



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Blvd.
DeLand, FL 32720

JIM BOXOLD
SECRETARY

October 13, 2016

Mr. James Christian, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Florida Division Office
3500 Financial Plaza, Suite 400
Tallahassee, FL 32312

Attention: Mr. Joseph Sullivan, Environmental Specialist

RE: Request for Section 4(f) Determination of Applicability
Wekiva Trail Project Development and Environment (PD&E) Study, Lake County
Financial Management # 430975-1-28-01

Dear Mr. Christian,

Please find enclosed a Section 4(f) Determination of Applicability for the Wekiva Trail PD&E Study. On behalf of the Lake-Sumter Metropolitan Planning Organization, the FDOT in consultation with the Federal Highway Administration (FHWA) has been conducting a PD&E Study to identify viable alternatives for construction of the Wekiva Trail in Lake County. For the portion of the trail between Tremain Street and US 441 (City of Mount Dora), the recommended alternative proposes to utilize the historic Seaboard Coast Line Railroad corridor, which is a National Register of Historic Places (NRHP) eligible resource. The railroad corridor is an active railroad owned by CSX Railroad and operated under lease to Florida Central Railroad. In support of this PD&E Study, an assessment of potential impacts to Section 4(f) resources within the project study area was evaluated.

Through consultation with FHWA and the State Historic Preservation Officer (SHPO), it was determined that the modifications to the Seaboard Coast Line Railroad corridor necessary to convert the existing railroad to a paved shared use trail would result in an adverse effect to the *Seaboard Coast Line Railroad (8LA2957)*. As such, a Draft Section 106 Memorandum of Agreement (MOA) has been developed in consultation with FHWA and SHPO, which includes stipulations for minimization and mitigation (e.g., salvage and reuse of existing railroad elements, public education). Through the MOA development with FHWA and SHPO, it was determined that the Wekiva Trail project would have an overall benefit to the historic resources along the project corridor.

Mr. Christian
October 13, 2016
Page 2

It was also determined that the modifications to the Seaboard Coast Line Railroad corridor necessary to convert the existing railroad to a paved shared use trail would result in no adverse effect to both the *Tremain Street Railroad Bridge (8LA4284)* and the *US 441 Railroad Bridge (8LA4481)*. **Use of historic transportation resources where consultation with the SHPO results in the determination of no adverse effect are exempt from Section 4(f) per 23CFR774.13(a) as discussed in FHWA Section 4(f) Policy Paper, Part II – Questions and Answers Regarding Section 4(f) Applicability and Compliance, Question 8A (FHWA July 2012).**

Throughout this study, Joe Sullivan and Roy Jackson (FDOT State Environmental Management Office) have provided guidance regarding the Section 106 and 4(f) processes. In addition, Roy Jackson has discussed with both Cathy Kendall and Joe Sullivan the appropriate documentation for / potential applicability of Section 4(f), including recent relevant legislation: **Section 11502 of the Fixing America's Surface Transportation (FAST) Act exempts the use of historic railroad lines and elements, exclusive of stations and certain bridges and tunnels, from Section 4(f) regardless of whether they are listed / eligible for listing on the NRHP as discussed in Section 4(f) Guidance and Legislation Documents (FHWA March 30, 2016).** Thus, although (based on the Section 106 adverse effects determination) the Seaboard Coast Line Railroad was identified as a potential Section 4(f) resource, Section 4(f) should not apply based on this FAST Act exemption.

In conclusion, based on the information presented in this letter and the attached documentation, Section 4(f) should not apply to the project. At this time, we respectfully request your concurrence with these findings.

Thank you for your continued assistance with this project. If you have any questions or need additional information, please contact me at (386) 943-5411 or Catherine Owen at (386) 943-5383.

Sincerely,



For William G. Walsh
Environmental Manager
FDOT, District Five

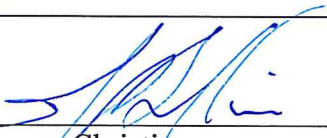
Cc: Roy Jackson, FDOT SEMO
Chris Rizzolo, P.E., FDOT D5

Mr. Christian
October 13, 2016
Page 3

The FHWA finds the attached DOA report complete and sufficient and X approves /
___ does not approve the enclosed findings.

FHWA Comments:

Based on our understanding and current guidance on Section 11502 of the FAST act, we agree.



For: James Christian
Division Administrator
Florida Division

10-26-16
Date