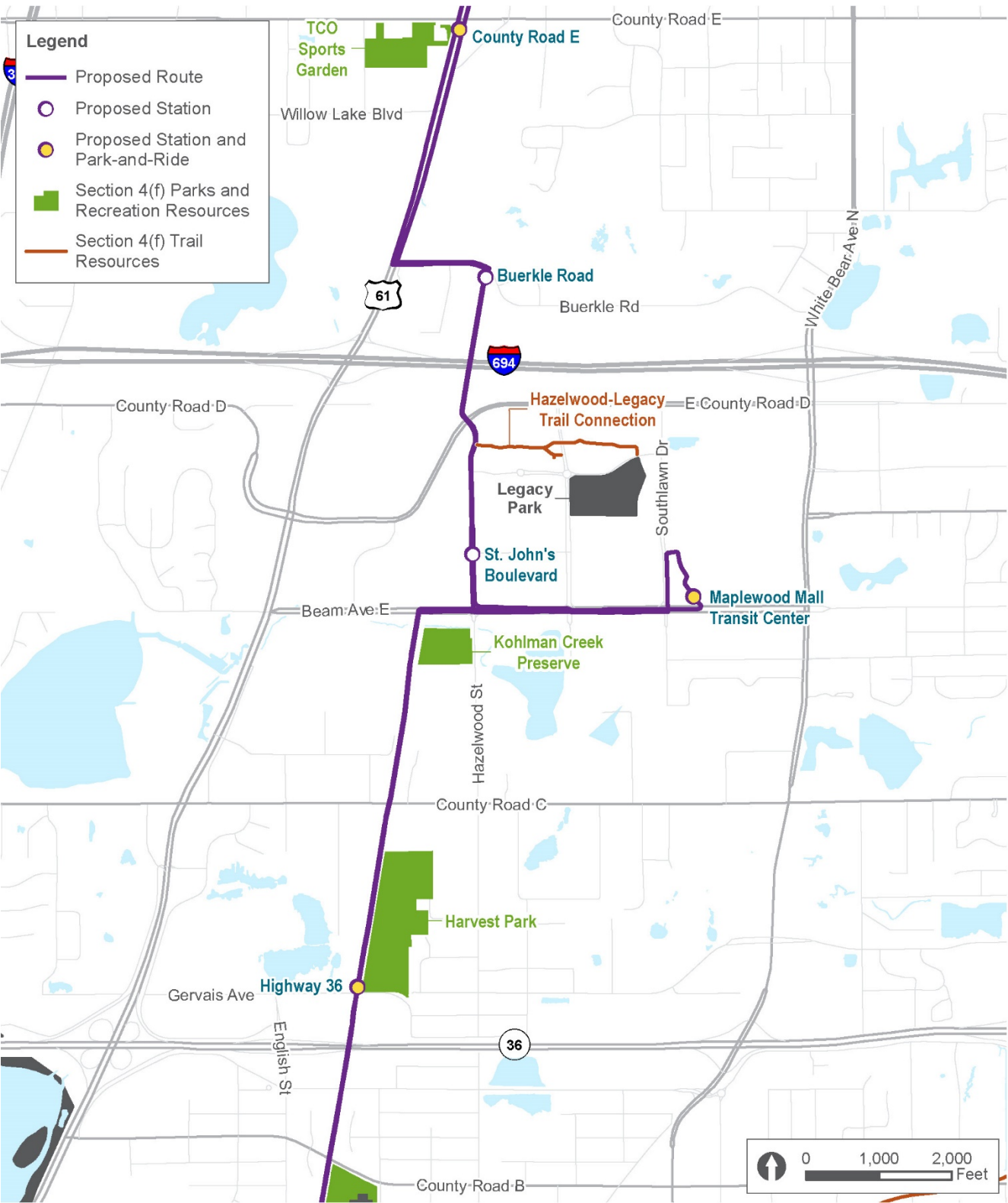
**Figure 2: Section 4(f) Parks and Recreation Areas from Union Depot to Arcade Street**



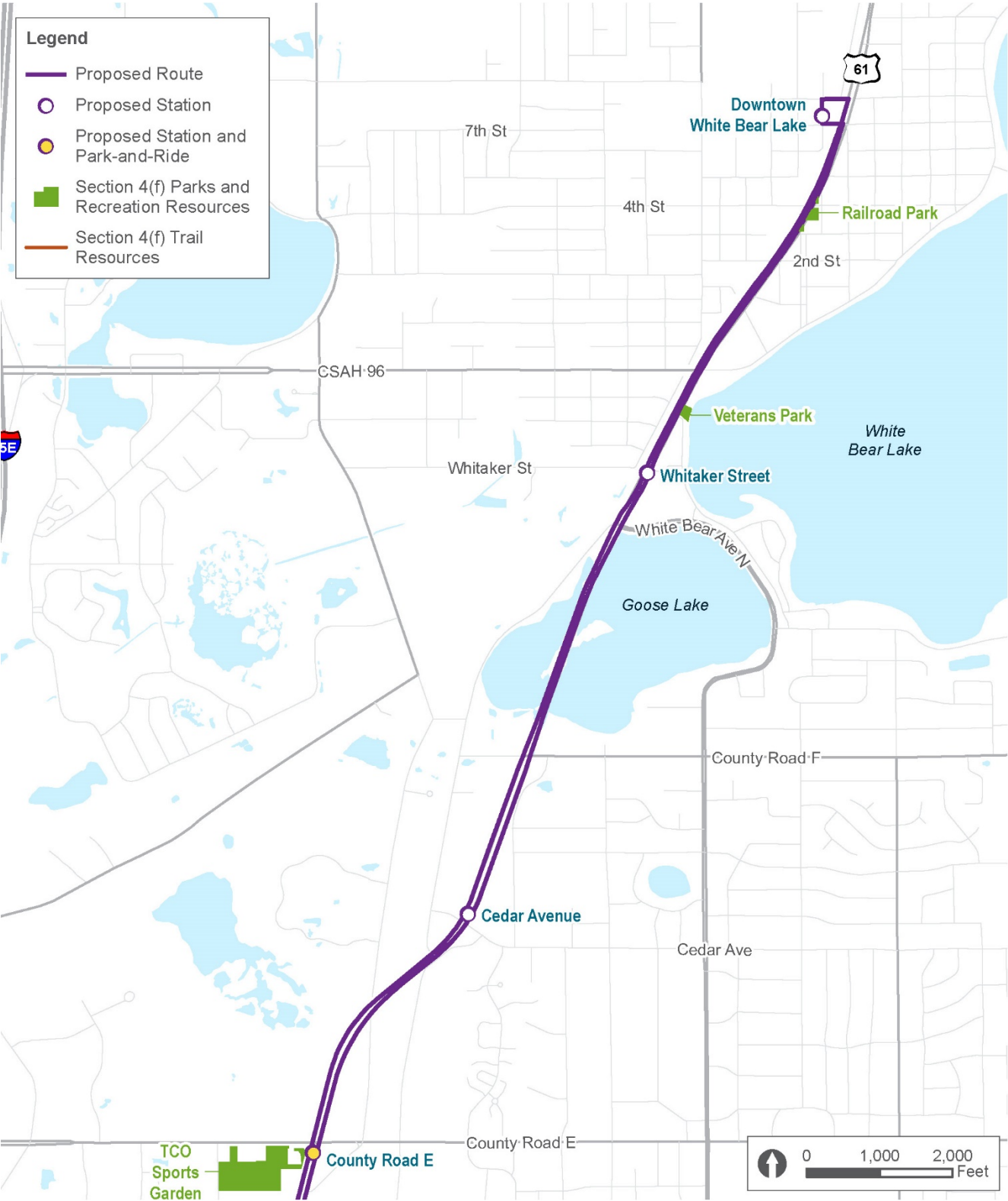
**Figure 3: Section 4(f) Parks and Recreation Areas from Arcade Street to County Road B**



**Figure 4: Section 4(f) Parks and Recreation Areas from County Road B to County Road E**



**Figure 5: Section 4(f) Parks and Recreation Areas from County Road E to Downtown White Bear Lake**





## 3.2. HISTORIC SITES

Section 4(f) historic sites include historic properties that are listed in, or eligible for listing in, the National Register of Historic Places. As identified through architecture/history and archaeology surveys (included in Appendix E of the EA), there are 28 historic properties that are listed in or eligible for listing in the National Register of Historic Places within the study area (see Table 2 and Figure 6 through Figure 9). The Section 4(f) official with jurisdiction for all of these historic sites is the Minnesota State Historic Preservation Office.

**Table 2: Section 4(f) Historic Sites in the Study Area**

Name	Address	City	National Register of Historic Places Status
Saint Paul Union Depot	214 E 4 <sup>th</sup> Street	Saint Paul	Listed
Saint Paul Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District	Saint Paul to Stillwater Junction segment	Saint Paul	Eligible
Finch, Van Slyck and McConville Dry Goods Company	360-366 Wacouta Street	Saint Paul	Listed
Lowertown Historic District	Roughly bounded by Shepard Road and Kellogg Boulevard, Broadway Street, 7 <sup>th</sup> Street, and Sibley Street	Saint Paul	Listed
Pioneer and Endicott Buildings	322-350 N Robert Street, 141 E 4 <sup>th</sup> Street, 142 E 5 <sup>th</sup> Street	Saint Paul	Listed
Manhattan Building (Empire Building)	360 N Robert Street	Saint Paul	Listed
First Farmers and Merchants National Bank Building	332 Minnesota Street	Saint Paul	Eligible
First National Bank of Saint Paul	332 Minnesota Street	Saint Paul	Eligible
Saint Paul Urban Renewal Historic District	Roughly between 6 <sup>th</sup> Street, Kellogg Boulevard, Wabasha Street and Jackson Street	Saint Paul	Eligible
Golden Rule Department Store Building	85-95 7 <sup>th</sup> Place	Saint Paul	Eligible
Foot, Schulze & Company Building	500 N Robert Street	Saint Paul	Eligible
Produce Exchange Building	523 Jackson Street	Saint Paul	Eligible

Name	Address	City	National Register of Historic Places Status
St. Paul Minneapolis and Manitoba Railway Company Shops Historic District	Jackson Street and Pennsylvania Avenue	Saint Paul	Listed
Great Northern Railroad Corridor Historic District: Saint Paul to Minneapolis Segment	Saint Paul to Minneapolis	Saint Paul	Eligible
Westminster Junction	Roughly bounded by the Lafayette Road bridge, I-35E, a line approximately 1,300 feet south of the Cayuga Street bridge and a line approximately 400 feet southwest of the Cayuga Street/Phalen Boulevard intersection	Saint Paul	Eligible
Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment	Saint Paul to White Bear Lake segment	Saint Paul, Maplewood, Vadnais Heights and White Bear Lake	Eligible
1868 Alignment of the Lake Superior & Mississippi Railroad	Between Eldridge Avenue East and County Road B East	Maplewood	Eligible
1868 Alignment of the Lake Superior & Mississippi Railroad	Between Gervais Avenue and County Road C	Maplewood	Eligible
1868 Alignment of the Lake Superior & Mississippi Railroad	Between Kohlman Avenue and Beam Avenue	Maplewood	Eligible
Theodore Hamm Brewing Company Complex	Minnehaha Avenue East between Payne Avenue and Stroh Drive	Saint Paul	Eligible
3M Administration Building (Building 21)	777 Forest Street	Saint Paul	Listed
Johnson Parkway	Johnson Parkway from Indian Mounds Park to Lake Phalen	Saint Paul	Eligible
Phalen Park	1600 Phalen Drive	Saint Paul	Eligible
Gladstone Shops	Southwest corner of Frost Avenue and English Street	Maplewood	Eligible
Moose Lodge 963	1946 English Street N	Maplewood	Eligible

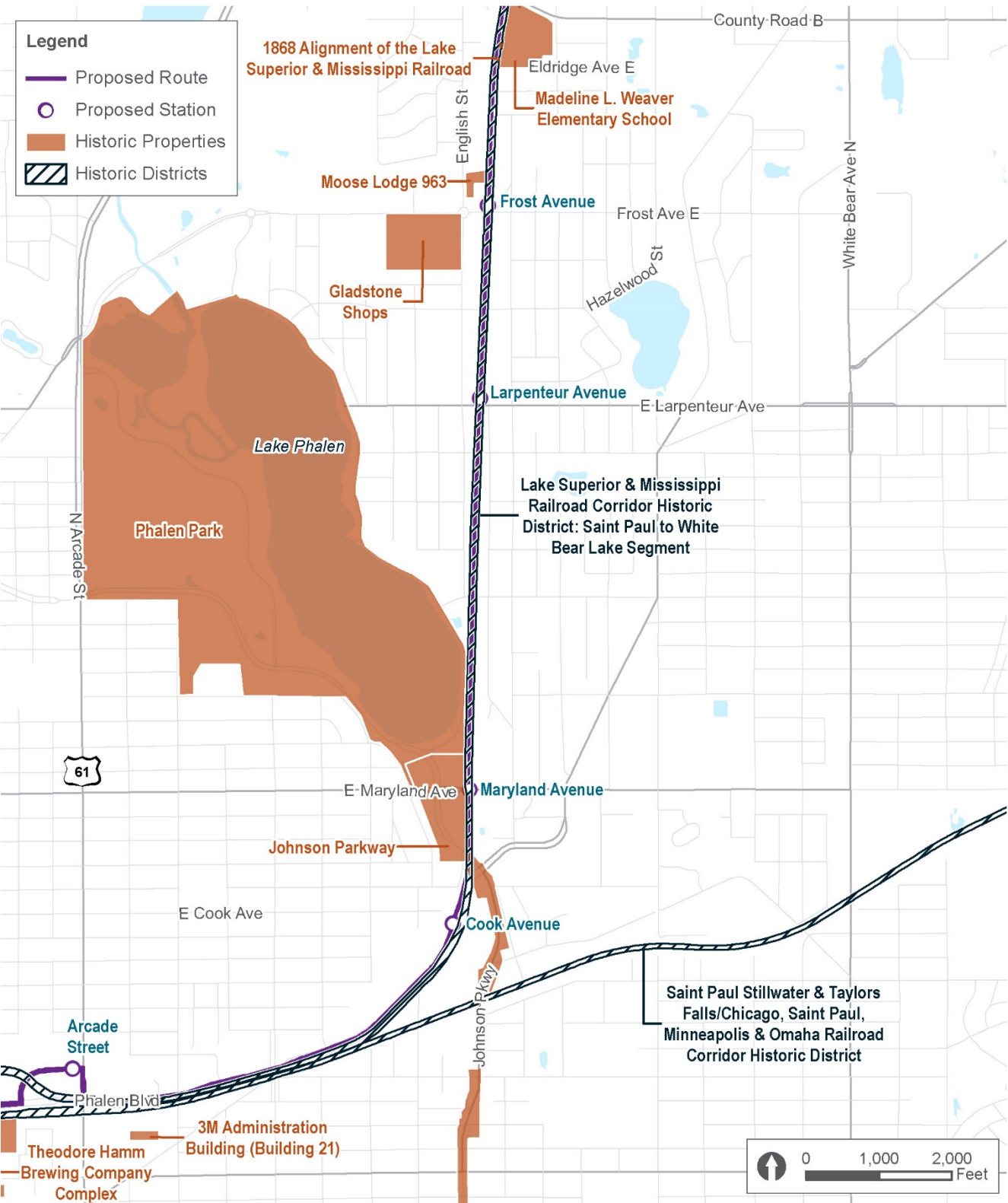
Name	Address	City	National Register of Historic Places Status
Madeline L. Weaver Elementary School	2135 Birmingham Street	Maplewood	Eligible
Polar Chevrolet Bear	1801 County Road F East	White Bear Lake	Eligible
Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment	White Bear Lake to Hugo segment	White Bear Lake	Eligible

Figure 6: Section 4(f) Historic Sites from Union Depot to Arcade Street





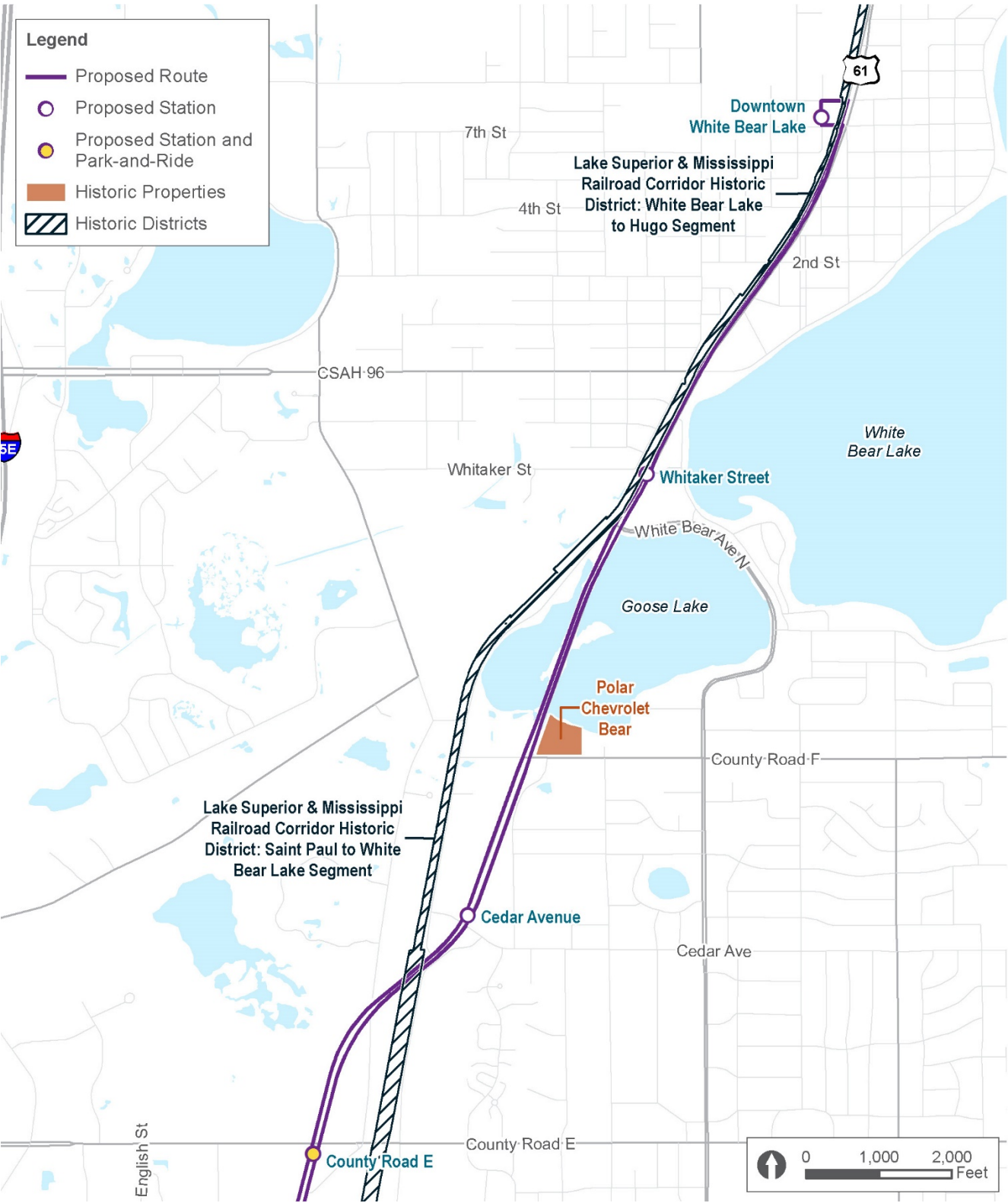
Figure 7: Section 4(f) Historic Sites from Arcade Street to County Road B



**Figure 8: Section 4(f) Historic Sites from County Road B to County Road E**



**Figure 9: Section 4(f) Historic Sites from County Road E to Downtown White Bear Lake**



## 4. ASSESSMENT OF USE

### 4.1. PARKS AND RECREATION AREAS

Section 4(f) parks and recreation areas are grouped by official with jurisdiction and discussed in the following sections. Detailed figures are included for resources that would be impacted by the project. See Figure 2 through Figure 5 for the locations of all parks and recreation areas evaluated for Section 4(f) use.

