APPENDIX F
DRAFT SECTION 4(f) EVALUATION
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Section 4(f) of the Department of Transportation Act of 1966, as amended, (49 United States Code (USC) 303) states that the U.S. Department of Transportation (USDOT) may not approve the use of land from a significant publicly owned public park, recreation area, wildlife or wildfowl refuge, or any significant historic site unless a determination is made that:

- There is no feasible and prudent alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use.

A Section 4(f) use is defined as 1) permanent acquisition of a protected resource for a transportation project, or 2) temporary but adverse use of a protected resource. A Section 4(f) constructive use occurs when a transportation project does not incorporate land from a protected resource but the proximity impacts of the project are so severe that the attributes that qualify the resource for protection under Section 4(f) are substantially impaired or diminished.

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, USC. The first substantive revision to Section 4(f) since the 1966 USDOT Act, Section 6009 was amended to simplify the process and approval of projects that have only de minimis impacts on lands impacted by Section 4(f). Under the new provisions, once the USDOT determines that a transportation use of Section 4(f) property results in a de minimis impact, analysis of avoidance alternatives are not required and the Section 4(f) evaluation process is complete.

For parklands, a finding of de minimis impacts is made when, after public notice and opportunity for public review and comment, the transportation project will not adversely affect the activities, features, and attributes of the park eligible for protection under Section 4(f); and the finding has received concurrence from the officials with jurisdiction over the park. For historic sites, a finding of de minimis impact is made when, in accordance with the consultation process required under Section 106 of the National Historic Preservation Act (16 USC 470f), that the transportation program or project will have no adverse effect on the historic property; or there will be no historic properties affected by the project.

This section contains the Section 4(f) evaluation of impact of the Southeast Corridor project on parklands and historic properties. The Section 4(f) evaluation includes a description of each resource impacted by the project. The description of each resource includes information on the location and characteristics of the property impacted, impacts of the project on the property, alternatives evaluated to avoid using the resource and measures to minimize harm, and coordination with the agency having jurisdiction over the resource. Chapters 1 and 2 of the Draft Environmental Impact Statement (DEIS) describe the purpose and need for the project as well as the proposed alternatives.
F.1 Purpose and Need

Transportation improvements are needed in the Southeast Corridor to accommodate existing and future travel demands resulting from growth in population and employment and to address concerns related to limited transportation choices and provision of transit services between corridor activity centers. Other concerns relate to mobility of transportation-disadvantaged populations, provision of transportation facilities and services to support economic development, neighborhood revitalization, and air quality.

The proposed project provides for the implementation of a fixed-guideway transit system in the Southeast Corridor that: provides the necessary capacity to accommodate existing and future travel demands; improves services to major activity centers, including downtown Houston, the universities area, and the Texas Medical Center (TMC); improves the mobility of corridor residents and workers; supports neighborhood revitalization and economic development; and reduces the demand for automobile use and parking. The proposed build alternatives also would support Metropolitan Transit Authority’s of Harris County (METRO’s) goals for protecting and enhancing community and environmental resources and would provide for a balanced transportation system through implementation of the METRO Solutions plan.

Additional discussion of the purpose and need for the project is presented in Chapter 1 of the DEIS.

F.2 Proposed Alternatives

Prior to initiating the DEIS, METRO conducted an alternatives analysis (AA) to identify transportation issues and to evaluate a range of mode and alignment alternatives to address transportation needs in the Southeast Corridor. The conclusions of the AA recommended both a new fixed-guideway transit line and improved bus service within the corridor.

Based on the results of the AA and following a successful voter referendum in 2003 approving the METRO Solutions plan, the METRO Board of Directors adopted a Locally Preferred Investment Strategy (LPIS) for the Southeast Corridor. The LPIS provides for the implementation of fixed-guideway transit facilities and services in the Southeast Corridor. The Board also adopted a Minimum Operable Segment (MOS). The MOS is approximately 6.8 miles in length and extends from downtown Houston southeast to Scott Street and along Scott Street and Griggs Road to the vicinity of Interstate Highway (IH)-610. The MOS is located geographically within the limits of the LPIS, which extends southeast to Hobby Airport. The MOS would be the first phase of the LPIS to be implemented.

