Chapter 7: Section 4(f) Evaluation

This chapter identifies the Section 4(f) resources located in or adjacent to the study area, evaluates potential project-related impacts to those resources, and highlights coordination efforts that were undertaken. There are no Section 6(f) Land and Water Conservation Fund properties within the study area. As such, Section 6(f) will not be discussed further, and this chapter will focus solely on Section 4(f) resources. This chapter was written as a stand-alone document; therefore, some information from other sections of this Environmental Assessment (EA) has been repeated. All figures are included at the end of the chapter.

7.1 PROJECT OVERVIEW

An EA is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) by the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), the Utah Transit Authority (UTA), and the Utah Department of Transportation (UDOT), in cooperation with Mountainland Association of Governments (MAG). The EA describes the Preferred Alternative and other alternatives; it also discloses how both the Preferred Alternative and other alternatives would affect the natural and human environment within the study area. The EA serves as documentation of the environmental review process—including public and agency involvement—and demonstrates compliance with NEPA.

7.2 REGULATIONS

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 United States Code [USC] 303) states, "[It] is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Section 4(f) specifies the following:

> [T]he Secretary [of Transportation] may approve a transportation program or project…requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if: 1) there is no prudent and feasible alternative to using that land; and 2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use (49 USC 303).

Section 4(f) further requires consultation with other federal, state, and local officials in developing transportation projects and programs that use lands protected by Section 4(f).

This Section 4(f) analysis has been prepared in accordance with the joint FHWA/FTA regulations for Section 4(f) compliance (23 Code of Federal Regulations [CFR] 774). Additional guidance has also been incorporated from the FHWA Section 4(f) Policy Paper and *Guidance for Determining De Minimis Impacts to Section 4(f) Resources* (FHWA 2005a, 2005b).

SAFETEA-LU and *De Minimis* Impact Determinations

Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed into law on August 10, 2005 (Public Law 109-59), allows for a simplified approval of projects that only have a *de minimis* impact on Section 4(f) resources. FTA is authorized to approve projects that use Section 4(f) lands if they, with the concurrence of the officials with jurisdiction, find that such uses would have a *de minimis* impact upon the Section 4(f) resource. Under these conditions, FTA can make a *de minimis* impact finding, and the preparation of a detailed analysis of avoidance alternatives is not required.

De Minimis Impacts for Historic Properties

As quoted from 23 CFR 774.5 (b)(1), the impacts of a transportation project on a historic property may be determined to be *de minimis* if the following coordination is complete:

- The consulting parties identified in accordance with 36 CFR Part 800 must be consulted.
- [FTA] must receive written concurrence from the pertinent State Historic Preservation Officer or Tribal Historic Preservation Officer, and from the Advisory Council on Historic Preservation if participating in the consultation process, in a finding of "no adverse effect" or "no historic properties affected" in accordance with 36 CFR Part 800. [FTA] shall inform these officials of its intent to make a *de minimis* impact determination based on their concurrence in the finding of "no adverse effect" or "no historic properties affected."
- Public notice and comment, beyond that required by 36 CFR Part 800, is not required.

De Minimis Impacts for Parks, Recreation Areas, and Wildlife and Waterfowl Refuges

As quoted from 23 CFR 774.5 (b)(2), the impacts of a transportation project on a park or recreation area may be determined to be *de minimis* if the following coordination is complete:

- Public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property must be provided. This requirement can be satisfied in conjunction with other public involvement procedures, such as a comment period provided on a NEPA document.
- [FTA] shall inform the official(s) with jurisdiction of its intent to make a *de minimis* impact finding. Following an opportunity for public review and comment as described in paragraph (b)(2)(i) of this section, the official(s) with jurisdiction over the Section 4(f) resource must concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. This concurrence may be combined with other comments on the project provided by the official(s).

Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, relates to Section 4(f). Under the Section 106 process of the NHPA, eligibility of historic properties (e.g., archaeological sites, historic resources, and structures) for listing on the National Register of Historic Places (NRHP) is determined, and only eligible sites or sites listed on the NRHP are protected by Section 4(f). A historic properties survey may be required as part of the Section 106 process to identify, inventory, and evaluate the eligibility of historic and prehistoric resources for the NRHP. See Chapter 3: Affected Environment and Environmental Consequences for more information on the Section 106 process relative to the Provo-Orem Bus Rapid Transit Project.