#### 4.1.1. Official with Jurisdiction: Saint Paul Parks and Recreation

##### NO SECTION 4(F) USE

There would be no Section 4(f) use of the parks and recreation areas described in this section.

- No right-of-way acquisition or permanent easement from these properties is required. Therefore, there would be no permanent incorporation of these resources into the project.
- The project would not use any part of these properties for construction or other temporary activities. Therefore, there would be no temporary occupancy of these resources.
- There would be no proximity impacts that would result in a substantial impairment to the activities, features or attributes of these properties. Therefore, there would be no constructive use of these resources.

##### Union Depot Trail

The Union Depot Trail is a bicycle and pedestrian trail that extends from the Union Depot bus deck east to the Union Depot Rail View Picnic Area (see Figure 2), and the trail is grade-separated over the Broadway Street access to the bus deck. Rush Line BRT would use the Broadway Street access to get to and from the Union Depot bus deck.

##### Depot Tot Lot

The Depot Tot Lot is a playground located in the southwest quadrant of 4<sup>th</sup> Street and Sibley Street (see Figure 2), and BRT would operate in mixed traffic on Sibley Street adjacent to the park.

##### Mears Park

Mears Park is an urban park with a band shell located on the block between Sibley and Wacouta Streets and 5<sup>th</sup> and 6<sup>th</sup> Streets (see Figure 2). BRT would operate in a dedicated guideway on 5<sup>th</sup> Street and in mixed traffic on Sibley Street adjacent to the park.

##### Valley Park

Valley Park is located on the east side of Jackson Street between University Avenue and Mt. Airy Street. It is a 12.8-acre city park with a playground, basketball court, softball field, the Mt. Airy Boys & Girls Club and parking. BRT would operate on Jackson Street in mixed traffic, and the platforms for the Mt. Airy Street station would be located north of Mt. Airy Street.

##### Duluth & Case Recreation Center

The Duluth & Case Recreation Center and associated athletic fields are located on approximately 12 acres west of Phalen Boulevard between Case Avenue and Lawson Avenue (see Figure 3). BRT would operate on Phalen Boulevard in a dedicated guideway adjacent to the recreation center

property. The athletic fields are separated from Phalen Boulevard by a wooded area and the Bruce Vento Regional Trail.

## TEMPORARY OCCUPANCY THAT DOES NOT CONSTITUTE A SECTION 4(F) USE

### Pedro Park

Pedro Park is located in the southwest quadrant of 10<sup>th</sup> Street and Robert Street. It is a 0.45-acre city park that is currently the site of a short-term park project called the Urban Flower Field. The city plans to develop it into a permanent park if the city's adjacent Public Safety Annex building is sold and is coordinating the future park design with the Rush Line BRT Project. BRT would operate in a dedicated guideway on Robert Street adjacent to the park. The existing sidewalk along Robert Street is partially located within the park and would be reconstructed as part of the Rush Line BRT Project, requiring approximately 170 square feet of temporary easement (see Figure 10). The project would not require any permanent incorporation of Pedro Park. This temporary occupancy would not constitute a Section 4(f) use because it meets the conditions outlined in 23 CFR § 774.13 (see Section 2.1).

Project staff met with Saint Paul Parks and Recreation and Public Works staff on April 2, 2020 to review proposed impacts to Pedro Park. The city plans to redevelop Pedro Park and will continue to coordinate with project staff as redevelopment plans advance. Project staff also presented to the Parks and Recreation Commission on May 14, 2020 to review proposed impacts, and the commission provided a resolution of support for the project's concept plans. Saint Paul Parks and Recreation concurred that the project would not result in a Section 4(f) use of Pedro Park on August 28, 2020 (see Appendix B).



Figure 10: Pedro Park Impacts



## Phalen Regional Park

Phalen Regional Park is a 481-acre city park located west of the Ramsey County rail right-of-way around Lake Phalen.<sup>3</sup> The park has many amenities including picnic areas, a golf course, a boat launch, sand volleyball, an amphitheater, a splash pad, playgrounds, softball and baseball fields, fishing areas, an ice rink, tennis courts and trails (including the Phalen-Keller Trails, which connect Phalen Regional Park to Keller Regional Park to the north). BRT would operate in a dedicated guideway in the Ramsey County rail right-of-way adjacent to the park.

During construction, the Rush Line BRT Project would require five temporary easements totaling 0.31 acres for reconstruction of existing sidewalks and trails (see Figure 11). This temporary occupancy would not constitute a Section 4(f) use because it meets the conditions outlined in 23 CFR § 774.13 (see Section 2.1).

Project staff met with Saint Paul Parks and Recreation and Public Works staff on April 2, 2020 to review proposed impacts to Phalen Regional Park. At the time of the meeting, a permanent acquisition within the park was proposed for potential stormwater management. City staff indicated that the proposed permanent acquisition was in a location planned for a future trailhead development. Based on this feedback, the permanent acquisition within Phalen Regional Park was removed from the proposed project. Project staff also presented to the Parks and Recreation Commission on May 14, 2020 to review proposed impacts, and the commission provided a resolution of support for the project's concept plans. Saint Paul Parks and Recreation concurred that the project would not result in a Section 4(f) use of Phalen Regional Park on August 28, 2020 (see Appendix B).

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<sup>3</sup> The 5-acre city park named Phalen Park located on the east side of the Ramsey County rail right-of-way is discussed in the Phalen Park subsection of Section 4.1.1. The 278-acre historic property named Phalen Park is discussed in the Phalen Park subsection in Section 4.2.2.



Figure 11: Phalen Regional Park Impacts





## SECTION 4(F) USE – DE MINIMIS IMPACT

### Eastside Heritage Park

Eastside Heritage Park is a 9-acre open space park and picnic area located at Phalen Boulevard and Neid Lane. BRT would operate in mixed traffic on both Phalen Boulevard and Neid Lane, adjacent to the park. The Rush Line BRT Project would require 0.84 acres of permanent acquisition for potential stormwater management. The acquisition area is on passive green space that is separated from the rest of the park by Phalen Boulevard (see Figure 12). A potential stormwater facility in that location is not anticipated to adversely affect the features, attributes or activities of the park.

Project staff met with Saint Paul Parks and Recreation and Public Works staff on April 2, 2020 to review project impacts and receive input on the preliminary assessment that the project would have a *de minimis* impact on Eastside Heritage Park. City staff indicated that there is not active programming on the portion of the park south of Phalen Boulevard. Project staff also presented to the Parks and Recreation Commission on May 14, 2020 to review proposed impacts, and the commission provided a resolution of support for the project's concept plans. Project impacts will continue to be coordinated with the city, and the project would comply with city charter section 13.01.1, which requires that additional parkland be acquired to replace parkland diverted for other uses. The city's local parkland diversion requirements apply to areas of permanent acquisition within city parks, and the process, including identification of replacement parkland, occurs closer to project construction. Responsibility for acquiring the replacement parkland will be confirmed through an agreement between Ramsey County and the Metropolitan Council.

The Federal Transit Administration intends to make a *de minimis* determination for the permanent incorporation of Eastside Heritage Park. Prior to the Federal Transit Administration's final determination, Saint Paul Parks and Recreation must concur in writing with the *de minimis* determination after considering any comments received from the public during the 45-day comment period on the EA.

Figure 12: Eastside Heritage Park Impacts





## Phalen Park

Phalen Park is a 5-acre city park located east of the Ramsey County rail right-of-way and north of Maryland Avenue.<sup>4</sup> This parkland is passive green space with no programmed activities. BRT would operate in a dedicated guideway in the Ramsey County rail right-of-way adjacent to Phalen Park.

The Rush Line BRT Project would require 0.83 acres of permanent acquisition for potential stormwater management (see Figure 13). A potential stormwater facility is not anticipated to adversely affect the features, attributes or activities of the park.

Project staff met with Saint Paul Parks and Recreation and Public Works staff on April 2, 2020 to review project impacts and receive input on the preliminary assessment that the project would have a *de minimis* impact on Phalen Park. City staff indicated this parkland was purchased as a result of the city's parkland diversion procedures for another project. Project staff also presented to the Parks and Recreation Commission on May 14, 2020 to review proposed impacts, and the commission provided a resolution of support for the project's concept plans. Project impacts will continue to be coordinated with the city, and the project would comply with city charter section 13.01.1, which requires that additional parkland be acquired to replace parkland diverted for other uses. The city's local parkland diversion requirements apply to areas of permanent acquisition within city parks, and the process, including identification of replacement parkland, occurs closer to project construction. Responsibility for acquiring the replacement parkland will be confirmed through an agreement between Ramsey County and the Metropolitan Council.

The Federal Transit Administration intends to make a *de minimis* determination for the permanent incorporation of Phalen Park. Prior to the Federal Transit Administration's final determination, Saint Paul Parks and Recreation must concur in writing with the *de minimis* determination after considering any comments received from the public during the 45-day comment period on the EA.

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<sup>4</sup> The 278-acre historic property named Phalen Park is discussed in the Phalen Park subsection in Section 4.2.2. The 481-acre city park named Phalen Regional Park located west of the Ramsey County rail right-of-way is discussed in the Phalen Regional Park subsection of Section 4.1.1.

Figure 13: Phalen Park Impacts





## 4.1.2. Official with Jurisdiction: City of Maplewood

### NO SECTION 4(F) USE

There would be no Section 4(f) use of the parks and recreation areas described in this section.

- No right-of-way acquisition or permanent easement from these properties is required. Therefore, there would be no permanent incorporation of these resources into the project.
- The project would not use any part of these properties for construction or other temporary activities. Therefore, there would be no temporary occupancy of these resources.
- There would be no proximity impacts that would result in a substantial impairment to the activities, features or attributes of these properties. Therefore, there would be no constructive use of these resources.

### Kohlman Creek Preserve

Kohlman Creek Preserve is a 10-acre natural area located south of Beam Avenue and east of the Ramsey County rail right-of-way (see Figure 4). BRT would operate in a dedicated guideway in the Ramsey County rail right-of-way adjacent to the preserve.

### Hazelwood-Legacy Trail Connection

The Hazelwood-Legacy Trail Connection provides a connection between the sidewalk on the east side of Hazelwood Street and Legacy Park, which is located south of Legacy Parkway between Kennard Street and Southlawn Drive (see Figure 4). BRT would operate in mixed traffic on Hazelwood Street.

### TEMPORARY OCCUPANCY THAT DOES NOT CONSTITUTE A SECTION 4(F) USE

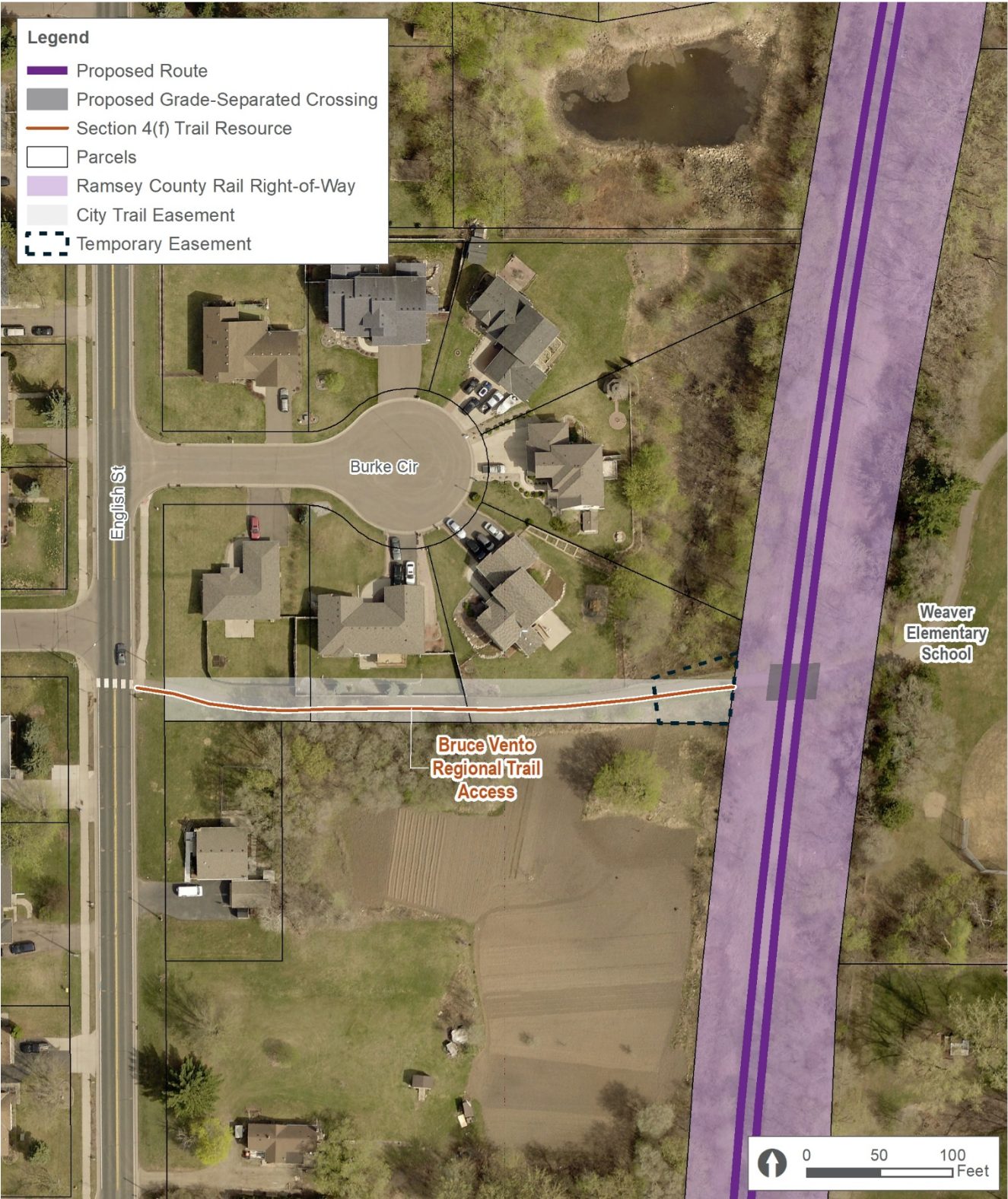
#### Bruce Vento Regional Trail Access from English Street

The Bruce Vento Regional Trail access from English Street is located on private property south of Burke Circle on the west side of the Ramsey County rail right-of-way and connects to Weaver Elementary School on the east side of the Ramsey County rail right-of-way (see Figure 14). The city of Maplewood has a trail easement for this access. BRT would operate in Ramsey County rail right-of-way, crossing over the trail that connects English Street to Weaver Elementary School on a new grade-separated crossing.

Approximately 55 feet of the trail on the west side of the Ramsey County rail right-of-way would be reconstructed to facilitate the grade-separated crossing, and the project would require a 0.05-acre temporary easement during construction that includes this segment of the trail. The project would not require any permanent incorporation of the trail. This temporary occupancy would not constitute a Section 4(f) use because it meets the conditions outlined in 23 CFR § 774.13 (see Section 2.1).

Project staff met with Maplewood Parks and Recreation and Public Works staff on March 9, 2020 to review the proposed impacts. City staff did not indicate any concerns about the temporary impact to the Bruce Vento Regional Trail access from English Street. The city of Maplewood concurred that the project would not result in a Section 4(f) use of the Bruce Vento Regional Trail access from English Street on November 30, 2020 (see Appendix B).

**Figure 14: Impacts to the Bruce Vento Regional Trail Access from English Street**





## SECTION 4(F) USE – DE MINIMIS IMPACT

### Harvest Park

Harvest Park is a 25-acre city park located in the northeast quadrant of Gervais Avenue and the Ramsey County rail right-of-way. Park amenities currently include a basketball court, children's play area, soccer field, youth ball field, tennis courts and passive green space. BRT would operate in a dedicated guideway adjacent to the park, and the Highway 36 station platforms would be located north of Gervais Avenue in the Ramsey County rail right-of-way.

The Build Alternative includes an approximately 300-space park-and-ride structure in the southwest corner of the park (see Figure 15).<sup>5</sup> Construction of the park-and-ride would require a 1.81-acre permanent acquisition from the park. This area is currently a sloped, passive green space. Temporary easements totaling 0.78 acres would also be needed during construction, with 0.05 acres needed for reconstruction of existing sidewalks on the north side of Gervais Avenue and 0.73 acres needed to construct a trail connection north of the park-and-ride.

In 2020, the city prepared a master plan for Harvest Park that includes the proposed park-and-ride. Existing programmed areas adjacent to the proposed park-and-ride, including basketball and tennis courts and a soccer field, are planned to remain and would not be impacted by the proposed parking structure.

The Build Alternative option without the Highway 36 park-and-ride would require two areas of temporary easement, totaling 0.30 acres, to reconstruct an existing sidewalk along Gervais Avenue and an existing trail on the west side of the park that connects to the Bruce Vento Regional Trail (see Figure 16).

The city of Maplewood does not anticipate that either the Build Alternative or the Build Alternative option without the Highway 36 park-and-ride would adversely affect the features, attributes or activities of Harvest Park. The city of Maplewood has representatives on the project's advisory committees and has provided input on the design of the proposed Highway 36 station and park-and-ride throughout the planning process. In addition, project staff met with Maplewood Parks and Recreation and Public Works staff on March 9, 2020 to review project impacts and receive input on the preliminary assessment that the project would have a *de minimis* impact on Harvest Park. City staff agreed with the preliminary determination and requested that project staff continue to coordinate with the city as the project advances.

The Federal Transit Administration intends to make a *de minimis* determination for the use of Harvest Park under the Build Alternative and the Build Alternative option without the Highway 36 park-and-ride. Prior to the Federal Transit Administration's final determination, the city must concur in writing with the *de minimis* determination after considering any comments received from the public during the 45-day comment period on the EA.

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<sup>5</sup> The Metropolitan Council is not the planned owner or manager of the proposed parking structure, and an alternative ownership commitment has not been made at this time. As the project advances, there is the potential that the full build out of park-and-ride would be phased over time, starting with an approximately 170-space surface lot that would be constructed within the same footprint.