The MOS adopted by METRO represents the base MOS alignment of the build alternatives evaluated in the DEIS. Its logical termini connect two major activity centers within the Houston Metropolitan area – downtown Houston and the universities area, which contains the University of Houston (UH) and Texas Southern University (TSU). The MOS has utility that is independent of other future projects and does not depend on future investments to achieve its purpose and need.
The fixed-guideway transit service under the build alternatives could be operated using either light rail transit (LRT) or bus rapid transit (BRT) vehicles. Although LRT was the transit technology adopted by the METRO Board for the Southeast Corridor in the METRO Solutions Transit plan, the plan was modified in 2005 to provide for implementation of BRT in the initial phase with conversion to LRT in 2025. The technology of BRT was proposed by METRO as an alternative for implementation in the Southeast Corridor in order to improve the cost effectiveness of the project for federal funding. The DEIS evaluates an LRT Alternative, a BRT Convertible Alternative, and a BRT Alternative.

The DEIS also evaluates an alignment option to the base MOS alignment in the segment of the corridor along Scott Street south of Wheeler Street. This alignment option would follow Wheeler Street and Martin Luther King Boulevard southeast to connect with the base MOS alignment at Griggs Road and east to the terminus in the vicinity of IH-610. The build alternatives with the base MOS alignment as adopted by the METRO Board and the proposed alignment options are shown in Figure F-1.

Figure F-1. Build Alternatives

Source: Parsons Brinckerhoff, 2006.
In addition to the three build alternatives, the DEIS includes the evaluation of a No Build Alternative. The No Build Alternative consists of existing transportation services and facilities plus the METRO transit services and facilities that will be in operation in FY 2007 and the regional roadway/highway system that will be in place in 2025. It includes the METRORail Red Line, but incorporates no other new advanced high-capacity transit services. The No Build Alternative is used for comparison to determine the impacts of the build alternatives.

Additional discussion of the alternatives considered in the DEIS is presented in Chapter 2 of the DEIS.

**F.3 Section 4(f) Properties**

There are six Section 4(f) properties included in this evaluation; three historic districts, two public parks, and one recreational trail (see Table F-1 and Figure F-2). Evaluation of several other Section 4(f) resources (see Section 5.10 of the DEIS) concluded that there would be no direct or construction use of those resources.

<table>
<thead>
<tr>
<th>Property</th>
<th>Type</th>
<th>Size</th>
<th>Ownership</th>
<th>Function/Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Third Ward North Historic District</td>
<td>NRHP-eligible historic district</td>
<td>Approx. 16 acres</td>
<td>Various private landowners</td>
<td>Residential</td>
</tr>
<tr>
<td>Third Ward West Historic District</td>
<td>NRHP eligible historic district</td>
<td>Approx. 960 acres</td>
<td>Various private landowners</td>
<td>Residential</td>
</tr>
<tr>
<td>Third Ward East Historic District</td>
<td>NRHP-eligible historic district</td>
<td>Approx. 77 acres</td>
<td>Various private landowners</td>
<td>Residential</td>
</tr>
<tr>
<td>Brays Bayou Hike and Bike Trail</td>
<td>Linear Hike/Bike Trail</td>
<td>10.2 miles</td>
<td>Harris County</td>
<td>Hike and bike trails</td>
</tr>
<tr>
<td>MacGregor Parkway</td>
<td>Linear Park</td>
<td>100 acres</td>
<td>City of Houston Parks and Recreation</td>
<td>Hike and bike trails (contains Brays Bayou Hike and Bike Trail)</td>
</tr>
<tr>
<td>MacGregor Park</td>
<td>Regional Park</td>
<td>82.8 acres</td>
<td>City of Houston Parks and Recreation</td>
<td>Recreation center, swimming pool, tennis courts, multi-use pavilion, baseball field, practice backstop, picnic area, playground, hike and bike trails, concessions</td>
</tr>
</tbody>
</table>

Source: Parsons Brinckerhoff, 2006.
F.3.1 Third Ward Historic Districts

Three National Register of Historic Places (NRHP)-eligible historic districts were identified during reconnaissance surveys for the Southeast Corridor project – Third Ward North, Third Ward East, and Third Ward West. These districts are located within the greater Third Ward of Houston, which is one of the city’s oldest areas. The Third Ward was historically and is currently home to a large African-American community, and many of the city’s black leaders emerged from this neighborhood. The three potential historic districts are eligible for the NRHP based on the architectural significance of the concentrations of intact historic buildings (Criterion C) from the early twentieth century and historical associations with the area’s growth.
and development and the local African-American community (Criterion A). The three districts are within the APE of the Build Alternative along Scott Street. A brief description of the eligible historic districts is provided below.