Figure 15: Impacts to Harvest Park Under the Build Alternative





**Figure 16: Impacts to Harvest Park Under the Build Alternative Option Without the Highway 36 Park-and-Ride**



### 4.1.3. Official with Jurisdiction: City of White Bear Lake

#### NO SECTION 4(F) USE

There would be no Section 4(f) use of the parks and recreation areas described in this section.

- No right-of-way acquisition or permanent easement from these properties is required. Therefore, there would be no permanent incorporation of these resources into the project.
- The project would not use any part of these properties for construction or other temporary activities. Therefore, there would be no temporary occupancy of these resources.
- There would be no proximity impacts that would result in a substantial impairment to the activities, features or attributes of these properties. Therefore, there would be no constructive use of these resources.

#### Veterans Park

Veterans Park is a lakeside park with a public fishing pier, a memorial wall, bike paths and sitting areas located on the east side of Highway 61 north of Lake Avenue (see Figure 5). BRT would operate in mixed traffic on Highway 61 adjacent to the park.

#### Railroad Park

Railroad Park is a plaza with a gazebo and flower gardens located on the east side of Highway 61 on the north and south sides of 4<sup>th</sup> Street (see Figure 5). BRT would operate in mixed traffic on Highway 61 adjacent to the park.

### 4.1.4. Official with Jurisdiction: Independent School District 622

#### SECTION 4(F) USE – DE MINIMIS IMPACT

#### Weaver Elementary School

Weaver Elementary School is located in Maplewood on Birmingham Street, south of County Road B. The school property is approximately 12.4 acres and includes two ball fields, a playground and open space.<sup>6</sup> The Ramsey County rail right-of-way borders the school property to the west, and a path crosses the Bruce Vento Regional Trail and connects Weaver Elementary School to the surrounding residential neighborhood.

BRT would operate in the Ramsey County rail right-of-way on the west side of the school property, and the dedicated guideway would cross over the access from Weaver Elementary School on a new grade-separated crossing. Construction of the grade-separated crossing would require 0.11 acres of permanent acquisition and 0.45 acres of temporary easement from Weaver Elementary School (see Figure 17). The permanent acquisition and temporary easement would be adjacent to the ball fields and would include a portion of the path that connects to the Bruce Vento Regional Trail and surrounding neighborhood. The path would be reconstructed as part of the Rush Line BRT Project, and the ball field would not be impacted. Because the path would be reconstructed and connectivity would be maintained, these impacts are not anticipated to adversely affect the features, attributes or activities of Weaver Elementary School.

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<sup>6</sup> See the Madeline L. Weaver Elementary School subsection in Section 4.2.3 for the Section 4(f) evaluation of Weaver Elementary School as a historic site.

In addition to the permanent acquisition and temporary easement needed to construct the grade-separated crossing, the project would include a 1.45-acre permanent acquisition on the northern edge of the property for potential stormwater management (see Figure 17). Of this area, approximately 0.25 acres are maintained green space and the remaining 1.20 acres are wooded. Because this area is mostly not used for recreation, this permanent acquisition is not anticipated to adversely affect the features, attributes or activities of Weaver Elementary School.

Project staff met with school district staff on July 20, 2020 to review project impacts and receive input on the preliminary assessment that the project would have a *de minimis* impact on Weaver Elementary School. School district staff indicated they had no concerns with the proposed impacts and look forward to working with the project on stormwater solutions.

The Federal Transit Administration intends to make a *de minimis* determination for the use of Weaver Elementary School. Prior to the Federal Transit Administration's final determination, the school district must concur in writing with the *de minimis* determination after considering any comments received from the public during the 45-day comment period on the EA.



Figure 17: Impacts to Weaver Elementary School



#### **4.1.5. Official with Jurisdiction: Ramsey County Parks and Recreation**

##### **TEMPORARY OCCUPANCY THAT DOES NOT CONSTITUTE A SECTION 4(F) USE**

###### **TCO Sports Garden**

The TCO Sports Garden is a county-owned indoor sports complex located in the southwest quadrant of Highway 61 and County Road E. BRT would operate in a dedicated guideway on Highway 61, and the southbound platform for the County Road E station would be located adjacent to the sports center property. A portion of the existing parking lot would be reconfigured to accommodate up to a 70-stall park-and-ride. The reconfiguration would not reduce the number of parking spaces available for the sports center during peak times after construction.<sup>7</sup> During construction, approximately 70 parking spaces would be impacted. The portion of the sports center that would be impacted during construction is shown in Figure 18. No permanent acquisitions or temporary easements would be required. This temporary occupancy is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1).

Project staff met with Ramsey County Parks and Recreation staff on September 24, 2020 to review the proposed impacts. Parks and Recreation staff noted that the park-and-ride was designed in coordination with them, and they did not have concerns about the parking lot reconfiguration. Ramsey County Parks and Recreation concurred that the project would not result in a Section 4(f) use of the TCO Sports Garden on September 28, 2020 (see Appendix B).

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<sup>7</sup> A parking study was conducted at the TCO Sports Garden in the spring of 2019, which found that parking demand for the sports center is highest during evenings and weekends. This usage would be complementary to park-and-ride demand, which would primarily occur between about 7 a.m. and 5 p.m.



Figure 18: TCO Sports Garden Impacts



#### **4.1.6. Official with Jurisdiction: Minnesota Department of Natural Resources**

##### **TEMPORARY OCCUPANCY THAT DOES NOT CONSTITUTE A SECTION 4(F) USE**

###### **Gateway State Trail**

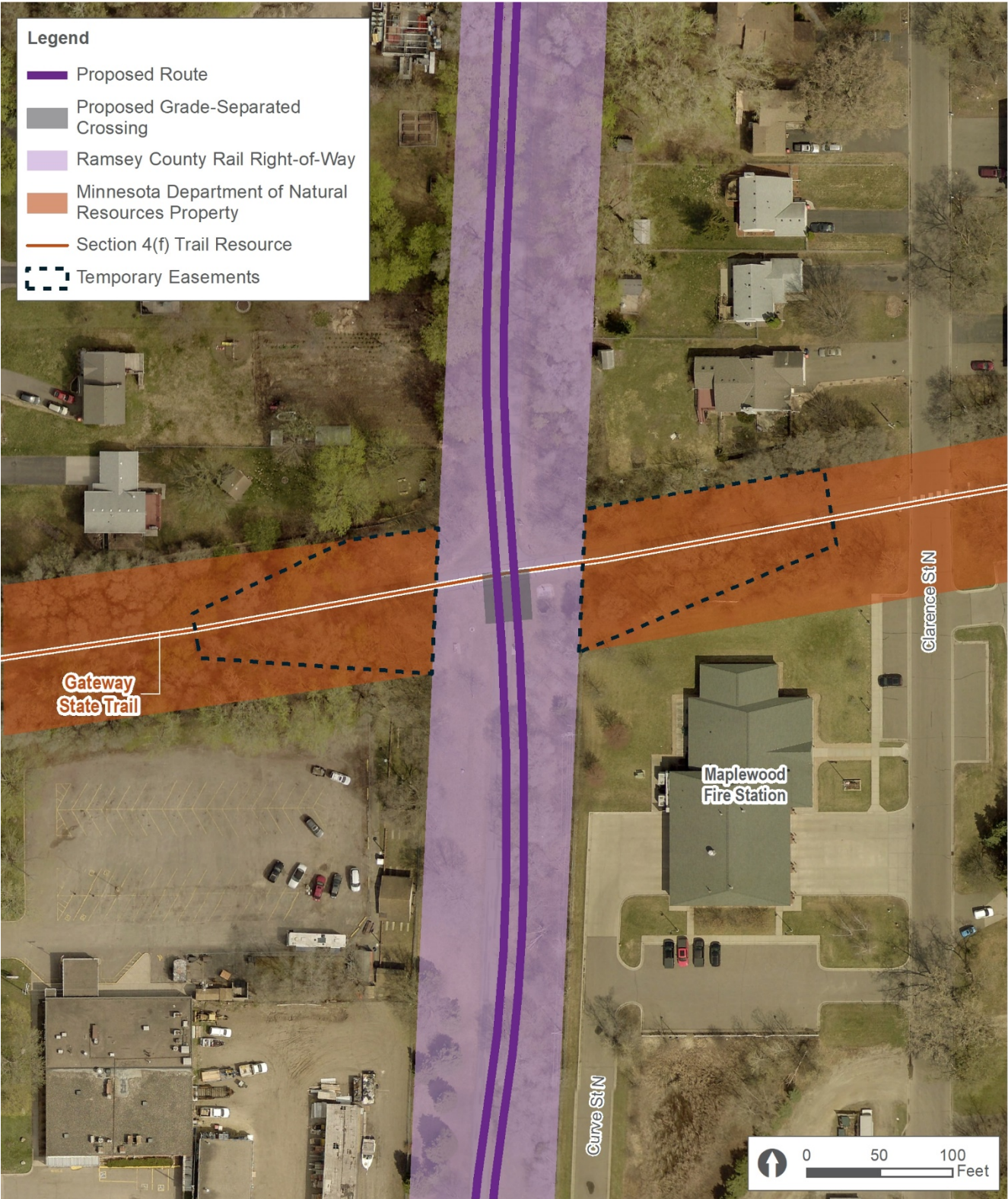
The Gateway State Trail is an 18-mile trail that begins in Saint Paul, travels northeast through Maplewood, North St. Paul, Oakdale and Washington County, and ends at Pine Point Regional Park near Stillwater. The Gateway State Trail crosses the Ramsey County rail right-of-way and intersects with the Bruce Vento Regional Trail north of Frost Avenue. BRT would cross over the Gateway State Trail/Bruce Vento Regional Trail intersection on a new grade-separated crossing.

Construction of the Rush Line BRT Project would require 0.57 acres of temporary easements from the Minnesota Department of Natural Resources, and approximately 450 feet of the Gateway State Trail would be reconstructed (see Figure 19). A trail detour would be put in place during construction. The project would not require any permanent incorporation of Minnesota Department of Natural Resource property. This temporary occupancy would not constitute a Section 4(f) use because it meets the conditions outlined in 23 CFR § 774.13 (see Section 2.1).

Project staff met with Minnesota Department of Natural Resources staff on March 23, 2020 to review the proposed impacts. The vertical clearance of the proposed grade-separated crossing was discussed to confirm maintenance equipment access would not be prohibited. At the time of the meeting, a trail roundabout was proposed for the intersection of the Gateway State Trail and Bruce Vento Regional Trail. Based on subsequent feedback from the Minnesota Department of Natural Resources, the proposed design was refined to include a standard T intersection for consistency with statewide standards. The Minnesota Department of Natural Resources concurred that the project would not result in a Section 4(f) use of the Gateway State Trail on January 11, 2021 (see Appendix B).



Figure 19: Gateway State Trail Impacts



## 4.2. HISTORIC SITES

Section 4(f) historic sites are discussed in the following sections by anticipated type of Section 4(f) use. See Figure 6 through Figure 9 for the locations of all historic sites evaluated for Section 4(f) use. Detailed figures are included for historic sites that would be impacted by the project. The assessment of effects to these resources under Section 106 of the National Historic Preservation Act of 1966 is included in Appendix E of the EA.

The official with jurisdiction for all Section 4(f) historic sites in the study area is the State Historic Preservation Office.

### 4.2.1. No Section 4(f) Use

The Section 106 assessment of effects determined that the project would have no adverse effect to the historic properties discussed in this section (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).<sup>8</sup> In addition, there would be no Section 4(f) use of these properties.

- No right-of-way acquisition or permanent easement from these properties is required. Therefore, there would be no permanent incorporation of these resources into the project.
- The project would not use any part of these properties for construction or other temporary activities. Therefore, there would be no temporary occupancy of these resources.
- There would be no proximity impacts that would result in a substantial impairment to the activities, features or attributes of these properties. Therefore, there would be no constructive use of these resources.

### FINCH, VAN SLYCK AND MCCONVILLE DRY GOODS COMPANY

The Finch, Van Slyck and McConville Dry Goods Company is an eight-story, Neoclassical style warehouse building with a C.A.P. Turner-designed internal structure of reinforced concrete. It is listed on the National Register of Historic Places and is a contributing resource to the Lowertown Historic District. BRT would operate in mixed traffic on Wacouta Street and in a dedicated guideway on 5<sup>th</sup> Street adjacent to this property (see Figure 6).

### PIONEER AND ENDICOTT BUILDINGS

The Pioneer Building is a 16-story, Romanesque Revival style, masonry commercial building located on the northern corner of the intersection of 4<sup>th</sup> and Robert Streets. The Endicott Building is an L-shaped building constructed in 1890 that wraps around the Pioneer Building and faces onto both 4<sup>th</sup> and Robert Streets. The building is comprised of two six-story Italian Renaissance style towers, one on each street, and linked by a one-story arcade that extends through both towers. The Pioneer Building and Endicott Buildings were built one year apart from each other and are listed in the National Register of Historic Places as a single historic property. BRT would operate in a dedicated guideway on 5<sup>th</sup> Street near this property (see Figure 6).

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<sup>8</sup> For the Great Northern Railroad Corridor Historic District: Saint Paul to Minneapolis Segment, the Section 106 assessment of effects determined that the project would have no adverse effect if certain conditions are met, including reestablishing vegetative screening and completing a design review process.



## MANHATTAN BUILDING (EMPIRE BUILDING)

Constructed in 1890, the Manhattan Building (Empire Building) is a seven-story, Second Renaissance Revival Style office building with a raised basement located on the eastern corner of the 5<sup>th</sup> and Robert Street intersection in downtown Saint Paul. It is listed on the National Register of Historic Places. BRT would operate in a dedicated guideway on 5<sup>th</sup> Street and the 5<sup>th</sup> Street platform would be located adjacent to this property (see Figure 6).

## FIRST FARMERS AND MERCHANTS NATIONAL BANK BUILDING AND FIRST NATIONAL BANK OF SAINT PAUL

The First Farmers and Merchants National Bank Building and First National Bank of Saint Paul are comprised of three buildings and one structure that occupy the block bounded by 4<sup>th</sup>, Robert, 5<sup>th</sup>, and Minnesota Streets in downtown Saint Paul. The First Farmers and Merchants National Bank Building, commonly referred to as the East Tower, is a 16-story, Classical Revival style office building with a tripartite form designed by prominent Chicago architect Jarvis Hunt and constructed in 1916 on the western corner of the intersection of 4<sup>th</sup> and Robert Streets for the Merchants National Bank. In 1929, Merchants National Bank merged with First National Bank, eventually leading to the construction of the neighboring building. The First National Bank Building of Saint Paul, often referred to as the West Tower, is a 32-story office tower constructed in 1931 on the northern corner of the intersection of 4<sup>th</sup> and Minnesota Streets. The First Farmers and Merchants National Bank Building and the First National Bank Building of Saint Paul are both individually eligible for the National Register of Historic Places. They are noncontributing resources to the Saint Paul Urban Renewal Historic District. BRT would operate in a dedicated guideway on 5<sup>th</sup> Street and Robert Street near these buildings (see Figure 6).

## GOLDEN RULE DEPARTMENT STORE BUILDING

The Golden Rule Department Store Building is a six-story, flat-roofed commercial building on Robert Street between E 7<sup>th</sup> Street and E 7<sup>th</sup> Place in downtown Saint Paul that has been converted into office use. It is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway on Robert Street adjacent to this property (see Figure 6).

## FOOT, SCHULZE & COMPANY BUILDING

The Foot, Schulze & Company Building (now referred to as the Rossmor Building) is a seven-story, flat-roofed manufacturing building that has been converted into residential and commercial uses. It is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway on Robert Street adjacent to this property (see Figure 6).

## PRODUCE EXCHANGE BUILDING

The Produce Exchange Building is a three-story, brick, Commercial-style building constructed in 1915 in downtown Saint Paul. It is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway on Robert Street near this property (see Figure 6).

## GREAT NORTHERN RAILROAD CORRIDOR HISTORIC DISTRICT: SAINT PAUL TO MINNEAPOLIS SEGMENT

The Great Northern Railroad Corridor between Saint Paul and St. Anthony Falls in Minneapolis was completed in 1862 by the St. Paul and Pacific Railroad Company. The Saint Paul to Minneapolis segment of the Great Northern Railroad Corridor Historic District is eligible for the National Register of

Historic Places. BRT would operate in a dedicated guideway on Phalen Boulevard adjacent to the Great Northern Railroad Corridor Historic District: Saint Paul to Minneapolis Segment (see Figure 6).

The St. Paul Minneapolis and Manitoba Railway Company Shops Historic District and Westminster Junction are contributing resources to the Great Northern Railroad Corridor Historic District: Saint Paul to Minneapolis Segment and are discussed in Section 4.2.2

## THEODORE HAMM BREWING COMPANY COMPLEX

The Theodore Hamm Brewing Company Complex was constructed from circa 1865 to 1978. The buildings are generally clad in brick and range from one to eight stories in height. Associated structures include a pump house, tunnels, skyways, a silo, a shavings vault, a retaining wall and a bridge. The complex is eligible for the National Register of Historic Places. No contributing resources are located within the study area. BRT would operate in mixed traffic on Phalen Boulevard north of the complex (see Figure 6).

## 3M ADMINISTRATION BUILDING (BUILDING 21)

The 3M Administration Building (Building 21) is a two-story Moderne style office building constructed in 1940 that was the corporate headquarters building of the 3M Main Plant in Saint Paul. It is listed on the National Register of Historic Places. BRT would operate in a dedicated guideway on Phalen Boulevard north of this property (see Figure 7).

## GLADSTONE SHOPS

Gladstone Shops is currently known as the Gladstone Savanna Neighborhood Preserve, and an archaeological site on the parcel contains the remnants of the former Gladstone Shops, constructed beginning in 1887 by the St. Paul and Duluth Railroad. It is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway in the Ramsey County rail right-of-way approximately 300 feet to the east of Gladstone Shops (see Figure 7).

## MOOSE LODGE 963

Moose Lodge 963 is a one-story, concrete block and brick-clad Commercial-style building in Maplewood. The Moose Lodge is comprised of two parts, and the original building was built in 1964. It is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway in the Ramsey County rail right-of-way adjacent to the Moose Lodge 963 property (see Figure 7).

## POLAR CHEVROLET BEAR

The Polar Chevrolet Bear, also known as Paul R. Bear, is a fiberglass polar bear statue erected in 1964. The 30-foot-tall bear was built as a roadside sign for Polar Chevrolet automobile dealership in White Bear Lake at the intersection of Highway 61 and County Road F East. The Polar Chevrolet Bear is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway on Highway 61 to the west of this property (see Figure 9).

### 4.2.2. Temporary Occupancy That Does Not Constitute a Section 4(f) Use

## SAINT PAUL UNION DEPOT

Constructed between 1917 and 1926 at the southern edge of downtown Saint Paul and overlooking the Mississippi River, the Saint Paul Union Depot (now referred to as Union Depot) is a five-story, limestone-clad, Neoclassical style railroad depot that is now a multi-modal facility. The Saint Paul Union Depot is listed on the National Register of Historic Places and is a contributing resource to the Lowertown Historic District. Rush Line BRT would operate adjacent to the Saint Paul Union Depot on



Kellogg Boulevard, Wacouta Street and Sibley Street, and it would operate on the Union Depot bus deck. The project would require construction of a new platform and electric bus charging station on the bus deck. No permanent acquisitions or temporary easements would be required for these modifications (see Figure 20).

The Section 106 assessment of effects determined that the project would have no adverse effect to the Saint Paul Union Depot if certain conditions are met, including that as part of design development project elements will be blended visually and materially into the existing modern bus station infrastructure within the portion of the bus deck previously modified (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of the Saint Paul Union Depot is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

Figure 20: Saint Paul Union Depot Impacts





## SAINT PAUL STILLWATER & TAYLORS FALLS/CHICAGO, SAINT PAUL, MINNEAPOLIS & OMAHA RAILROAD CORRIDOR HISTORIC DISTRICT

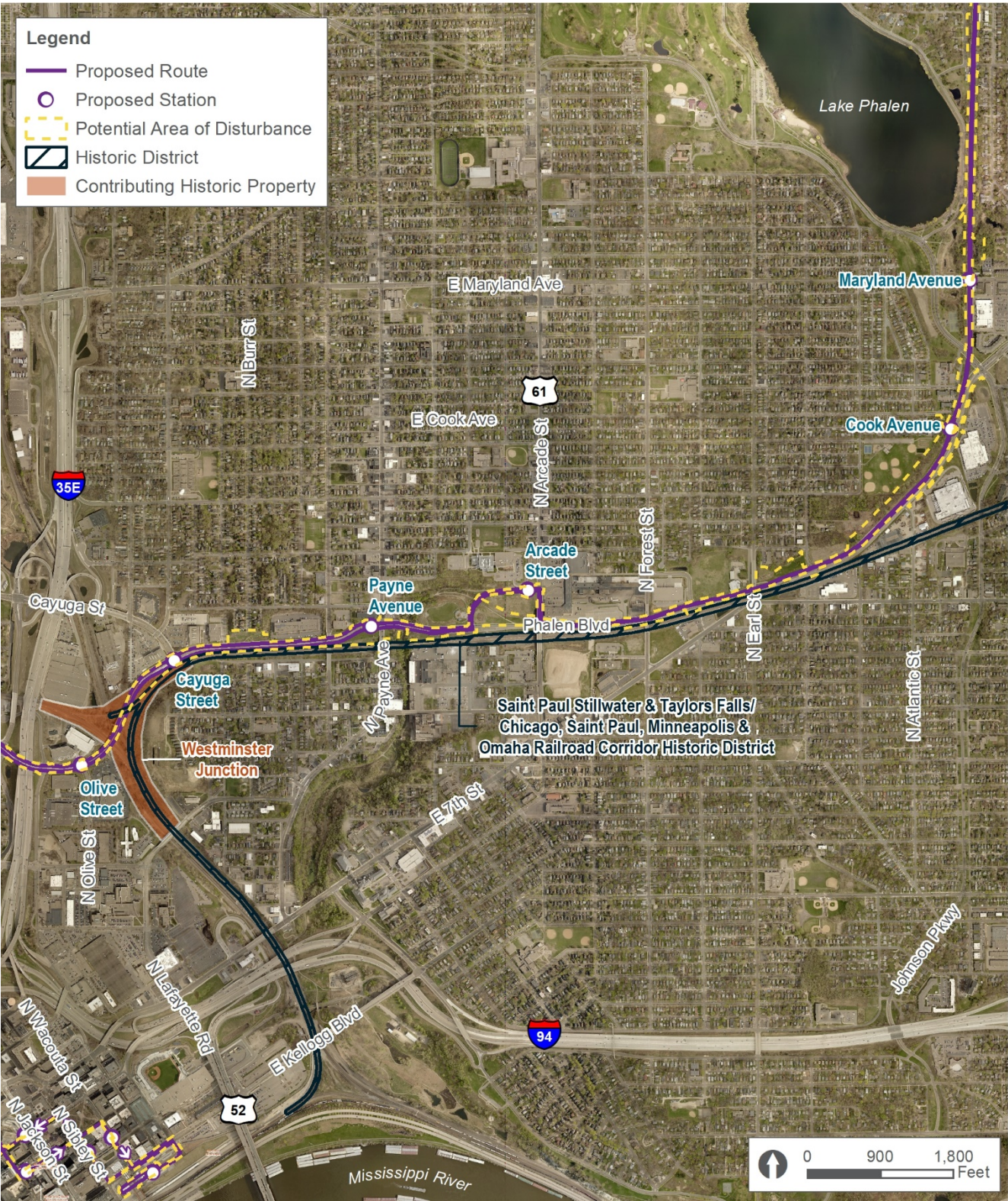
The Saint Paul Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District is an approximately 15-mile long railroad corridor running roughly northeast-southwest between the Saint Paul Union Depot and Stillwater Junction, southwest of Stillwater. It is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway on Phalen Boulevard, which crosses over and is adjacent to the historic district. The potential area of disturbance associated with a proposed signal at Mendota Circle and the reconstruction of Phalen Boulevard under the Forest Street bridge would extend into the historic district. This work would occur within the existing roadway right-of-way and no permanent acquisitions or temporary easements would be required (see Figure 21).

Within the study area, there are four contributing resources to the historic district, one of which (Westminster Junction) is individually eligible for the National Register of Historic Places and is discussed in more detail in the Westminster Junction subsection in Section 4.2.2. The project would not physically affect any of these contributing resources. The Section 106 assessment of effects determined that the project would have no adverse effect to the Saint Paul Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District if certain conditions are met, including reestablishing vegetative screening wherever possible and completing a design review process (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of the historic district is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.



**Figure 21: Saint Paul Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District Impacts**





## LOWERTOWN HISTORIC DISTRICT

The Lowertown Historic District covers 16 blocks located on the eastern edge of downtown Saint Paul, north of the Mississippi River, and contains primarily late 19<sup>th</sup>- and early 20<sup>th</sup>-century warehouses and wholesale buildings constructed for railroad-related businesses. It is listed on the National Register of Historic Places. Rush Line BRT would operate within the historic district in mixed traffic on Kellogg Boulevard, Wacouta Street and Sibley Street and in a dedicated guideway on 5<sup>th</sup> Street. Construction of the dedicated guideway on 5<sup>th</sup> Street would occur within the existing roadway right-of-way, and no permanent acquisitions or temporary easements would be required within the historic district (see Figure 22).<sup>9</sup>

There are 19 contributing resources to the Lowertown Historic District within the study area, including two that are individually listed on the National Register of Historic Places (see discussion of these two resources under the Finch, Van Slyck and McConville Dry Goods Company and the Saint Paul Union Depot subsections in Section 4.2.1 and Section 4.2.2, respectively). The Section 106 assessment of effects determined that the project would have no adverse effect to the Finch, Van Slyck and McConville Dry Goods Company and would have no adverse effect to the Saint Paul Union Depot or the Lowertown Historic District if certain conditions are met, including that as part of design development project elements will be blended visually and materially into the existing modern bus station infrastructure within the portion of the Union Depot bus deck previously modified (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of the historic district is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

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<sup>9</sup> Two of the platforms serving Union Depot (on Sibley and Wacouta Streets) would be located within the historic district but are planned to be constructed as part of the METRO Gold Line Project, which is expected to begin service in 2024 (before Rush Line BRT). More information on the METRO Gold Line is available at <https://www.metrotransit.org/gold-line-project>.



Figure 22: Lowertown Historic District Impacts





## SAINT PAUL URBAN RENEWAL HISTORIC DISTRICT

The Saint Paul Urban Renewal Historic District represents efforts to transform Saint Paul's downtown commercial core between 1955 and 1974. It is eligible for the National Register of Historic Places. Rush Line BRT would operate within the historic district in a dedicated guideway on 6<sup>th</sup> Street and in mixed traffic on Robert Street. Construction of the dedicated guideway on 6<sup>th</sup> Street would occur within the existing roadway right-of-way, and no permanent acquisitions or temporary easements would be required within the historic district (see Figure 23).<sup>10</sup>

There are seven contributing resources to the historic district within the study area; none are individually listed in or eligible for the National Register of Historic Places. The nearest contributing resource to the construction proposed within the historic district, the Minnesota Department of Economic Security Building, is well removed from any potential unintended damage from construction activities. Therefore, the construction is not anticipated to diminish the integrity of design, materials, or workmanship of any contributing resources. The Section 106 assessment of effects determined that the project would have no adverse effect to the Saint Paul Urban Renewal Historic District (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of the historic district is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

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<sup>10</sup> The 6<sup>th</sup> Street station platform would be located within the historic district but is planned to be constructed as part of the METRO Gold Line Project, which is expected to begin service in 2024 (before Rush Line BRT). More information on the METRO Gold Line is available at <https://www.metrotransit.org/gold-line-project>.



**Figure 23: Saint Paul Urban Renewal Historic District Impacts**



## ST. PAUL MINNEAPOLIS AND MANITOBA RAILWAY COMPANY SHOPS HISTORIC DISTRICT

The St. Paul Minneapolis and Manitoba Railway Company Shops Historic District was built between 1882 and 1944 and is listed on the National Register of Historic Places. BRT would operate in mixed traffic and in a dedicated guideway on Pennsylvania Avenue, which is the southern boundary of the historic district. Construction of the dedicated guideway would occur within the existing roadway right-of-way, and no permanent acquisitions or temporary easements would be required within the historic district (see Figure 24). The Section 106 assessment of effects determined that the project would have no adverse effect to the St. Paul Minneapolis and Manitoba Railway Company Shops Historic District (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of the historic district is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.



**Figure 24: St. Paul Minneapolis and Manitoba Railway Company Shops Historic District Impacts**





## WESTMINSTER JUNCTION

Westminster Junction is a limestone grade-separation structure built to accommodate several railroad lines within the narrow Trout Brook ravine, one of the few routes out of downtown Saint Paul through the Mississippi Valley bluffs. It is eligible for the National Register of Historic Places and is a contributing resource to the Great Northern Railroad Corridor Historic District: Saint Paul to Minneapolis Segment and the Saint Paul Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District. BRT would operate in a dedicated guideway on Phalen Boulevard, which is grade-separated over the railroad junction. Construction of the dedicated guideway, the northbound Cayuga Street station platform and a potential stormwater management feature would occur within the existing roadway right-of-way, and no permanent acquisitions or temporary easements would be required from Westminster Junction (see Figure 25).

The Section 106 assessment of effects determined that the project would have no adverse effect to Westminster Junction if certain conditions are met, including reestablishing vegetative screening as part of design development and completing a design review process (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of Westminster Junction is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

Figure 25: Westminster Junction Impacts





## JOHNSON PARKWAY

Johnson Parkway, built between 1914 and 1945, extends from its southern terminus at Burns Avenue near Indian Mounds Park to its northern terminus at Wheelock Parkway and East Shore Drive in Phalen Regional Park. Johnson Parkway is considered an integral component of Saint Paul's Grand Round, a park system proposed by Horace William Shaler Cleveland in the late 19<sup>th</sup> century and comprised of a series of large parks connected by parkways. It is eligible for the National Register of Historic Places. The historic boundary of Johnson Parkway aligns with the boundary of Phalen Regional Park from northwest of Phalen Boulevard to Johnson Parkway's northern terminus. BRT would cross over Johnson Parkway on a new dedicated guideway bridge, and construction of the bridge would occur within the historic boundary. In addition, temporary easements totaling 0.10 acres would be required for reconstruction of existing sidewalks and trails within the historic boundary (see Figure 26).<sup>11</sup>

The Section 106 assessment of effects determined that the project would have no adverse effect to Johnson Parkway if certain conditions are met, including completing a design review process for the proposed bridge over Johnson Parkway and reestablishing vegetative screening between Johnson Parkway and project elements at the Maryland Avenue station (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

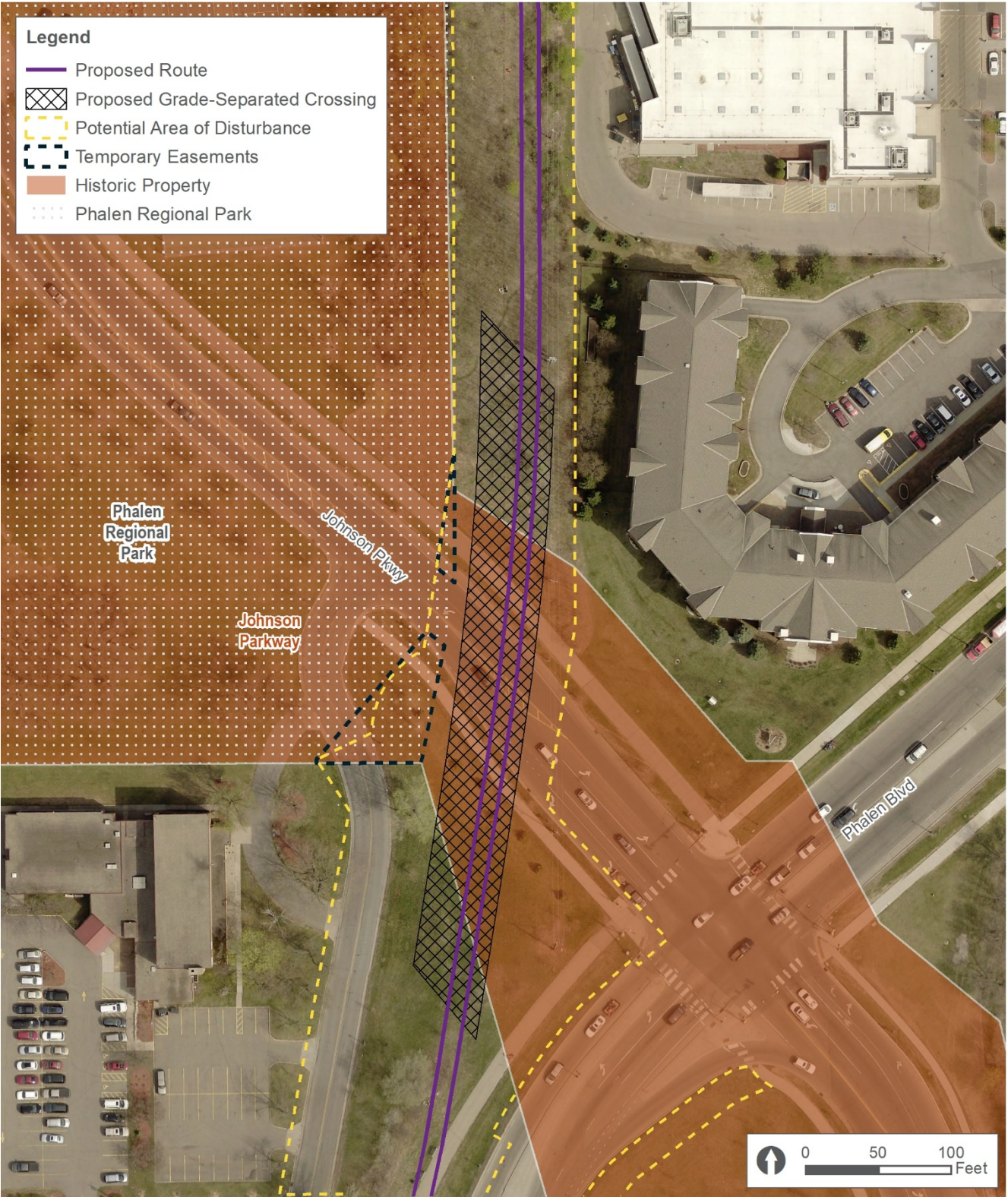
The temporary occupancy of Johnson Parkway is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

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<sup>11</sup> These temporary easements are within Phalen Regional Park. See the Phalen Regional Park subsection of Section 4.1.1 for the Section 4(f) evaluation of Phalen Regional Park.



Figure 26: Johnson Parkway Impacts



## PHALEN PARK

Phalen Park as a historic property consists of 278 acres of parkland with Lake Phalen as its centerpiece.<sup>12</sup> It is eligible for the National Register of Historic Places. BRT would operate in a dedicated guideway in the Ramsey County rail right-of-way adjacent to the historic property (see Figure 27). During construction, the project would require temporary easements for reconstruction of existing sidewalks and trails. Two of these temporary easements are partially within Phalen Park (see Figure 27). The total temporary easement within the historic boundary is 0.13 acres and would be in areas of passive use on the edges of the park.

The Section 106 assessment of effects determined that the project would have no adverse effect to Phalen Park if certain conditions are met, including blending the design of the trail connection to the Bruce Vento Regional Trail with that of the existing trail; reestablishing vegetative screening between Phalen Park and project elements adjacent to the historic property boundary, including the dedicated guideway, reconstructed Bruce Vento Regional Trail, retaining walls and potential stormwater management features; completing a design review process for the proposed bridge over Johnson Parkway; and preparing a Construction Protection Plan for Historic Properties (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of Phalen Park is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

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<sup>12</sup> The 5-acre city park named Phalen Park located on the east side of the Ramsey County rail right-of-way is discussed in the Phalen Park subsection of Section 4.1.1. The 481-acre city park named Phalen Regional Park located west of the Ramsey County rail right-of-way is discussed in the Phalen Regional Park subsection of Section 4.1.1.