- **Third Ward North** – Third Ward North is a small NRHP eligible district. The approximate NRHP eligible boundaries are Scott Street to the east, Coyle Street to the south, Pease Street to the north, and Sampson and Roberts Streets to the west. The district contains intact rows of modest frame, vernacular and Bungalow-type residences dating from the 1900s through the 1930s. The majority of the contributing resources found within this historic district are located outside the project area. Approximately ten contributing resources within the project area are sited on Scott Street.

- **Third Ward East** – Third Ward East is a neighborhood of single-family residences and duplexes that is eligible for inclusion in the NRHP. The neighborhood consists primarily of simple frame, vernacular and Bungalow-type houses dating from the 1900s and 1930s. Rows of identical frame houses are present in this area. This potential historic district’s approximate boundaries are Scott Street to the west, Beulah Street to the south, Hadley Avenue and Gulf Freeway to the north, and Callie and Leek Streets to the east. The majority of the contributing resources found within this historic district are located outside the project area. No contributing resources within the project area front on Scott Street, but the sides of a small number of contributing buildings face the street. It appears that the row of buildings that historically fronted on Scott Street was removed at an unknown date to accommodate the widening of Scott Street.

- **Third Ward West** – Third Ward West is the largest and most cohesive neighborhood in the overall Third Ward area and is eligible for inclusion in the NRHP as a district. This area consists of numerous frame, vernacular, Bungalow, and Shotgun-type residences. Many of these houses are identical and are in rows that extend for blocks. Commercial buildings and churches of historic age (i.e., over 50 years old) are also found throughout the historic district. The historic buildings in this area date from the first half of the twentieth century. The approximate district boundaries are Adair and Scott Streets to the east, Alabama and Winbern Streets to the south, Webster Avenue and Gray Street to the north, and Emanuel and Hutchins Streets to the west. The majority of the contributing resources found within this district are located outside the project area. Contributing resources within the project area are sited on Scott Street.

The Third Ward is served by a network of City streets and sidewalks. The area is also served by several METRO bus routes.

**F.3.2 MacGregor Parkway and Brays Bayou Hike/Bike Trail**

MacGregor Parkway Park is a City of Houston linear park along Brays Bayou that essentially connects the city’s Hermann Park with MacGregor Park. Within this linear park is Harris County’s Brays Bayou Hike and Bike Trail, which is a 10.2-mile trail that extends outside MacGregor Parkway Park on both ends. At some locations in the segment between the two city parks, the Brays Bayou trail is on both sides of the river, while on others, it is only on one side. Harris County maintains the Brays Bayou Trail. The City of Houston maintains the Parkway from the curbs of North and
South MacGregor Way to a distance 10 feet from the trail when the trail is present and to the Bayou when it is not. The U.S. Army Corps of Engineers maintains the Bayou for flood control. Section 6(f) funds were utilized in the development of the Brays Bayou trail system.

The Brays Bayou Trail and MacGregor Parkway can be accessed by pedestrians and bicyclists at various points. No motorized vehicles are allowed on the trail.

F.3.3 MacGregor Park

MacGregor Park is owned and maintained by the City of Houston Parks and Recreation Department. It is located on the west side of Martin Luther King Boulevard between Brays Bayou and Old Spanish Trail. MacGregor Park is classified as a regional park. Regional parks serve broad based recreational needs. Their large size permits large-scale development of both passive and active facilities offering a wide range of recreational activities. Regional parks include sizeable areas of undeveloped land with natural vegetation and/or water features. MacGregor Park includes a recreation center, swimming pool, tennis courts, multi-use pavilion, baseball field, disc golf course, practice backstop, picnic area, playground, hike and bike trails, and concessions within its 83-acre area. MacGregor Park also includes a sculpture by Gutzon Borglum, the creator of the sculpture at Mount Rushmore. MacGregor Park provides vehicle, pedestrian, and bicycle access. It is also served by several METRO bus routes.

F.4 Impacts to Section 4(f) Resources

Impacts to the six Section 4(f) resources discussed above are presented by alignment alternative. Impacts to Section 4(f) resources do not differ between the LRT and BRT technology alternatives. Impacts described below are for both LRT and BRT.