Figure 27: Phalen Park Impacts





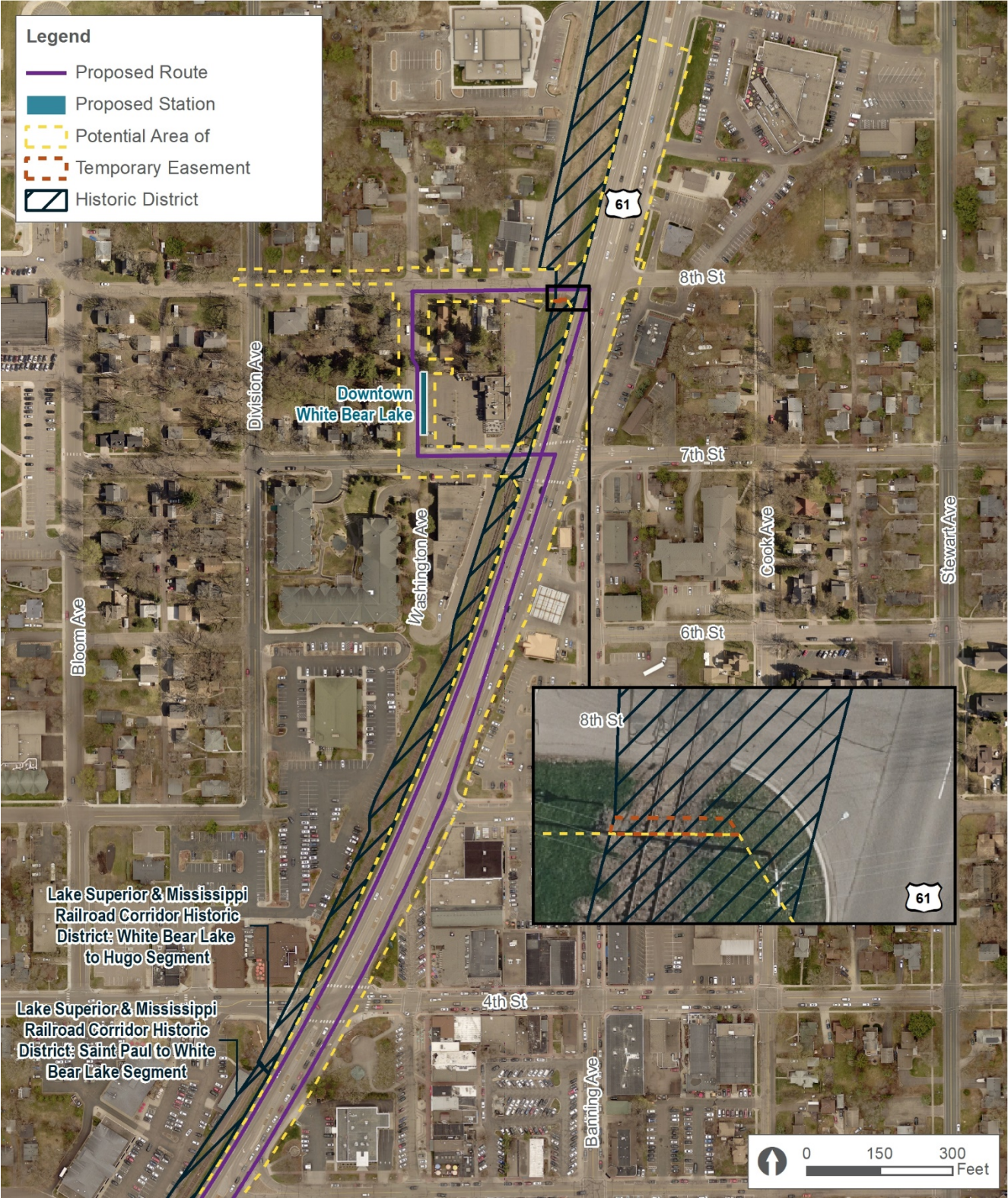
## LAKE SUPERIOR & MISSISSIPPI RAILROAD CORRIDOR HISTORIC DISTRICT: WHITE BEAR LAKE TO HUGO SEGMENT

The Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment extends from the White Bear Lake Depot in downtown White Bear Lake to downtown Hugo in Washington County. Similar to the Saint Paul to White Bear Lake Segment immediately to its south (see Section 4.2.4), this historic property was built in 1868 and is an approximately 5.3-mile long segment of a longer railroad corridor that reached Duluth's port on Lake Superior in 1870. The White Bear Lake to Hugo Segment is eligible for the National Register of Historic Places. There is one contributing resource to this historic district, the railroad roadway, that is within the study area. BRT would operate in mixed traffic on Highway 61, 7<sup>th</sup> Street and 8<sup>th</sup> Street within and adjacent to the historic district. Construction of sidewalks and reconstruction of the existing roadway would occur within the existing roadway right-of-way of Highway 61, 7<sup>th</sup> Street and 8<sup>th</sup> Street. Temporary easements would be required on the south side of 8<sup>th</sup> Street for sidewalk construction, and one of these temporary easements (approximately 83 square feet) is located within the historic district (see Figure 28).

The Section 106 assessment of effects determined that the project would have an adverse effect to the Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment as a result of the adverse effect to the associated Saint Paul to White Bear Lake Segment, the terminal segment for the entire Lake Superior & Mississippi Railroad Corridor from Saint Paul to Duluth. Resolution of all adverse effects to resources associated with the Lake Superior & Mississippi Railroad (see Section 4.2.4 for discussion of four other associated historic properties) will be accomplished through continued consultation under Section 106 of the National Historic Preservation Act (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

The temporary occupancy of the historic district is not anticipated to constitute a Section 4(f) use because it would meet the conditions outlined in 23 CFR § 774.13 (see Section 2.1). The temporary occupancy of this property was discussed with the State Historic Preservation Office at a Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

**Figure 28: Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment Impacts**





### 4.2.3. Section 4(f) Use – De Minimis Impact

#### MADELINE L. WEAVER ELEMENTARY SCHOOL

Madeline L. Weaver Elementary School is a one-story, brick, Midcentury Modern style building in Maplewood, and the original building was constructed in 1966. It is eligible for the National Register of Historic Places.<sup>13</sup> The Ramsey County rail right-of-way borders the school property to the west, and a path crosses the Bruce Vento Trail and connects Weaver Elementary School to the surrounding residential neighborhood.

BRT would operate in the Ramsey County rail right-of-way on the west side of the school property, and the dedicated guideway would cross over the access from Weaver Elementary School on a new grade-separated crossing. Construction of the grade-separated crossing would require 0.11 acres of permanent acquisition and 0.45 acres of temporary easement from Weaver Elementary School (see Figure 29). In addition to the permanent acquisition and temporary easement needed to construct the grade-separated crossing, the project would include a 1.45-acre permanent acquisition on the northern edge of the property for potential stormwater management (see Figure 29).

The Section 106 assessment of effects determined that the project would have no adverse effect to this historic property if certain conditions are met, including reestablishing vegetative screening between the school and project elements and completing a design review process (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA). The State Historic Preservation Office concurred with this determination on January 8, 2021 (see Appendix B). The conditions are included in the Memorandum of Agreement (see the draft Memorandum of Agreement in Appendix C of the EA).

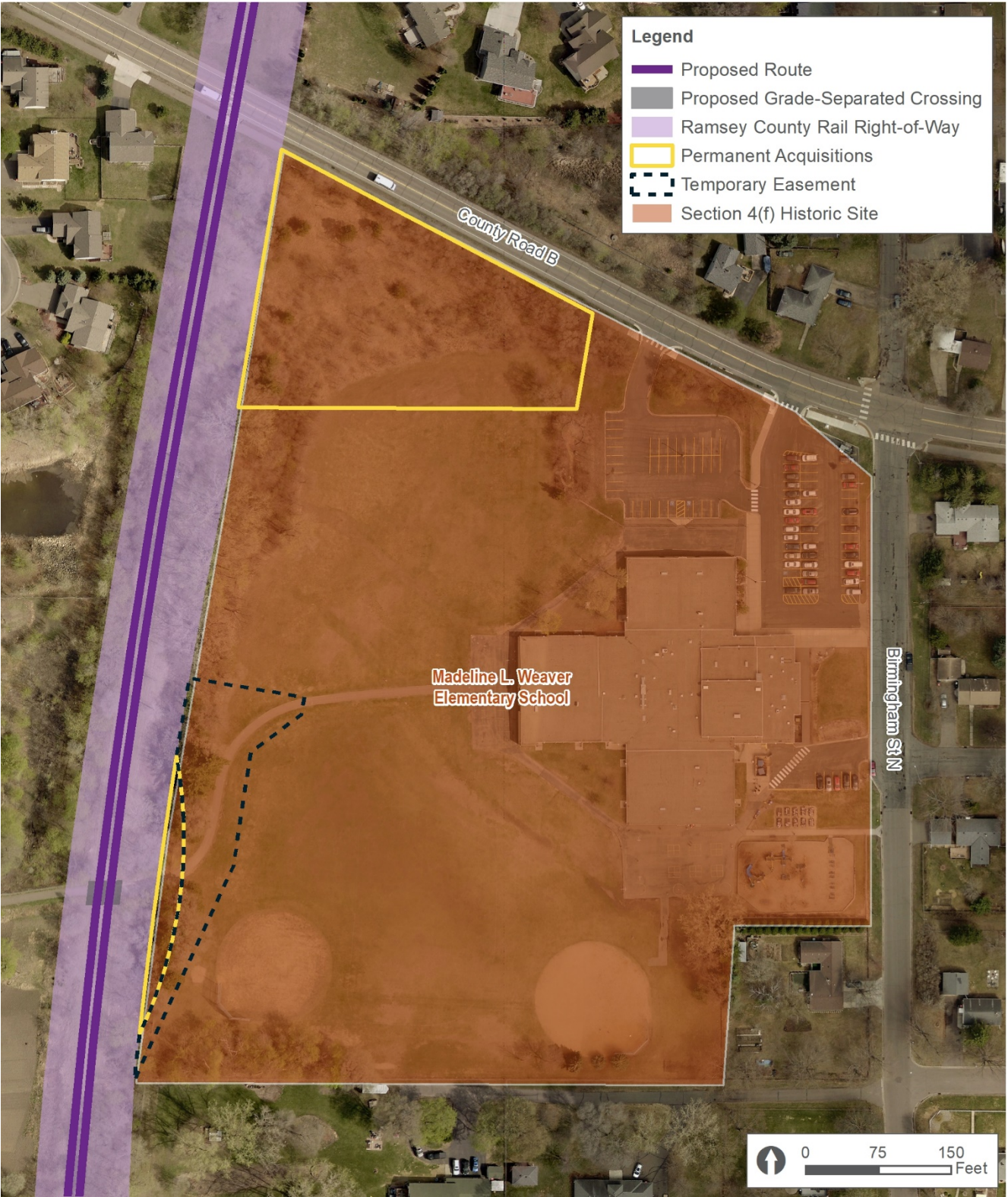
The Federal Transit Administration intends to make a *de minimis* determination for the use of Madeline L. Weaver Elementary School. The State Historic Preservation Office was notified of the intent to make a *de minimis* determination at the Section 106 consulting party meeting on December 18, 2020 and a Section 4(f) coordination meeting on January 27, 2021.

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<sup>13</sup> See the Weaver Elementary School subsection of Section 4.1.4 for the Section 4(f) evaluation of Weaver Elementary School as a recreational resource.



Figure 29: Madeline L. Weaver Elementary School Impacts



#### 4.2.4. Section 4(f) Use – Individual Section 4(f) Evaluation

##### LAKE SUPERIOR & MISSISSIPPI RAILROAD CORRIDOR HISTORIC DISTRICT: SAINT PAUL TO WHITE BEAR LAKE SEGMENT AND 1868 ALIGNMENT OF THE LAKE SUPERIOR & MISSISSIPPI RAILROAD

##### Description of Section 4(f) Resources

The Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment extends from a wye junction just east of Union Depot in downtown Saint Paul to the 1935 White Bear Lake Depot in downtown White Bear Lake. The historic property, originally built by the Lake Superior & Mississippi Railroad in 1868, is an approximately 11-mile segment of a 155-mile long railroad corridor that ran from Saint Paul to Duluth's port on Lake Superior in 1870 (see Figure 30 through Figure 33). In 1992, Ramsey County purchased the rail right-of-way from Kellogg Boulevard to Beam Avenue from the BNSF Railway Company for future transit and trail use. In 1993, Ramsey County, in coordination with the city of Saint Paul, prepared the *Master Plan for Burlington Northern Regional Trail Corridor*.

The Saint Paul to White Bear Lake Segment of the Lake Superior & Mississippi Railroad Corridor Historic District is eligible for the National Register of Historic Places. Documentation of this determination of eligibility dates to 1996. There are nine contributing resources to this historic district within the study area. Of the nine contributing resources, three are individually eligible for the National Register of Historic Places: the 1868 Alignment of the Lake Superior & Mississippi Railroad between Eldridge Avenue East and County Road B East, between Gervais Avenue and County Road C and between Kohlman Avenue and Beam Avenue (see Figure 31 and Figure 32). The historic district and three individually eligible historic properties are considered together for the purposes of this individual Section 4(f) evaluation. This evaluation follows the steps outlined in Section 2.2.

##### Section 4(f) Use

The dedicated guideway would be constructed within the boundary of the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment beginning at Arcade Street in Saint Paul and continuing until Beam Avenue in Maplewood; it would also be within the historic district between County Road D and Buerkle Road in Maplewood (see Figure 30 through Figure 33).

The project would result in permanent incorporation of property within the historic district, with a total of 0.05 acres of permanent acquisition and 0.62 acres of temporary easement. These permanent acquisitions and temporary easements are located in four different areas:

- Approximately 0.02 acres of permanent acquisition and 0.03 acres of temporary easement within the historic district are required for construction of the grade-separated crossing in Ramsey County rail right-of-way by Weaver Elementary School.<sup>14</sup> The acquisition area is adjacent to the 1868 Alignment of the Lake Superior & Mississippi Railroad between Eldridge Avenue East and County Road B East (see Figure 31).
- Approximately 156 square feet of temporary easement within the historic district is required for reconstruction of a Bruce Vento Regional Trail access from Barclay Street. This temporary

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<sup>14</sup> See Sections 4.1.4 and 4.2.3 for the Section 4(f) evaluation of Weaver Elementary School as a recreational and historic resource, respectively.

easement is approximately 50 feet south of the 1868 Alignment of the Lake Superior & Mississippi Railroad between Kohlman Avenue and Beam Avenue (see Figure 32).

- Approximately 0.03 acres of permanent acquisition and 0.02 acres of temporary easement within the historic district are required for sidewalk construction on Buerkle Road (see Figure 32).
- Approximately 0.57 acres of temporary easement within the historic district are required on the west side of Highway 61 for grading and construction of pedestrian improvements (see Figure 33).

In addition, the project would require construction within the historic district on property owned by Ramsey County (within the Ramsey County rail right-of-way) between Arcade Street and Beam Avenue and between County Road D and Buerkle Road, which would not require permanent acquisitions or temporary easements. This includes construction of the dedicated guideway, stations, grade-separated crossings and stormwater management features and reconstruction of the Bruce Vento Regional Trail.

Construction of the project would directly and physically alter the characteristics that qualify this segment of the historic district for inclusion in the National Register of Historic Places by diminishing its integrity of design and materials. The Section 106 assessment of effects determined that the project would have an adverse effect on the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment and the three individually eligible segments of the 1868 Alignment of the Lake Superior & Mississippi Railroad. Because of this adverse effect determination, the Section 4(f) use of these resources cannot be considered *de minimis*.<sup>15</sup>

Resolution of all adverse effects to resources associated with the Lake Superior & Mississippi Railroad will be accomplished through continued consultation under Section 106 of the National Historic Preservation Act (see the *Rush Line Bus Rapid Transit Project Section 106 Assessment of Effects and Determination of Effect for Historic Properties* in Appendix E of the EA).

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<sup>15</sup> As defined in 23 CFR § 774.17, “For historic sites, a *de minimis* impact means that the Administration has determined, in accordance with 36 CFR Part 800 that no historic property is affected by the project or that the project will have “no adverse effect” on the historic property in question.”



**Figure 30: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from Union Depot to Arcade Street**



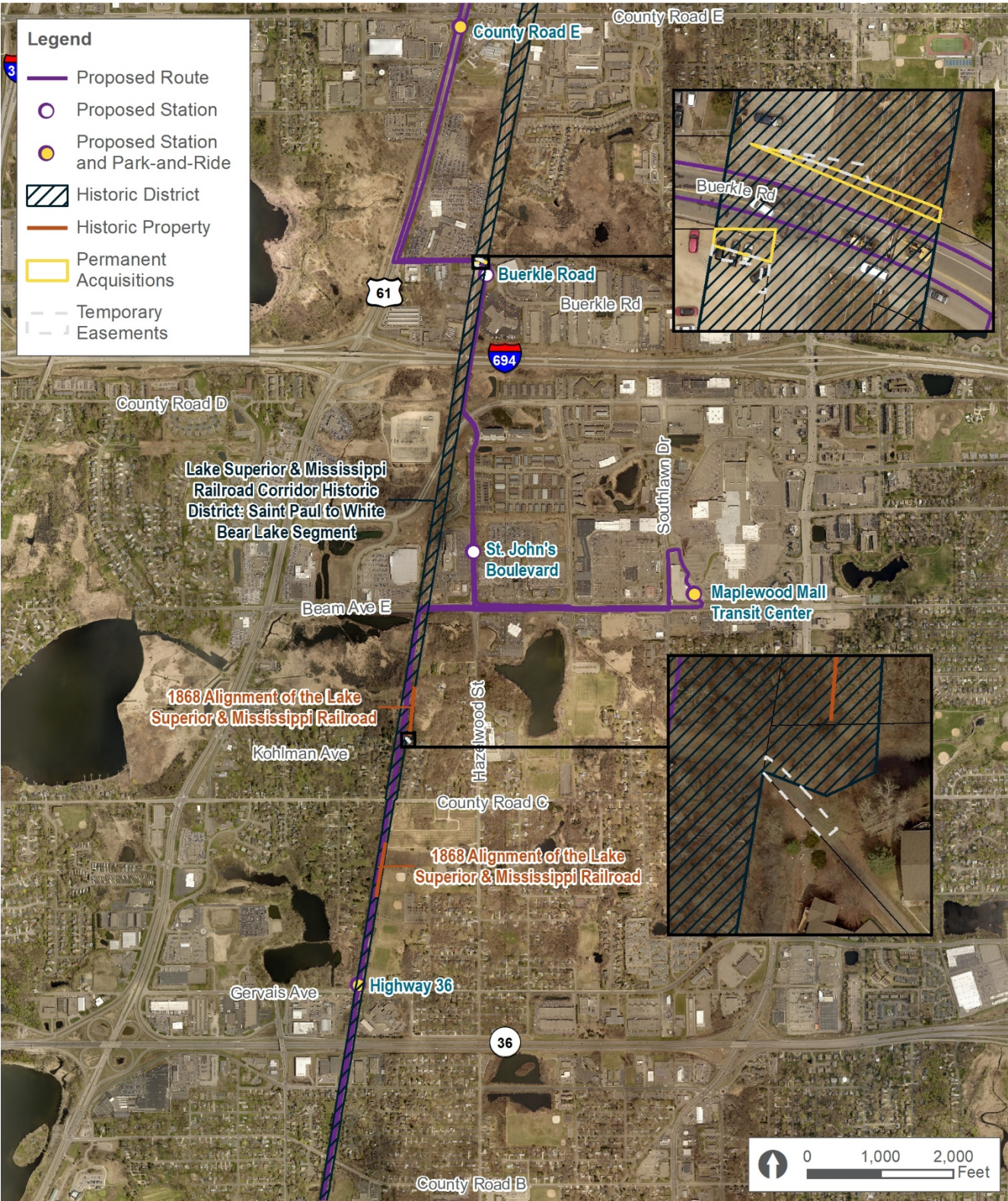


**Figure 31: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from Arcade Street to County Road B**





**Figure 32: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from County Road B to County Road E**





**Figure 33: Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment from County Road E to Downtown White Bear Lake**





## Avoidance Alternatives

Once preliminary Section 4(f) uses have been determined, it is necessary to consider avoidance alternatives that would eliminate individual use of Section 4(f) resources. As defined in 23 CFR § 774.17, feasible and prudent avoidance alternatives are those that would avoid using any Section 4(f) resource and would not cause other problems of a magnitude that would substantially outweigh the importance of protecting the Section 4(f) resource.

### *Purpose and Need*

The purpose of the Rush Line BRT Project is to provide transit service that satisfies the long-term regional mobility and accessibility needs for businesses and the traveling public and supports sustainable development within the municipalities adjacent to the Rush Line BRT Project, which include Saint Paul, Maplewood, White Bear Township, Vadnais Heights, Gem Lake and White Bear Lake. Four primary factors contribute to the need for the Rush Line BRT Project:

- Serving the needs of people who rely on transit.
- Meeting increasing demand for reliable, high-frequency transit.
- Planning for sustainable growth and development.
- Expanding multimodal travel options.

More information on the purpose and need for the project is included in Chapter 1 of the EA and in the *Purpose and Need Technical Report* (included in Appendix E of the EA).

### *No Build Alternative*

The No Build Alternative is defined as the existing transportation system with planned and programmed improvements as presented in the Metropolitan Council's *2040 Transportation Policy Plan* but without the Rush Line BRT Project.<sup>16</sup> The No Build Alternative would completely avoid the use of Section 4(f) resources.

The No Build Alternative is considered feasible from an engineering perspective because no construction would be required to implement the alternative.

When considering the prudence of the No Build Alternative, the most relevant criterion from 23 CFR § 774.17 is, "it compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need." The No Build Alternative would not contribute to serving the needs of people who rely on transit; meeting increasing demand for reliable, high-frequency transit; planning for sustainable growth and development; or expanding multimodal travel options. Because the No Build Alternative would not meet the project's purpose and need, it is not considered a prudent alternative to avoid the use of the Section 4(f) resources.

### *Arterial BRT on White Bear Avenue*

As part of the Rush Line BRT Project's pre-project development study conducted from 2014 to 2017, bus and rail alternatives within a 30-mile study area between Union Depot in Saint Paul and Forest Lake were evaluated using a three-step process. The first step (Tier 1 Evaluation) assessed eight transit modes, seven north/south alignments and 19 downtown Saint Paul alignments relative to overall implementation viability. The second step (Tier 2 Evaluation) assessed the four transit

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<sup>16</sup> Metropolitan Council. 2040 Transportation Policy Plan. October 2018 Update. Available at <https://metro council.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan.aspx>.



mode/alignment pairings that passed the Tier 1 Evaluation and compared the benefits and impacts of each, including the number of cultural or historic sites within 400 feet of each alignment. The alternative that fared best against the detailed criteria in this second step was further refined in the third step (Tier 2 Refinement). The locally preferred alternative was identified at the conclusion of the Tier 2 Refinement in 2017 and was adopted into the *2040 Transportation Policy Plan* in 2018. For more information on this process, see the *Rush Line Corridor Pre-Project Development Study Locally Preferred Alternative Selection Report*.<sup>17</sup>

Of the four alternatives that advanced to the Tier 2 Evaluation, three would operate in Ramsey County rail right-of-way and, therefore, are assumed to have similar Section 4(f) impacts as the Build Alternative evaluated in this EA. The fourth alternative, arterial BRT on White Bear Avenue, would operate in mixed traffic within existing roadways (see Figure 34). This arterial BRT alternative would avoid the Section 4(f) use of the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment and the three segments of the 1868 Alignment of the Lake Superior & Mississippi Railroad and would be designed to avoid impacts to other historic properties and recreational resources protected by Section 4(f) and Section 106.

Arterial BRT on White Bear Avenue is considered feasible because it could be built as a matter of sound engineering judgement.

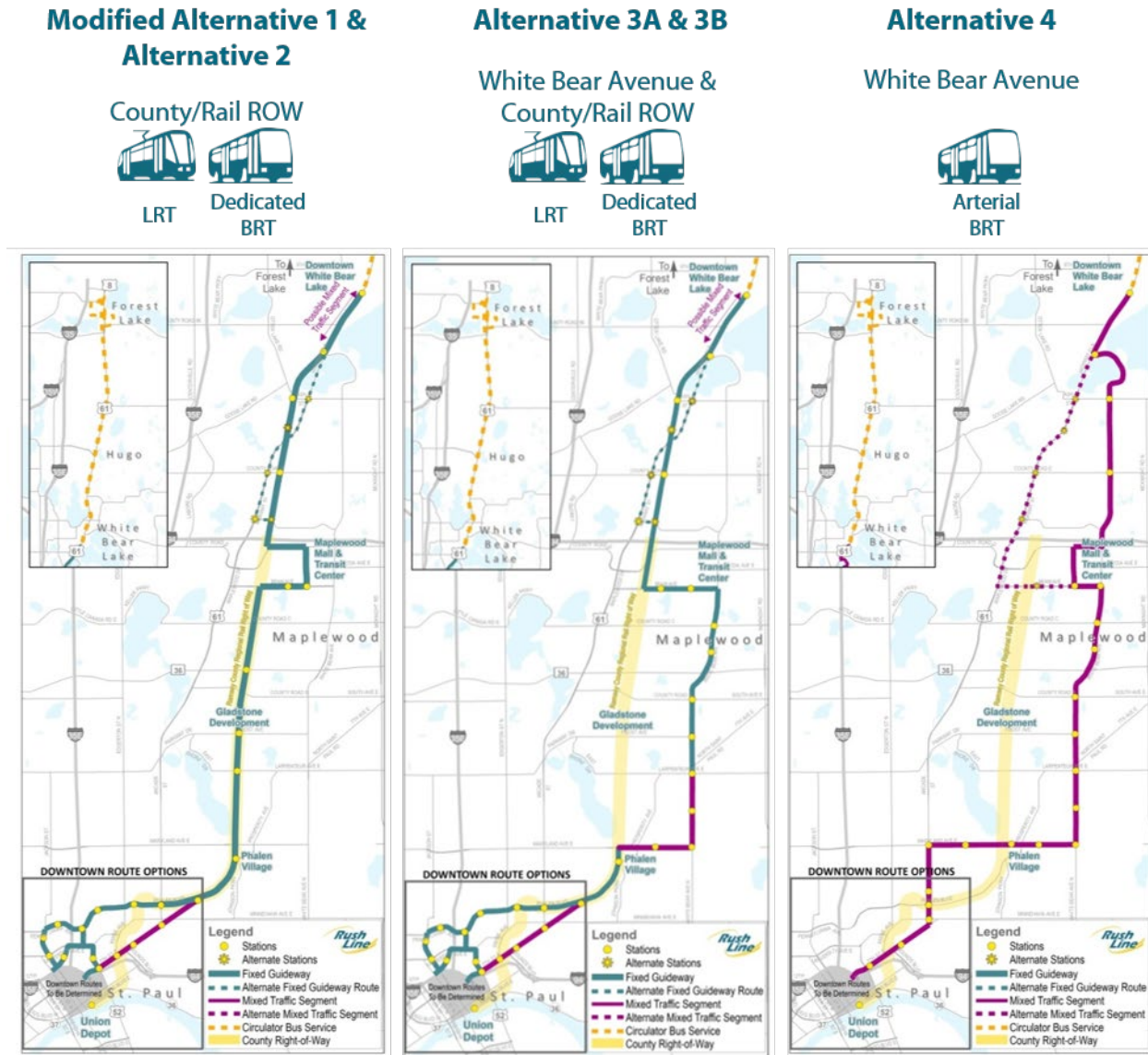
When considering the prudence of arterial BRT on White Bear Avenue, the most relevant criterion from 23 CFR § 774.17 is, “it compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.” The Tier 2 Evaluation found that this alternative had the lowest number of new riders and the lowest total corridor ridership. It also had the lowest potential to generate economic development and would provide service similar to a planned extension of the Route 54.<sup>18</sup> For these reasons, arterial BRT on White Bear Avenue would not meet the project’s purpose and need, it is not considered a prudent alternative to avoid the use of the Section 4(f) resources.

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<sup>17</sup> Available at <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>.

<sup>18</sup> The extension of Route 54 was implemented in June 2018.

**Figure 34: Alternatives Advanced to the Tier 2 Evaluation in the Pre-Project Development Study**



## Measures to Minimize Harm

In addition to a determination that there is no feasible and prudent alternative that avoids the use of a Section 4(f) resource, the Section 4(f) regulations also state that the Federal Transit Administration may not approve the use of a Section 4(f) resource unless it determines that the proposed project includes all possible planning, as defined in 23 CFR § 774.17, to minimize harm to the property resulting from such use.

The adverse effect to the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment and the three segments of the 1868 Alignment of the Lake Superior & Mississippi Railroad will be minimized through the consultation process under Section 106 of the National Historic Preservation Act of 1966. It might be possible to design the project to avoid physical effects to two segments of the 1868 Alignment of the Lake Superior & Mississippi Railroad (between



County Road C and Gervais Avenue and between Kohlman and Beam Avenues). However, construction of the grade-separated crossing of the dedicated guideway and trail access between English Street and Weaver Elementary School would likely physically impact the segment between Eldridge Avenue East and County Road B East (see Figure 31).

The Federal Transit Administration, with assistance from the Minnesota Department of Transportation Cultural Resources Unit, the State Historic Preservation Office and other consulting parties,<sup>19</sup> will resolve adverse effects in accordance with the terms of a Section 106 Memorandum of Agreement. The draft Memorandum of Agreement is included in Appendix C of the EA and will be finalized following public comment and the results of coordination with the State Historic Preservation Office and other Section 106 consulting parties.

### Assessment of Least Overall Harm

Per 23 CFR § 774.3(c)(1), the Section 4(f) regulations require a balancing of the following seven factors when determining which alternative would cause the least overall harm:

- The ability to mitigate adverse impacts on each Section 4(f) resource (including any measures that result in benefits to the property).
- The relative severity of the remaining harm, after mitigation, to the protected activities, attributes or features that qualify each Section 4(f) resource for protection.
- The relative significance of each Section 4(f) resource.
- The views of the official(s) with jurisdiction over each Section 4(f) resource.
- The degree to which each alternative meets the purpose and need for the project.
- After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f).
- Substantial differences in costs among the alternatives.

Avoidance alternatives were not found to be prudent in light of the project's stated purpose and need. The only remaining alternative would result in the use of a Section 4(f) resource. Measures to minimize harm to the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment and the three segments of the 1868 Alignment of the Lake Superior & Mississippi Railroad are discussed in the previous section.

### Coordination with the Official with Jurisdiction

In September 2018, the Federal Transit Administration sent a letter to the State Historic Preservation Office to initiate Section 106 consultation for the Rush Line BRT Project. The architecture/history and archaeological investigations prepared for the project were submitted to the State Historic Preservation Office for review, including the Phase II evaluation of the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment. Consultation with the State Historic Preservation Office and other Section 106 consulting parties will continue to resolve the adverse effects to the resources associated with the Lake Superior & Mississippi Railroad. Section

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<sup>19</sup> In addition to the State Historic Preservation Office, Section 106 consulting parties include the city of Saint Paul, Saint Paul Heritage Preservation Commission, city of Maplewood, Maplewood Heritage Preservation Commission, Maplewood Area Historical Society, city of Vadnais Heights, city of White Bear Lake, White Bear Lake Area Historical Society, city of Gem Lake, White Bear Township, Ramsey County, Metropolitan Council, US Army Corps of Engineers and Federal Highway Administration.

4(f) coordination with the State Historic Preservation Office will also occur as the Section 106 consultation process continues.

In addition to coordination with the State Historic Preservation Office as the official with jurisdiction and other Section 106 consulting parties, there have been extensive public engagement efforts to inform and collect input from the public to shape the project. Public engagement efforts during the project's environmental analysis phase are summarized in Section 5.1 of the EA. Public engagement highlighting historic resources and the Section 106 process included the following:

- A flyer on the Section 106 process that highlighted the Lake Superior & Mississippi Railroad Corridor Historic District.
- Pop-up meetings on the Bruce Vento Regional Trail.
- Stakeholder workshops and development of the *Ramsey County Rail Right-of-Way Design Guide* acknowledging National Register eligibility and the historic character of the Lake Superior & Mississippi Railroad corridor.
- Section 106 presentations to the project's Policy Advisory Committee and Community Advisory Committee.

Members of the public will be able to comment on the Section 4(f) evaluation during the 45-day public comment period after the EA is published. Information on how to submit comments is included in the introduction to the EA.

## Conclusion

Based on the analysis above, the Federal Transit Administration finds that there is no feasible and prudent avoidance alternative (as defined in 23 CFR § 774.17) to the use of the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment and the three individually eligible segments of the 1868 Alignment of the Lake Superior & Mississippi Railroad, which are properties afforded protection under Section 4(f). The Build Alternative represents the alternative of least overall harm and includes all possible planning to minimize harm to the Section 4(f) resources resulting from use, as described above.

# 5. SUMMARY

## 5.1. PARKS AND RECREATION AREAS

Table 3 summarizes the anticipated Section 4(f) use of parks and recreation areas by the Rush Line BRT Project. The project is anticipated to have a *de minimis* impact on four parks and recreation areas. As discussed in Section 4.1, the officials with jurisdiction over these resources have been notified that the Federal Transit Administration intends to make a *de minimis* determination. After considering any comments received from the public during the 45-day comment period on the EA, which includes public meetings, if the officials with jurisdiction concur in writing that the project would not adversely affect the activities, features or attributes that make the properties eligible for Section 4(f) protection, then the Federal Transit Administration may finalize the *de minimis* impact determinations.



**Table 3: Summary of Anticipated Section 4(f) Uses of Parks and Recreation Areas**

Resource Name	Official with Jurisdiction	Anticipated Section 4(f) Use
Union Depot Trail	Saint Paul Parks and Recreation	No
Depot Tot Lot	Saint Paul Parks and Recreation	No
Mears Park	Saint Paul Parks and Recreation	No
Valley Park	Saint Paul Parks and Recreation	No
Duluth & Case Recreation Center	Saint Paul Parks and Recreation	No
Pedro Park	Saint Paul Parks and Recreation	No, temporary occupancy would not constitute a use
Phalen Regional Park	Saint Paul Parks and Recreation	No, temporary occupancy would not constitute a use
Eastside Heritage Park	Saint Paul Parks and Recreation	Yes, <i>de minimis</i> impact
Phalen Park	Saint Paul Parks and Recreation	Yes, <i>de minimis</i> impact
Kohlman Creek Preserve	City of Maplewood	No
Hazelwood-Legacy Trail Connection	City of Maplewood	No
Bruce Vento Regional Trail Access from English Street	City of Maplewood	No, temporary occupancy would not constitute a use
Harvest Park	City of Maplewood	Yes, <i>de minimis</i> impact <sup>20</sup>
Veterans Park	City of White Bear Lake	No
Railroad Park	City of White Bear Lake	No
Weaver Elementary School	Independent School District 622	Yes, <i>de minimis</i> impact
TCO Sports Garden	Ramsey County	No, temporary occupancy would not constitute a use
Gateway State Trail	Minnesota Department of Natural Resources	No, temporary occupancy would not constitute a use

## 5.2. HISTORIC SITES

Table 4 summarizes the anticipated Section 4(f) use of historic sites by the Rush Line BRT Project. The official with jurisdiction for all historic sites in the study area is the State Historic Preservation Office. The project is anticipated to have a Section 4(f) use of five historic sites, one of which would be a *de minimis* impact.

As discussed in Section 4.2.3, the consulting parties identified in accordance with 36 CFR Part 800 were consulted and the State Historic Preservation Office was informed of the intent to make a *de minimis* impact determination for Madeline L. Weaver Elementary School. The State Historic

<sup>20</sup> Both the Build Alternative and the Build Alternative option without the Highway 36 park-and-ride would result in an anticipated *de minimis* impact to Harvest Park.

Preservation Office concurred with the finding of no adverse effect in accordance with 36 CFR Part 800.

The project would result in a Section 4(f) use of the Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment and the three segments of the 1868 Alignment of the Lake Superior & Mississippi Railroad. Resolution of all adverse effects to resources associated with the Lake Superior & Mississippi Railroad will be accomplished through continued consultation under Section 106 of the National Historic Preservation Act. Section 4(f) coordination with the State Historic Preservation Office regarding these resources will also occur as the Section 106 consultation process continues.

**Table 4: Summary of Section 4(f) Uses of Historic Sites**

Name	Anticipated Section 4(f) Use
Finch, Van Slyck and McConville Dry Goods Company	No
Pioneer and Endicott Buildings	No
Manhattan Building (Empire Building)	No
First Farmers and Merchants National Bank Building	No
First National Bank of Saint Paul	No
Golden Rule Department Store Building	No
Foot, Schulze & Company Building	No
Produce Exchange Building	No
Great Northern Railroad Corridor Historic District: Saint Paul to Minneapolis Segment	No
Theodore Hamm Brewing Company Complex	No
3M Administration Building (Building 21)	No
Gladstone Shops	No
Moose Lodge 963	No
Polar Chevrolet Bear	No
Saint Paul Union Depot	No, temporary occupancy would not constitute a use
Saint Paul Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District	No, temporary occupancy would not constitute a use
Lowertown Historic District	No, temporary occupancy would not constitute a use
Saint Paul Urban Renewal Historic District	No, temporary occupancy would not constitute a use
St. Paul Minneapolis and Manitoba Railway Company Shops Historic District	No, temporary occupancy would not constitute a use
Westminster Junction	No, temporary occupancy would not constitute a use
Johnson Parkway	No, temporary occupancy would not constitute a use



Name	Anticipated Section 4(f) Use
Phalen Park	No, temporary occupancy would not constitute a use
Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment	No, temporary occupancy would not constitute a use
Madeline L. Weaver Elementary School	Yes, <i>de minimis</i> impact
Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment	Yes
1868 Alignment of the Lake Superior & Mississippi Railroad between Eldridge Avenue East and County Road B East	Yes
1868 Alignment of the Lake Superior & Mississippi Railroad between Gervais Avenue and County Road C	Yes
1868 Alignment of the Lake Superior & Mississippi Railroad between Kohlman Avenue and Beam Avenue	Yes

# **APPENDIX A**

## **IDENTIFICATION OF SECTION 4(F) PARKS AND RECREATIONAL AREAS**



The following summarizes the data sources used to identify parks and recreational areas within the study area. It also identifies resources within the study area that were determined not to be subject to the requirements of Section 4(f).

## STUDY AREA AND DATA SOURCES

The study area for parks, recreational areas and wildlife and waterfowl refuges includes those properties within, or directly adjacent to, the potential area of disturbance.

Minnesota Department of Natural Resources and US Fish & Wildlife Service mapping was reviewed, and no wildlife or waterfowl refuges are located within the study area.

For parks and recreational resources, the following data sources were used:

- Ramsey County GIS data.
  - Pedestrian Bike System.<sup>21</sup>
  - Right of Way.<sup>22</sup>
  - Park Boundaries.<sup>23</sup>
- Ramsey County WMS 2018 aerial.<sup>24</sup>
- Ramsey County parks and trails maps.<sup>25</sup>
- Saint Paul parks and recreation maps.<sup>26</sup>
- Saint Paul Bicycle Plan (updated July 19, 2017).<sup>27</sup>
- Saint Paul Bike Map (dated December 8, 2017).
- Maplewood Parks & Recreation System Master Plan (adopted January 26, 2015).
- City of White Bear Lake Draft 2040 Comprehensive Plan.<sup>28</sup>

## PARKS AND RECREATION AREAS

For Section 4(f) to apply to parks, recreation areas, and wildlife and waterfowl refuges, they must be:

- Publicly owned.
- Open to the public.
- Designated as a park, recreation area or refuge.
- Considered a significant property.

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<sup>21</sup> Available at <https://gisdata.mn.gov/dataset/us-mn-co-ramsey-trans-transportation-data>. Date of files: March 7, 2018. Date of download: March 30, 2018.

<sup>22</sup> Available at <https://gisdata.mn.gov/dataset/us-mn-co-ramsey-plan-parcel-data>. Date of files: March 7, 2018. Date of download: March 30, 2018.