F.4.1 Base Alignment

F.4.1.1 Impacts to the Third Ward Historic Districts

Impacts to the Third Ward North Historic District has been minimized by moving the proposed platform at Leland Station to the area in the median between the northbound and southbound guideway. Moving the platform location reduces the need for right-of-way so that very little right-of-way would be acquired as shown in Figure F-3. This acquisition is not anticipated to have an adverse effect to the Third Ward North Historic District and so would be considered a “de minimis” impact under Section 4(f). Coordination with the Texas State Historic Preservation Officer (SHPO) is ongoing regarding the effect determination for the Third Ward North Historic District.

Impacts to the Third Ward West Historic District are limited to acquisition of a small amount of right-of-way along the west side of Scott Street between Holman and Alabama Avenues, as shown in Figure F-4. This acquisition would affect four parcels, one of which contains a house that is a contributing element to the district. The house would not be affected. This acquisition is not anticipated to have an
Legend
- Orange: Required ROW
- Grey: Historic District

Source: Parsons Brinckerhoff, 2006.
Figure F-4

Third Ward West Historic District at Holman Avenue/Alabama Avenue

Legend

- Orange: Required ROW
- Brown: Historic District

Source: Parsons Brinckerhoff, 2006.
adverse effect to the Third Ward North Historic District and so would be considered a “de minimis” impact under Section 4(f). Coordination with the SHPO is ongoing regarding the effect determination for the Third Ward West Historic District. The four homes west of Scott Street and south of Hadley described in Section 5.5.2 of the DEIS as experiencing noise impacts do not fall within the Third Ward West Historic District.

Impacts to the Third Ward East Historic District include acquisition of approximately 10 feet of right-of-way from all the properties adjacent to Scott Street, as shown in Figure F-5. Figure F-5 shows the acquisition of a contributing property within the district at the southeast corner of Scott and Drew. It is likely that this resource can be avoided by a minor alignment shift during final design. Therefore, no impact to this building is anticipated. One additional contributing building within the Third Ward East Historic District would be acquired for the realignment of the Scott/McGowan Street intersection.

The vibration impact analysis (see Section 5.5.3 of the DEIS) indicated that several homes along Scott Street between I-45 and Holman Street would experience vibration impacts. Several of these homes are within either the Third Ward East or the Third Ward West Historic District. However, vibration impacts are not anticipated to be severe and would not substantially impair the historic homes within these districts.

F.4.1.2 Impacts to MacGregor Parkway and Brays Bayou Trail

The proposed base alignment under the build alternatives would cross above the MacGregor Linear Park and the Brays Bayou Hike/Bike Trail at the existing Scott Street crossing of Brays Bayou (see Figure F-6). On the east side of the Scott Street bridge, trails are located on both sides of the river, but on the west side, trails are only on the south side. The project proposes to widen the existing Scott Street bridge over the bayou to accommodate the fixed-guideway alignment. The existing trail on both sides of the bridge connects at street level. Trail users can cross at the traffic signal at North MacGregor Way and Scott Street, or at the non-signaled, striped pedestrian crosswalk south of the intersection that connects the trail segments on the south side of the bayou. The widening of the bridge would not impact the trail user or the user’s experience in the long term, as the bridge already exists at this location and the crosswalks at the intersection and south of it would remain. Based on conceptual engineering, it is not anticipated that piers for the widened bridge would be placed within the linear park or adjacent to the trails. Therefore, no use of this property would occur.

F.4.1.3 Impacts to MacGregor Park

The Base Alignment would avoid MacGregor Park and so there would be no impact to this resource.
Third Ward East Historic District

Legend
- Required ROW in Historic District
- Historic District

Source: Parsons Brinckerhoff, 2006.
Figure F-6. MacGregor Parkway Park and Brays Bayou Hike/Bike Trail at Scott Street

Legend
- Required ROW
- Park
- Brays Bayou Trail

Source: Parsons Brinckerhoff, 2006.
F.4.2 Wheeler-MLK Alignment

F.4.2.1 Impacts to the Third Ward Historic Districts

Impacts of this alignment are the same as the Base Alignment for the three Third Ward historic districts.