<sup>23</sup> Available at <https://gisdata.mn.gov/dataset/us-mn-co-ramsey-bdry-admin-boundary-data>. Date of files: March 7, 2018. Date of download: March 30, 2018.

<sup>24</sup> Server URL:

<https://maps.co.ramsey.mn.us/arcgis/services/OrthoPhotos/Aerial2018/ImageServer/WMSServer?>

<sup>25</sup> Available at <https://www.ramseycounty.us/residents/parks-recreation/parks-trails>.

<sup>26</sup> Available at <https://www.stpaul.gov/departments/parks-recreation/parks/maps>.

<sup>27</sup> Available at <https://www.stpaul.gov/departments/public-works/bicycles/saint-paul-bicycle-plan>.

<sup>28</sup> Available at <https://www.whitebearlake.org/communitydevelopment/page/2040-comprehensive-plan-update>.

Parks and recreation areas identified within the study area are listed in Table A-1. These resources were reviewed using the above criteria to determine if they were subject to Section 4(f) requirements.

**Table A-1: Parks and Recreation Areas in the Study Area**

Name	Official with Jurisdiction	Section 4(f) Resource
Depot Tot Lot	City of Saint Paul	Yes
Mears Park	City of Saint Paul	Yes
Pedro Park	City of Saint Paul	Yes
Valley Park	City of Saint Paul	Yes
Eastside Heritage Park	City of Saint Paul	Yes
Duluth & Case Recreation Center	City of Saint Paul	Yes
Phalen Regional Park	City of Saint Paul	Yes
Phalen Park	City of Saint Paul	Yes
Harvest Park	City of Maplewood	Yes
Kohlman Creek Preserve	City of Maplewood	Yes
Veterans Park	City of White Bear Lake	Yes
Railroad Park	City of White Bear Lake	Yes
Weaver Elementary School	Independent School District 622	Yes
TCO Sports Garden	Ramsey County	Yes

Trails in the study area were also identified and are listed in Table A-2. These resources were reviewed using the above criteria to determine if they were subject to Section 4(f) requirements. Bike and pedestrian facilities within transportation right-of-way were not considered to be designated recreation areas in accordance with 23 CFR § 774.13 and the Federal Highway Administration's *Section 4(f) Policy Paper*.

**Table A-2: Trails in the Study Area**

Name	Official with Jurisdiction	Section 4(f) Resource
Capital City Bikeway	City of Saint Paul	No (within transportation right-of-way)
Cayuga Street Trail	City of Saint Paul	No (within transportation right-of-way)
Phalen Boulevard Off-Street Path	City of Saint Paul	No (within transportation right-of-way)
Union Depot Trail	City of Saint Paul	Yes
University Avenue Off-Street Path	City of Saint Paul	No (within transportation right-of-way)
Beam Avenue Trail	City of Maplewood	No (within transportation right-of-way)
Beam Avenue-Hazelwood Street Trail	City of Maplewood	No (within transportation right-of-way)
Bruce Vento Regional Trail Access from Barclay Street	City of Maplewood	No (on private property)



Name	Official with Jurisdiction	Section 4(f) Resource
Bruce Vento Regional Trail Access from English Street	City of Maplewood	Yes
Bruce Vento Regional Trail Access from Hazelwood Street	City of Maplewood	No (within transportation right-of-way)
County Road B Trail	City of Maplewood	No (within transportation right-of-way)
Hazelwood-Legacy Trail Connection	City of Maplewood	Yes
Lake Avenue Trail	City of White Bear Lake	No (within transportation right-of-way)
White Bear Avenue-Goose Lake Trail	City of White Bear Lake	No (within transportation right-of-way)
Bruce Vento Regional Trail <sup>29</sup>	Ramsey County	No (trail constructed in an area reserved for transportation purpose)
Highway 96 Regional Trail	Ramsey County	No (within transportation right-of-way)
Gateway State Trail	Minnesota Department of Natural Resources	Yes

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<sup>29</sup> Trail accesses that are located within the Ramsey County rail right-of-way were considered to be part of the Bruce Vento Regional Trail.

# **APPENDIX B**

OFFICIAL WITH JURISDICTION COORDINATION



# SECTION 4(F) COORDINATION

CITY OF SAINT PAUL



## MEETING NOTES

**Date:** April 2, 2020  
**Time:** 2-3 p.m.  
**Location:** Conference call

### ATTENDEES

- Frank Alarcon, Ramsey County.
- Andy Gitzlaff, Ramsey County.
- Mark Finken, City of Saint Paul.
- Alice Messer, City of Saint Paul.
- Mary Norton, City of Saint Paul.
- Paul Sawyer, City of Saint Paul.
- Jessica Laabs, Kimley-Horn.
- Rachel Dammel, Kimley-Horn.

### NOTES

- Pedro Park:
  - Temporary easement needed to reconstruct existing sidewalk (approximately 170 square feet). Anticipated temporary occupancy that does not constitute a Section 4(f) use.
  - Continue to coordinate on park redevelopment plans.
  - Saint Paul Public Works will be replacing the sidewalk on 10<sup>th</sup> Street this summer.
- Valley Park:
  - Proposed design would require 0.37 acres of permanent acquisition and 0.58 acres of temporary easements during construction for the station platform, retaining walls and a mixed-use trail.
  - The city has a no net loss policy that applies to both permanent acquisitions and permanent easements. Requires approval by the Parks and Recreation Commission and city council.
  - Gillette (located south of Valley Park) has also contact the city about potential impacts to the park due to expansion.
  - Permanent acquisition by the northbound Mt. Airy Street platform would shift the property line and setback requirement, so part of the parking lot might need to be removed if it does not conform with the zoning code.
  - The city intends to reconstruct Jackson Street in about 2023, and the cross section is still to be determined. The trail could be on the west side, which could reduce impacts to Valley Park.

## MEETING NOTES

- Eastside Heritage Park:
  - Proposed design includes 0.84 acres of permanent acquisition south of Phalen Boulevard for potential stormwater management.
  - This park is a unit of the Bruce Vento Trail – need to determine if the portion of the park south of Phalen Boulevard is part of the regional trail. Kimley-Horn to contact Emmett Mullin to confirm. There are even stricter standards for park regional park loss per the Metropolitan Council's System Protection Strategy 2.
  - If it is not part of the regional system, it would be subject to the city's parkland diversion policy.
  - There is not active programming on the portion of the park south of Phalen Boulevard.
- Phalen Regional Park:
  - Proposed permanent acquisition for stormwater management east of Ramsey County rail right-of-way:
    - The parkland east of the rail right-of-way was purchased as part of the no net loss policy so there might be extra scrutiny if it is impacted.
    - Confirm with the Metropolitan Council if this area is part of the regional park.
    - The parcel south of this proposed acquisition is owned by Saint Paul Public Works for a potential stormwater BMP. There is potential to coordinate use of this parcel for stormwater with Rush Line.
  - Proposed permanent acquisition for stormwater south of Arlington Avenue:
    - The city does not want this area to be acquired or developed. An acquisition or easement here would be hard for the city to agree to because of the planned trailhead development in this area.
    - The design for the trailhead could get started next year.
  - The project would also require five areas of temporary easement totaling 0.31 acres for reconstruction of existing sidewalks and trails.
- Johnson Parkway:
  - Paul will confirm if the land in the south quadrant of Phalen Boulevard and Johnson Parkway is considered parkland.
  - If it is, constructing sidewalk on parkland is typically considered a *de minimis* impact but that would need to be confirmed with the city.
- Local parkland diversion procedures:
  - The city agrees that it makes sense to look at maximum potential impacts to parkland as part of the NEPA process.
  - The local parkland diversion review process would occur closer to construction but prior to acquisition. It takes about six months to complete.
  - This policy only applies to property the city owns. It does not apply to the Bruce Vento Trail where the city operates the trail but the county owns the land.
- Andy asked if the city thought it would be helpful to provide a project update to the city's Parks and Recreation Commission. Alice thought that was a good idea and will connect with Bill Dermody.

### ACTION ITEMS

- Kimley-Horn to contact Emmett Mullin to determine if the portion of Eastside Heritage Park south of Phalen Boulevard is considered part of the regional system.
- Kimley-Horn to contact Emmett Mullin to determine if the portion of Phalen Regional Park east of the Ramsey County rail right-of-way is considered part of the regional system.
- Paul will confirm if the land in the south quadrant of Phalen Boulevard and Johnson Parkway is considered parkland.
- Alice to connect with Bill Dermody regarding presentation to the Parks and Recreation Commission.



**Resolution # 20-07**

**Resolution of Support for Rush Line Rapid Transit Project 15% Plans**

WHEREAS, Ramsey County is leading the design of the Rush Line Bus Rapid Transit Project (“Project”) through the Environmental Analysis Phase; in partnership with the Minnesota Department of Transportation (MnDOT), the Metropolitan Council and its Metro Transit division (Metropolitan Council), Saint Paul, Maplewood, Vadnais Heights, Gem Lake, White Bear Lake and White Bear Township (“Municipalities”); and

WHEREAS, the Environmental Analysis Phase includes the preparation of an Environmental Assessment in partnership with MnDOT, the Metropolitan Council and the Municipalities; and

WHEREAS, Ramsey County has been working collaboratively with MnDOT, the Metropolitan Council and the Municipalities and other stakeholders over the previous two years to resolve issues and develop a scope of work of project components (known as the 15 percent plans) for evaluation in the Environmental Assessment; and

WHEREAS, residents and businesses have participated in numerous committees, community meetings, pop-up events, and other public forums to provide feedback and assist with developing the 15 percent plans; and

WHEREAS, City of Saint Paul staff have reviewed the 15 percent plans and have provided comments and direction on plan refinements; and

WHEREAS, Ramsey County has worked collaboratively with MnDOT, Metropolitan Council, and the Municipalities to address staff comments on the 15 percent plans; and

WHEREAS, Ramsey County is requesting that the Municipalities, as the agencies with local jurisdiction, provide a Resolution of Support or Letter of Support for the 15 percent plans; and

WHEREAS, the Saint Paul Parks and Recreation Commission is a citizen group formed to advise the Mayor and the City Council on parks and recreation matters of long-range and citywide importance, such as the impact of the Project on parks and recreation in Saint Paul; and

WHEREAS, the Municipalities will have additional opportunities to provide comments during the Environmental Assessment public comment period and on the subsequent 30%, 60% and 90% design plans prior to construction.

NOW, THEREFORE, BE IT RESOLVED that the Saint Paul Parks and Recreation Commission generally supports the 15 percent plans for the Rush Line BRT Project with regard to elements that impact parks and recreation in Saint Paul; and

BE IT FURTHER RESOLVED that the Parks and Recreation Commission desires that Ramsey County, MnDOT, Metropolitan Council and the other Municipalities continue to work collaboratively with the City of Saint Paul to address issues and work with City of Saint Paul

staff to satisfactorily resolve issues that have arisen or could arise as the Project design advances;  
and

BE IT FINALLY RESOLVED that this resolution be conveyed to the Mayor and City Council for their consideration as they entertain a resolution of support on behalf of the City of Saint Paul.

Approved: 5-14-20

Yeas: 9

Nays: 0

Absent: 0

Attested to by:

Elizabeth L McDonald

Staff to the Parks and Recreation Commission

As the official with jurisdiction over Pedro Park, I concur that the Rush Line Bus Rapid Transit (BRT) Project would not adversely affect the activities, features and attributes that qualify Pedro Park for protection under Section 4(f) and that the temporary occupancy of Pedro Park would not constitute a Section 4(f) use because:

- The duration of use would be temporary (i.e., less than the time needed for construction of the project), and there would be no change in ownership of land.
- The scope of work would be minor (i.e., both the nature and magnitude of the changes to the Section 4(f) resource would be minimal).
- There would be no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features or attributes of the resource, on either a temporary or permanent basis.
- The land being used would be fully restored to a condition that is at least as good as that which existed before the project.

I understand that concurrence with the above will result in the Federal Transit Administration making a determination that the Rush Line BRT Project would not result in a Section 4(f) use of Pedro Park.



---

Michael Hahm  
Director of Parks and Recreation  
City of Saint Paul

---

8/28/2020

Date



As the official with jurisdiction over Phalen Regional Park, I concur that the Rush Line Bus Rapid Transit (BRT) Project would not adversely affect the activities, features and attributes that qualify Phalen Regional Park for protection under Section 4(f) and that the temporary occupancy of Phalen Regional Park would not constitute a Section 4(f) use because:

- The duration of use would be temporary (i.e., less than the time needed for construction of the project), and there would be no change in ownership of land.
- The scope of work would be minor (i.e., both the nature and magnitude of the changes to the Section 4(f) resource would be minimal).
- There would be no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features or attributes of the resource, on either a temporary or permanent basis.
- The land being used would be fully restored to a condition that is at least as good as that which existed before the project.

I understand that concurrence with the above will result in the Federal Transit Administration making a determination that the Rush Line BRT Project would not result in a Section 4(f) use of Phalen Regional Park.



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Michael Hahm  
Director of Parks and Recreation  
City of Saint Paul

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8/28/2020

Date

# SECTION 4(F) COORDINATION

CITY OF MAPLEWOOD



## MEETING NOTES

**Date:** March 9, 2020  
**Time:** 1:30-2:30 p.m.  
**Location:** City of Maplewood

### ATTENDEES

- Steve Love, City of Maplewood.
- Audra Robbins, City of Maplewood.
- Frank Alarcon, Ramsey County Public Works.
- Cassie Fitzgerald, Ramsey County Public Works.
- Jessica Laabs, Kimley-Horn.
- Rachel Dammel, Kimley-Horn.

### NOTES

- Jessica provided an overview of Section 4(f).
- Steve to check if the city has an easement for the Bruce Vento Trail access from Barclay Street and if there is a formal agreement between the city and Independent School District 622 related to the Bruce Vento Trail access located on Weaver Elementary School property.
- The Bruce Vento Trail access from English Street and the Bruce Vento Trail access from Barclay Street (if determined to be a Section 4(f) resource) would have temporary easements during construction that are not anticipated to constitute a Section 4(f) use.
  - Documented agreement from the city, as the official with jurisdiction over the trails, is needed to finalize the determination. This agreement would be referenced in the Environmental Assessment.
  - Rachel to send Steve the concurrence forms in a Word document to review.
- The design of the proposed Highway 36 park-and-ride has been updated to avoid the existing soccer field, and the refined design is reflected in the 15 percent plans.
  - Audra requested a pdf and CAD file of the updated design in Harvest Park.
  - Based on coordination with the city to date, the impact to Harvest Park is anticipated to be considered *de minimis* (meaning that the project would not adversely affect the features or activities of the park).
  - The city's master plan for Harvest Park should be complete by June. Steve noted that at this time the city is comfortable that the project would not have an adverse effect on Harvest Park and that the city and county will continue to coordinate.
  - Ramsey County will incorporate the information available related to the master plan before submitting the first draft of the Environmental Assessment to the Federal Transit Administration for review in mid-June. The information can be refined as review of the Environmental Assessment continues.

## MEETING NOTES

- The Environmental Assessment is anticipated to be published in December 2020. After considering any comments received from the public during the comment period on the Environmental Assessment, if the city of Maplewood concurs in writing that the project would not adversely affect Harvest Park, then the Federal Transit Administration would finalize the *de minimis* impact determination. Ramsey County would request concurrence from the city in early 2021.

## ACTION ITEMS

- Steve to check if the city has an easement for the Bruce Vento Trail access from Barclay Street and if there is a formal agreement between the city and Independent School District 622 related to the Bruce Vento Trail access located on Weaver Elementary School property by March 16.
- Rachel to send Steve the concurrence forms in a Word document to review.
- Rachel to send Audra a pdf and CAD file of the updated design in Harvest Park.



As the official with jurisdiction over the Bruce Vento Trail access from English Street, I concur that the Rush Line Bus Rapid Transit (BRT) Project would not adversely affect the activities, features and attributes that qualify the Bruce Vento Trail access from English Street for protection under Section 4(f) and that the temporary occupancy of the Bruce Vento Trail access from English Street would not constitute a Section 4(f) use because:

- The duration of use would be temporary (i.e., less than the time needed for construction of the project), and there would be no change in ownership of land.
- The scope of work would be minor (i.e., both the nature and magnitude of the changes to the Section 4(f) resource would be minimal).
- There would be no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features or attributes of the resource, on either a temporary or permanent basis.
- The land being used would be fully restored to a condition that is at least as good as that which existed before the project.

I understand that concurrence with the above will result in the Federal Transit Administration making a determination that the Rush Line BRT Project would not result in a Section 4(f) use of the Bruce Vento Trail access from English Street.

*Steve Love*

Public Works Director/City Engineer

---

Name

11/30/2020

---

Date

# SECTION 4(F) COORDINATION

CITY OF WHITE BEAR LAKE



B R T

## MEETING NOTES

**Date:** June 11, 2020  
**Time:** 11-11:30 a.m.  
**Location:** Conference call

### ATTENDEES

- Andy Gitzlaff, Ramsey County.
- Cassie Fitzgerald, Ramsey County.
- Caroline Ketcham, Ramsey County.
- Ellen Hiniker, City of White Bear Lake.
- Anne Kane, City of White Bear Lake.
- Paul Kauppi, City of White Bear Lake.
- Jessica Laabs, Kimley-Horn.
- Rachel Dammel, Kimley-Horn.

### NOTES

- There are three parks and recreation resources adjacent to the project's potential area of disturbance in White Bear Lake that would not have a Section 4(f) use:
  - Willow Marsh Reserve.
  - Veterans Park.
  - Railroad Park.
- Willow Marsh Wetland:
  - The 15 percent plans include an approximately 2-acre permanent acquisition in Willow Marsh Wetland for potential stormwater management. The Willow Marsh Wetland is a 77-acre open space area, and the city's comprehensive plan notes that open space areas typically double as drainage facilities for stormwater. For this reason, project staff anticipate this acquisition would have a *de minimis* impact on Willow Marsh Wetland.
  - Anne asked if vegetation removal or excavation is anticipated. Jessica said that we do not have that level of detail yet. The area to be acquired follows parcel lines and it could be reduced as design advances.
  - Anne noted that this is a beautiful area, so the city wants to minimize disturbance and does not want the project to prevent future activation of the area. If there is vegetation loss, the city would want it to be restored. The city has a potential plan for a boardwalk in the area and will send the concept plan if they can find it.
  - The city will not be asked to concur with the *de minimis* finding until after the public comment period on the Environmental Assessment. City staff will discuss if that concurrence should come from staff or council.

### ACTION ITEMS

- Rachel to ask Ron Leaf if we have an idea of the type of stormwater facility proposed at this stage of design.
- City to send boardwalk concept plan.



## Dammel, Rachel

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**From:** Laabs, Jessica  
**Sent:** Wednesday, August 12, 2020 2:56 PM  
**To:** akane@whitebearlake.org; PKauppi@whitebearlake.org; Ellen Hiniker  
**Cc:** Dammel, Rachel; Gitzlaff, Andrew J; Alarcon, Frank J; Ketcham, Caroline; Leaf, Ron  
**Subject:** FOLLOW UP: Rush Line BRT - Section 4(f)/Willow Marsh Reserve (White Bear Lake)

Hello all,

We wanted to update you on this conversation about potential Rush Line impacts to Willow Marsh Reserve. Upon further review and discussion about Bruce Vento Trail work in the area, our stormwater team has determined we won't be able to efficiently get water to the site. Therefore, we have eliminated this site from further consideration for stormwater mitigation. This change will be reflected in the project plans and the forthcoming Environmental Assessment.

So, no impacts and no further Section 4(f) coordination needed from the city for this site. Please let me know if you have any questions!

Thank you,  
Jessica

**Jessica Laabs, AICP**

**Kimley-Horn** | 767 Eustis Street, Suite 100, Saint Paul, MN 55114  
Direct: 651.643.0437 | Main: 651.645.4197

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**From:** Laabs, Jessica  
**Sent:** Thursday, June 11, 2020 10:09 AM  
**To:** akane@whitebearlake.org; PKauppi@whitebearlake.org; Ellen Hiniker <ehiniker@whitebearlake.org>; Gitzlaff, Andrew J <andrew.gitzlaff@CO.RAMSEY.MN.US>; Alarcon, Frank J <frank.alarcon@CO.RAMSEY.MN.US>; Fitzgerald, Cassie <cassie.fitzgerald@co.ramsey.mn.us>; Ketcham, Caroline <Caroline.Ketcham@co.ramsey.mn.us>; Dammel, Rachel <Rachel.Dammel@kimley-horn.com>  
**Subject:** RE: Rush Line BRT - Section 4(f)/Willow Marsh Reserve (White Bear Lake)

Good morning all,

Looking forward to speaking with you at 11:00. Attached is a brief agenda with an exhibit showing potential impacts to Willow Marsh Wetland.

Thank you!  
Jessica

-----Original Appointment-----

**From:** Laabs, Jessica  
**Sent:** Tuesday, June 9, 2020 11:53 AM  
**To:** Laabs, Jessica; [akane@whitebearlake.org](mailto:akane@whitebearlake.org); [PKauppi@whitebearlake.org](mailto:PKauppi@whitebearlake.org); Ellen Hiniker; Gitzlaff, Andrew J; Alarcon, Frank J; Fitzgerald, Cassie; Ketcham, Caroline; Dammel, Rachel  
**Subject:** Rush Line BRT - Section 4(f)/Willow Marsh Reserve (White Bear Lake)

**When:** Thursday, June 11, 2020 11:00 AM-11:30 AM (UTC-06:00) Central Time (US & Canada).

**Where:** Microsoft Teams Meeting

Brief meeting to discuss potential Section 4(f) impacts to Willow Marsh Reserve (see attached email).

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### [Join Microsoft Teams Meeting](#)

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**Kimley»Horn**

Enjoy your meeting!

[Help](#)

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# SECTION 4(F) COORDINATION

INDEPENDENT SCHOOL DISTRICT 622



B R T

## MEETING NOTES

**Date:** July 20, 2020  
**Time:** 11 a.m. - 12 p.m.  
**Location:** Conference call

### ATTENDEES

- Randy Anderson, Independent School District 622.
- Mike Boland, Independent School District 622.
- Andy Gitzlaff, Ramsey County.
- Frank Alarcon, Ramsey County.
- Jessica Laabs, Kimley-Horn.
- Rachel Dammel, Kimley-Horn.
- Ron Leaf, Kimley-Horn.

### NOTES

- Jessica provided an overview of Section 4(f).
- Rachel described the proposed impacts to the Weaver Elementary School property from the construction of the trail underpass in Ramsey County rail right-of-way, which include a 0.11-acre permanent acquisition and 0.45-acre temporary easement during construction.
  - Mike noted that the adjacent fields are available for public use after school.
  - Mike and Randy indicated they had no concerns with these proposed impacts.
- Rachel noted that Ramsey County parcel data shows a strip of municipal right-of-way through the school district's property and asked if that matched the school district's understanding of their property boundary.
  - Mike and Randy do not think the parcel data is correct. They thought it might be an old easement the city had before the school was constructed. If the city does still have an easement, they do not think it is in the location shown.
- Ron described the proposed stormwater management on the north side of the site. Project staff are in the process of refining the types and sizes of stormwater management facilities, but Ron's high-level assessment is that the project would require an infiltration area of about half an acre. It could be tucked in the northwest corner of the property.
  - Mike noted that this area currently functions as a detention area, and Randy commented that it is a perfect site for that use.
  - Ron asked if the site currently functioned well. Mike said that it drains well and there hadn't been any issues with it over the years.
  - Randy said that the school district is considering making adjustments to the parking lot off of County Road B.



## MEETING NOTES

- Randy suggested a potential land swap at Carver Elementary School, which is adjacent to Battle Creek Regional Park.
  - Randy and Mike did not have concerns about this proposed acquisition.
- Randy will review the proposed impacts with others at the school district involved in master planning and inform the school board.
- Jessica explained that the project would be looking for formal concurrence from the school district after the public comment period on the Environmental Assessment that the project would not have an adverse effect on the school.
  - Rachel said that the concurrence letter can either come from staff or the school board, whatever they are comfortable with. Randy indicated the concurrence for the environmental process would likely come from staff, then the school board would have to approve any acquisitions as the project advances.
- Randy and Mike requested a timeline of the process and any additional information on size and maximum loads of the stormwater facility.
- Ron added that the stormwater facilities in Wakefield Park are a good example of the project's intent for stormwater management on the school property.

## ACTION ITEMS

- Project staff to confirm location of municipal right-of-way/easement.
- Project staff to send a project timeline, including when Section 4(f) correspondence is needed and general timing of property acquisition and construction.
- Project staff to send any additional information on size and maximum loads of the stormwater facility.

# SECTION 4(F) COORDINATION

## RAMSEY COUNTY PARKS AND RECREATION



## MEETING NOTES

**Date:** September 24, 2020  
**Time:** 1-1:30 p.m.  
**Location:** Conference call

### ATTENDEES

- Scott Yonke, Ramsey County Parks and Recreation.
- Lisa Hanson Lamey, Ramsey County Parks and Recreation.
- Frank Alarcon, Ramsey County Public Works.
- Andy Gitzlaff, Ramsey County Public Works.
- Jessica Laabs, Kimley-Horn.
- Rachel Haase, Kimley-Horn.

### NOTES

- Bruce Vento Regional Trail:
  - The Bruce Vento Regional Trail will be reconstructed as part of the Rush Line project.
  - Because the trail is located in transportation right-of-way it is not considered a Section 4(f) resource and is not evaluated for Section 4(f) use.
- TCO Sports Garden:
  - The Rush Line project includes an up to 70-space park-and-ride by the County Road E station that would be located on Ramsey County property at the TCO Sports Garden. The project would reconfigure the existing lot to accommodate the surface park-and-ride. Spaces would be designated for transit use during the day and available for sports center use during evenings and weekends. The reconfiguration would not reduce the number of parking spaces available for the sports center during peak times after construction.
  - Scott noted that the park-and-ride was designed in coordination with Ramsey County Parks and Recreation, so he did not have concerns about the parking reconfiguration.
  - Lisa asked what the timing and length of construction would be. Rachel replied that project construction is anticipated to start in 2024 and operations in 2026 so sometime in that timeframe, but the specific timing and duration are not yet known. The project will continue to coordinate with Ramsey County Parks and Recreation as design and construction plans advance.
  - Under Section 4(f), the impact to the TCO Sports Garden is anticipated to be a temporary occupancy that does not constitute a use. To finalize that determination, concurrence is needed from Ramsey County. Scott indicated that either he or the director of the department would sign the concurrence form provided.

### ACTION ITEMS

- Rachel will send the sheet from the 15 percent plans that shows the County Road E park-and-ride to Lisa and Scott (done).
- Scott will coordinate getting the concurrence form for the TCO Sports Garden signed and send it to project staff in the next two weeks (by October 8, 2020).



As the official with jurisdiction over the TCO Sports Garden, I concur that the Rush Line Bus Rapid Transit (BRT) Project would not adversely affect the activities, features and attributes that qualify the TCO Sports Garden for protection under Section 4(f) and that the temporary occupancy of the TCO Sports Garden would not constitute a Section 4(f) use because:

- The duration of use would be temporary (i.e., less than the time needed for construction of the project), and there would be no change in ownership of land.
- The scope of work would be minor (i.e., both the nature and magnitude of the changes to the Section 4(f) resource would be minimal).
- There would be no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features or attributes of the resource, on either a temporary or permanent basis.
- The land being used would be fully restored to a condition that is at least as good as that which existed before the project.

I understand that concurrence with the above will result in the Federal Transit Administration making a determination that the Rush Line BRT Project would not result in a Section 4(f) use of the TCO Sports Garden.



9-28-2020

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Name – Scott Yonke  
Title – Director of Planning and Development  
Ramsey County Parks and Recreation Department

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Date

# AGENCY COORDINATION MEETING

MINNESOTA DEPARTMENT OF NATURAL RESOURCES



## MEETING NOTES

**Date:** March 23, 2020  
**Time:** 11 a.m. – 12 p.m.  
**Location:** Skype meeting

### ATTENDEES

- Brandon Helm, Minnesota Department of Natural Resources.
- Rachel Henzen, Minnesota Department of Natural Resources.
- Frank Alarcon, Ramsey County.
- Andy Gitzlaff, Ramsey County.
- Jessica Laabs, Kimley-Horn.
- Rachel Dammel, Kimley-Horn.
- Greg Brown, Kimley-Horn.

### NOTES

- Brandon Helm will be the primary point of contact for the DNR moving forward.
- The Rush Line BRT Project includes a proposed grade-separated crossing at the Gateway State Trail where BRT would go over the trail on a bridge (not a box culvert so it would feel more open). The trail would be depressed 3 to 4 feet from existing, and stormwater would drain to Frost Avenue.
- The project also includes proposed trail roundabouts for the Gateway State Trail and Bruce Vento Trail intersection. The trail would be bituminous with a concrete walk around the perimeter. The roundabouts would be able to accommodate plows and emergency vehicles.
- Brandon Helm noted that the majority of trail maintenance is completed with a one-ton truck, and they also want to allow for emergency vehicle access, so he is glad the design would accommodate that. Trail roundabouts would be different than what is used in the rest of the system so he wants to run the design past other people.
- Rachel Henzen asked what the vertical clearance of the bridge would be. Greg Brown said it would be 10 feet minimum, and the goal is 11 to 12 feet. Rachel will confirm if that is sufficient for the DNR's maintenance equipment.
- Rachel Henzen commented that it would be helpful if something could go in the middle of the roundabouts so people don't bike right through them but that could still be plowed and easily maintained.
- There would be a smooth transition between the concrete walk and bituminous trail (no curb).
- The project would require a temporary easement from the DNR during construction. The temporary easement is not anticipated to constitute a Section 4(f) use if the DNR concurs.
- Rachel Henzen asked if we had a sense of how long the Gateway State Trail would be closed during construction. Greg Brown said detailed analysis of construction staging has not been

done yet, but to the extent practicable bridge construction would be staged to minimize the length of the trail closure.

### ACTION ITEMS

- Rachel Henzen to confirm vertical clearance needed for maintenance equipment.
- Jessica Laabs to send the Section 4(f) impact figure and temporary occupancy with no use concurrence language (done).
- Brandon Helm to check on the DNR's process for signing the concurrence form.



As the official with jurisdiction over the Gateway State Trail, I concur that the Rush Line Bus Rapid Transit (BRT) Project would not adversely affect the activities, features and attributes that qualify the Gateway State Trail for protection under Section 4(f) and that the temporary occupancy of the Gateway State Trail would not constitute a Section 4(f) use because:

- The duration of use would be temporary (i.e., less than the time needed for construction of the project), and there would be no change in ownership of land.
- The scope of work would be minor (i.e., both the nature and magnitude of the changes to the Section 4(f) resource would be minimal).
- There would be no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features or attributes of the resource, on either a temporary or permanent basis.
- The land being used would be fully restored to a condition that is at least as good as that which existed before the project.

I understand that concurrence with the above will result in the Federal Transit Administration making a determination that the Rush Line BRT Project would not result in a Section 4(f) use of the Gateway State Trail.

**Kent Skaar**

Digitally signed by Kent Skaar  
Date: 2021.01.11 06:53:51 -06'00'

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Kent Skaar  
Senior Project Manager  
Parks and Trails Division  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155

1/11/2021

Date

January 8, 2021

VIA E-MAIL

Mr. Jay Ciavarella  
Federal Transit Administration, Region V  
200 West Adams St., Suite 320  
Chicago, IL 60606-5253

RE: METRO Rush Line Bus Rapid Transit Project (Project)  
St. Paul to White Bear Lake, Ramsey County  
SHPO Number: 2019-0985

Dear Mr. Ciavarella,

Thank you for continuing consultation regarding the above-referenced Project. Information received in our office via e-mail on November 9, 2020 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800).

We have completed a review of your letter dated November 9, 2020, a submission which included the following documentation in support of your agency's Section 106 finding of effect for the federal undertaking:

- Report titled *Rush Line Bus Rapid Transit Project: Section 106 Assessment of Effects and Determination of Effect for Historic Properties* (November 2020), including Appendix A: Project Plans at 15% Design (FINAL DRAFT - 08/07/2020) and Appendix B: Area of Potential Effects (02/03/2020), as prepared by the Minnesota Department of Transportation's Cultural Resources Unit for your agency.

We appreciated the chance to participate in the two (2) recent consultation meetings with your agency and other consulting parties on November 24 and December 18, 2020. These meetings were informative, and we believe they provided the participating parties a welcome opportunity for meaningful exchange of information and ideas in response to the agency's assessments and findings regarding the Project's potential effects to historic properties.

#### **Assessment of Adverse Effect and Finding of Effect**

The thoroughness, consistency, clarity, and organization of information provided in the effects assessment report is very much appreciated by our office.

We acknowledge that temporary and permanent physical, visual, and other potential Project effects to historic properties associated with the construction of bus rapid transit elements within the downtown St. Paul Area of Potential Effect (APE) for this Project which is shared with the METRO Gold Line BRT Project, will be assessed and effect findings made as part of the METRO Gold Line undertaking's Section 106 review and consultation.

Based upon information provided in your November 9<sup>th</sup> letter and the supporting documentation, we concur with the agency finding that the federal undertaking, as it is currently proposed at what is essentially a schematic design (15%) phase, will have **no adverse effect** on the following fourteen (14) historic properties:

- **Finch, Van Slyck and McConville Dry Goods Company**

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#### MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287 [mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

AN EQUAL OPPORTUNITY AND SERVICE PROVIDER

- Saint Paul Urban Renewal Historic District
- First Farmers and Merchants National Bank Building
- First National Bank of Saint Paul
- Pioneer and Endicott Buildings
- Manhattan Building
- Golden Rule Department Store Building
- Foot, Schulze & Company Building
- Produce Exchange Building
- St. Paul, Minneapolis and Manitoba Railway Company Shops Historic District
- Theodore Hamm Brewing Company Complex
- 3M Administration Building (3M Main Plant, Building 21)
- Gladstone Shops (Archaeological Site 21RA70)
- Polar Chevrolet Bear/Paul R. Bear

Based upon information provided with your November 9<sup>th</sup> submission, we are not fully convinced that adverse effects to the **Moose Lodge 963** historic property will be avoided. While we understand by the narrative effects assessment and 15% design plans that Project-related infrastructure will be constructed directly adjacent to noncontributing elements associated with the historic property (including the 1980 addition and outdoor recreational areas) and in the opposite direction and a distance away from the historic property's primary façade and sign, we have concerns that the proposed construction of the dedicated bus lane to the east of the historic property - including the overpass approaches, retaining walls, and bridge over the Gateway State Trail - has the potential to introduce incompatible new, above-ground infrastructure directly adjacent to and therefore affecting the setting of the historic property. We believe that a potential adverse effect may be avoided through appropriate design in order to minimize any potential visual intrusion of adjacent Project elements. We recommend that your agency consider our comments and continue to consult with our office in an effort to resolve this disagreement by our office.

Based upon information provided in your November 9<sup>th</sup> letter and the supporting documentation, we concur with the agency finding that the federal undertaking, as it is currently proposed, will have **no adverse effect** on the following eight (8) historic properties provided that conditions specified for each property are met. At this time, we provide concurrence based upon the agency's conditions as described in the November 2020 effects assessment report and with the assurance that additional comments agency for subsequent design development and/or review provided herein and by any other consulting parties are considered by the are finalized:

- **Lowertown Historic District** – We recommend adding clarification to the condition that “Project elements will be blended visually and materially into the existing modern bus station infrastructure within the portion of the train deck previously modified” by specifying that the proposed Project modifications to the existing modern bus station be designed in conformance with the Secretary of the Interior's *Standards for Rehabilitation* (Standards), specifically Standard Nos. 9 and 10 which are associated with new additions/alterations and adjacent new construction.
- **Saint Paul Union Depot** – See comment above for Lowertown Historic District.
- **Great Northern Railroad Corridor Historic District** – We recommend modification to the condition by adding provision for protection of any existing vegetation along with proposed reestablishment of vegetative screening. Also, our office would appreciate the opportunity to further consult regarding what is meant by “vegetative screening” as this could be designed in many different ways, from very formal plantings to those that appear more naturalistic, the latter being more appropriate in a historic railroad corridor.



- **Westminster Junction** – See comment above for Great Northern Railroad Historic District.
- **Saint Paul Stillwater & Taylors Falls/Omaha Road Railroad Corridor Historic District** – See comment above for Great Northern Railroad Historic District.
- **Phalen Park** – Similar to our comment above regarding reestablishment of vegetative screening, we recommend clarification as to the appropriate type of vegetative screening adjacent to this historic park.
- **Johnson Parkway** – See comment above for Phalen Park as it applies to an appropriate type of vegetative screening.
- **Madeline L. Weaver Elementary School** – See comment above for Phalen Park as it applies to an appropriate type of vegetative screening adjacent to this historic property.

Finally, based upon information provided to our office at this time, we concur with the agency finding that the federal undertaking, as it is currently proposed, will result in **adverse effects** to the following five (5) historic properties:

- **Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment;**
- **Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment;**
- **1868 Alignment of the Lake Superior & Mississippi Railroad between Kohlman and Beam Avenues;**
- **1868 Alignment of the Lake Superior & Mississippi Railroad between Gervais Avenue and County Road C; and**
- **1868 Alignment of the Lake Superior & Mississippi Railroad between Eldridge Avenue East and County Road B East.**

We understand by your November 9<sup>th</sup> letter that your agency will now notify the Advisory Council on Historic Preservation regarding this adverse effect finding and invite the agency to participate as consultation moves forward to resolve the adverse effects.

As we move forward in consultation to resolve the adverse effects and finalize conditions pertaining to avoidance of adverse effects to the properties listed above, we request that your agency provide our office with any written comments received from consulting parties, as well as updated summary information related to public notification of the Section 106 effect findings.

If you have any questions regarding our review or comments provided in this letter, please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

*cc via email:* Bill Wheeler, FTA  
Elizabeth Breiseth, FTA  
Barbara Howard, MnDOT Cultural Resources Unit