F.4.2.2 Impacts to MacGregor Parkway and Brays Bayou Trail

The Wheeler-MLK alignment option would avoid MacGregor Parkway and so there would be no impact to this property. This alignment would involve either renovating the existing bridge on Martin Luther King Boulevard over the Bray's Bayou Trail or building a new bridge to accommodate the fixed-guideway alignment (See Figure F-7). Today, the completed portion of the Brays Bayou Hike and Bike Trail terminates at the bridge. It is not anticipated that a Section 4(f) use of the trail would occur by this bridge project, although there may be temporary construction impacts. The bridge construction would take into account the need for trail user safety and trail continuity, as the county plans to extend the trail eastward from Martin Luther King Boulevard along the bayou. No impact to this resource is anticipated.

F.4.2.3 Impacts to MacGregor Park

The Wheeler-MLK alignment would locate the fixed-guideway alignment in the existing grassy median of Martin Luther King Boulevard which runs along the east side of the park. This would comprise a use of the property as the Martin Luther King Boulevard median is within the park boundary. There would also be acquisition of small amounts of park property to provide turning lanes and a new signalized intersection at Martin Luther King Boulevard (see Figure F-7). These uses would not have a negative affect on the park's activities or appearance and would not impair the recreational uses of the park. These impacts are considered "de minimis" under Section 4(f). The City of Houston Parks and Recreation Department indicated agreement with this finding at a meeting with METRO on June 14, 2006. The City is currently preparing a written concurrence with the de minimis finding.

Table F-2 summarizes the impacts to Section 4(f) properties by the two alignment alternatives.

F.5 Avoidance Alternatives

The discussion of avoidance alternatives focuses on the three Third Ward Historic Districts where impacts have been identified. No impacts to MacGregor Parkway or the Brays Bayou Trail were identified. The impacts to MacGregor Park have been identified as de minimis impacts and therefore do not require discussion of avoidance alternatives.

Avoidance alternatives include those that avoid Section 4(f) resources with a new alignment location and those that avoid impacts through design modifications.
Figure F-7. MacGregor Park and Brays Bayou Hike/Bike Trail at Martin Luther King Boulevard

Legend
- Required ROW
- Park
- Roadway Medians
- Brays Bayou Trail

Source: Parsons Brinckerhoff, 2006.
Table F-2: Impacts to Section 4(f) Properties by Alternative

<table>
<thead>
<tr>
<th>Property</th>
<th>Impact</th>
<th>Wheeler-MLK Alignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Third Ward North Historic District</td>
<td>De minimis impact – small amounts of property from the district will be acquired but no adverse effect is anticipated.</td>
<td>Same as Base Alignment.</td>
</tr>
<tr>
<td>Third Ward West Historic District</td>
<td>De minimis impact – small amounts of property from the district will be acquired but no adverse effect is anticipated.</td>
<td>Same as Base Alignment.</td>
</tr>
<tr>
<td>Third Ward East Historic District</td>
<td>Approx. 10 feet of right-of-way acquisition on the east side of Scott Street for approx. 1950 feet. Includes acquisition of one contributing historic building.</td>
<td>Same as Base Alignment.</td>
</tr>
<tr>
<td>Brays Bayou Hike and Bike Trail</td>
<td>No impact – bridge over trail will be widened but will not use trail property.</td>
<td>No Impact – bridge over trail will be widened or replaced but will not use trail property.</td>
</tr>
<tr>
<td>MacGregor Parkway</td>
<td>No impact – bridge over parkway will be widened but will not use parkway property.</td>
<td>No impact – alignment avoids this resource.</td>
</tr>
<tr>
<td>MacGregor Park</td>
<td>No impact – alignment avoids this resource.</td>
<td>De minimis impact – small amounts of park property will be used within the median of MLK Blvd and at the intersection of MLK and the park access road. No impairment of park functions or activities.</td>
</tr>
</tbody>
</table>

Source: Parsons Brinckerhoff, 2006.

F.5.1 Location Alternatives

Development of alternatives for the Southeast Corridor followed established Federal Transit Administration (FTA) procedures for New Starts projects. A full range of alternatives for the Southeast Corridor were considered as part of the AA, completed in 2004. The AA identified and evaluated alternatives through a two-step process. The first step consisted of the identification and mapping of all potential rights of way conceivable for fixed-guideway transit, including arterial streets and active or abandoned railroad rights of way. In the initial step, alignment segments having “fatal flaws” that made them clearly inferior for further consideration were eliminated.

The second step involved the development of full-length corridor alternatives from the list of remaining alignment segments. The corridor alternatives were then subjected to more detailed evaluation of the benefits and the environmental, transportation, and economic impacts against the stated goals and objectives for the project as set forth in the purpose and need.

The AA also screened a long list of transit technologies capable of providing Advanced High Capacity Transit (AHCT), narrowing to the consideration of LRT and BRT with input from the Community Involvement Committee and general public. The

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technologies of LRT and BRT were selected for detailed evaluation with the corridor alignment alternatives.

Because the Third Ward Historic Districts comprise a large geographical area between the Downtown and UH, there were not a large number of alignment alternatives that completely avoided all three districts. However, two alternatives, in addition to the No Build Alternative, that avoid the use of these Section 4(f) properties were developed during the AA. These alternatives and the reasons for their elimination are described below.

**F.5.1.1 Houston Belt & Terminal Railway and Burlington Northern Santa Fe Railway**

Route segments utilizing the Houston Belt & Terminal (HBT) Railway and Burlington Northern Santa Fe Railway (BNSF) Railway were considered in the initial identification and screening of potential route segments in the AA. These segments were not advanced for further consideration in the AA because of their lack of consistency with the project purpose and need, low ridership, and high costs. For these reasons they are not considered prudent alternatives. Railroad alignments are more appropriate for commuter rail which serves longer distance peak period trips. These types of trips are currently served by METRO using express buses operating in HOV/bus lanes on I-45. The need is for improved transit to serve shorter non-work and work trips not served by the peak oriented commuter service. The railroad alignments also would not serve the university areas of TSU and UH. The HBT Railway alignment also conflicts with a future hike and bike trail planned by Harris County in the abandoned railroad right-of-way from Brays Bayou to Polk Street.

**F.5.1.2 Alternative SL-3**

Alternative SL-3 was one of four complete alternatives developed from the viable route segments. Alternative SL-3 avoids the three documented Third Ward historic districts but would have the same de minimis impacts to MacGregor Park as the MOS alignment option identified in Section F.2 above. Alternative SL-3 was not advanced for consideration in the DEIS because it does not directly serve the Downtown area and hence the potential to generate ridership is significantly decreased. The Downtown area is the single largest activity and employment center served by the alternatives and the largest single destination for trips in the corridor. Alternative SL-3 also showed relatively low potential for attracting new transit riders, primarily due to the lesser travel time savings offered by this alternative. Overall, Alternative SL-3 does not meet the purpose and need for the project in terms of improving mobility, making regional connections, and providing economic development opportunity and is not considered a prudent alternative. Alternative SL-3 also traverses a portion of the Third Ward neighborhood and while it does not affect the identified historic districts, there is potential for additional historic properties within the SL-3 alignment.

**F.5.1.3 No Build Alternative**

The No Build Alternative is retained throughout the New Starts and NEPA process as a potential alternative as well as a baseline against which the other alternatives can be compared. The No Build Alternative would avoid the use of any Section 4(f)
properties. However, the No Build alternative does not meet the project purpose and need as stated in Chapter 1 of the DEIS and therefore is not considered prudent. The No Build would not provide the transit investment in the Southeast Corridor needed to support the development/redevelopment included in local land use plans. The No Build would not effectively meet the projected travel demand in the corridor – congestion would likely continue to worsen, and the transit system would not successfully attract significant portion of this demand. The No Build would not contribute to improved air quality in the region, nor would it contribute to neighborhood revitalization and economic development of the area. Mobility of the area’s residents, many of whom are low-income and dependent upon public transit, would not be improved.

F.5.2 Design Alternatives

Design alternatives that avoid the use of the three Third Ward Historic Districts were also considered. These design alternatives include minor alignment shifts and a reduced facility.

F.5.2.1 Minor Shifts in Alignment

Currently the MOS alignment is roughly centered on Scott Street with small right-of-way takes on both sides. Because the two impacted historic districts are located on both sides of Scott Street, shifting the alignment east or west would not avoid impacts to these Section 4(f) resources. Shifting to avoid one historic district could result in more severe impacts to another district, including potentially additional structure acquisitions. The net impact to the two districts is less by maintaining the alignment in the center of Scott Street.

The station platform at Leland Station was moved from the west side of Scott Street to the center of Scott Street (between the northbound and southbound tracks) to minimize the right-of-way acquisition along Scott Street in this area. This shift avoided all impacts to the Third Ward North Historic District.

As discussed above, the conceptual engineering plans show acquisition of the home at the southeast corner of Scott and Drew Street. This home is a contributing element of the Third Ward East Historic District. However, because this home is currently shown as just inside the limits of right-of-way acquisition in this area, it can likely be avoided by a very minor shift in the alignment. This shift will be evaluated and shown in the final design plans. No impact to this structure is anticipated.

F.5.2.2 Eliminating Lanes on Scott Street

Eliminating a travel lane on Scott Street would provide sufficient right-of-way for the proposed LRT/BRT alignment without impacting the Section 4(f) properties. However, Scott Street is currently a 4-lane facility that provides direct access to IH-45. Existing and future demand on this facility precludes the removal of any traffic capacity. Any capacity reduction would result in severe congestion and would impact access to the Third Ward neighborhood as well as to the interstate. Reducing the number of lanes on Scott Street is not considered a prudent alternative.
F.6 Measures to Minimize Harm

Impacts have been identified under both alignment alternatives to the Third Ward East and Third Ward West Historic Districts. Every effort will be made in final design to avoid these impacts with further design options. Additional measures to minimize harm to historic properties will be developed in consultation with the SHPO. A Memorandum of Agreement (MOA) will be executed between FTA, METRO, and the SHPO to document adverse effects on historic properties and measures to resolve those effects. These measures could include detailed documentation (e.g., Historic American Building Survey documentation) of any adversely affected historic buildings. This would include the contributing building in the Third Ward East Historic District to be acquired, and potentially other buildings adversely affected by encroachment of Scott Street and the proposed improvements. Other measures to minimize and mitigate impacts include reducing the proposed 12 foot sidewalk width at some locations and using landscaping. Coordination with the SHPO on mitigation measures is ongoing.

De minimis impacts were also identified to MacGregor Park under the Wheeler-MLK alignment. However, these impacts will not impair the recreational uses or activities at the park and so no additional mitigation measures are warranted.

F.7 Coordination

The SHPO and the City of Houston Parks and Recreation Department have been consulted regarding impacts to historic and park properties as a result of the project. The SHPO was involved in the identification of the project Area of Potential Effect for historic properties, and has reviewed the historic inventory and eligibility recommendations completed by METRO completed in November 2004 and supplemented in February 2006. The SHPO will continue to be involved in the determination of effect for the project.

METRO has also coordinated with the City of Houston Parks and Recreation Department regarding impacts to MacGregor Park. On June 14, 2006, METRO and the City met to discuss the impacts of placing the fixed guideway in the median of Martin Luther King Boulevard, as well as right-of-way acquisition required for intersection improvements within the park. The City agreed that these impacts would be minor and would not substantially impair the recreational values of the park or any of the park’s significant features or activities. Written concurrence from the City on the de minimis finding is forthcoming.

F.8 Summary

The proposal to provide a fixed guideway transit system in the Southeast Corridor has the potential to impact six Section 4(f) properties – three historic districts, two parks, and one hike/bike trail. Impacts to these properties are the same under both the BRT and LRT technology alternatives. The impacts of the two alternative alignments, the Base Alignment and the Wheeler-MLK Alignment are also similar. Both alignments affect the Third Ward East and Third Ward North Historic Districts with minor right-of-way acquisition. This acquisition will not affect any contributing
properties and is not anticipated to have an adverse effect on either district. Impacts under Section 4(f) are considered “de minimis” for these two historic properties. Both alignments also require the displacement of one contributing historic building from the Third Ward East Historic District. This impact is likely to be considered an adverse effect on the district and a use under Section 4(f). Impacts to MacGregor Park under the Wheeler-MLK Alignment have been found to be “de minimis”.

Avoidance alternatives including alternative alignments and design options have been developed and evaluated for their prudence and feasibility. Impacts to the Section 4(f) resources described in this document have been determined to be unavoidable and all possible measures to minimize harm have been incorporated into the planning and preliminary engineering. Mitigation measures for impacts to the Third Ward Historic Districts will be documented in a Memorandum of Agreement as part of the Section 106 process. Should additional impacts to Section 4(f) properties be identified during final design, this evaluation will be updated as necessary.