7.3 PREFERRED ALTERNATIVE

The Preferred Alternative, shown on Figure 7-1: Preferred Alternative, would start at the northern terminus, the proposed Orem Intermodal Center located off Geneva Road in Orem. Bus rapid transit (BRT) service would operate in mixed-flow lanes over the University Parkway Single Point Urban Interchange until reaching 400 West. Phase I would differ from Phase II only in this segment. A station would be constructed to serve Utah Valley University (UVU) near Sandhill Road and University Parkway. After Phase II is implemented, BRT would not operate on this segment and the station would no longer be needed.

From 400 West, the Preferred Alternative would operate on exclusive center-running lanes on University Parkway through Orem's commercial district and into Provo. In addition to the development of the exclusive center-running BRT lanes, it is proposed that two additional 12-foot traffic lanes be constructed along University Parkway between 800 East in Orem and University Avenue in Provo.

At University Avenue in Provo near Brigham Young University (BYU), the Preferred Alternative would transition from exclusive center lanes to shared lanes as it travels along University Parkway. The route would then turn onto 900 East where it would run on shared lanes heading southbound and on an exclusive lane heading northbound.

The Preferred Alternative would operate on exclusive center-running lanes on 700 North, then continue on exclusive lanes on University Avenue through Historic Downtown Provo.

The Preferred Alternative would access the Provo Intermodal Center just south of the Union Pacific Railroad tracks on University Avenue. BRT service would use shared lanes south of the Provo Intermodal Center, ending at the new Southgate development and the Novell campus in Provo. This alternative is approximately 10.5 miles long and includes the development of 17 new BRT stations.

To address funding limitations, an initial phasing option has been developed for the proposed project. The phasing option would not include the 800 South interchange. The only BRT station adjacent to UVU would be located at Sandhill Road. In this phase, BRT vehicles would cross Interstate 15 (I-15) via University Parkway.

Chapter 2: Alternatives includes a detailed description of the Preferred Alternative.

7.4 PURPOSE AND NEED

The Provo-Orem Bus Rapid Transit Project is needed because of increasing population, employment, student enrollment, and travel demand in the study area; insufficient transit capacity to serve growing demand; poor transit reliability due to congested roadways; lack of high-quality alternatives to auto travel; and lack of connectivity across I-15 and from I-15 to Orem and Provo. The travel demand needs of residents and commuters in the study area are expected to be greater than the capacity of the existing transportation system in 2030.

The purpose of the Provo-Orem Bus Rapid Transit Project is to increase travel capacity to include higher-capacity, high-quality, reliable transit service in the study area. Specifically, the purpose is to do the following:

- Increase transportation capacity to accommodate growing population, employment, student enrollment, and travel demand.
- Improve transit competitiveness with the automobile by improving transit reliability and reducing transit travel time.
- Improve transit connections to and from FrontRunner commuter rail.
- Improve multi-modal connectivity across I-15 and from I-15 to Orem and Provo (Phase II).

7.5 DESCRIPTION OF SECTION 4(F) RESOURCES

This section describes the Section 4(f) resources within the study area. Properties that qualify under Section 4(f) because they are historic are discussed first, followed by public parks and recreation areas. Wildlife or waterfowl refuges are not discussed because there are no publicly owned wildlife or waterfowl refuges in or near the project corridor. The locations of the eligible historic properties are shown on Figures 7-2 through 7-6: Historic Properties Protected under Section 4(f).

Identification of Historic Properties

Historic properties within the study area and their eligibility for the NRHP are identified in Section 3.6: Historic Properties. FTA and UDOT documented eligible properties in a determination of eligibility (DOE), and the Utah State Historic Preservation Office (SHPO) concurred with the determination on November 8, 2010. This correspondence is included in the Appendix.

Historic properties that are on or eligible for the NRHP under Criteria A, B, or C are generally important for preservation in place and are considered Section 4(f) resources. Properties eligible for or listed on the NRHP under Criterion A are important for their associations with historically important events, while those eligible or listed under Criterion B are important for their associations with historically important people. Properties that are eligible for or listed on the NRHP under Criterion C are those that represent the work of a master, are good representatives of a particular type, style, or method of construction, or have high artistic value. Generally speaking, Criterion C applies to buildings or structures. Criterion D of the NRHP usually applies to archaeological sites. Archaeological sites that are on or eligible for the NRHP under Criterion D—i.e., the potential to yield important data—may or may not be judged to be important for preservation in place. Only archaeological sites judged to have value for preservation in place are considered Section 4(f) resources. The decision of whether a site has value for preservation in place is made case by case. Historic properties within the study area that are on or eligible for the NRHP and therefore protected under Section 4(f) are listed in Table 7-1: Historic Properties Protected under Section 4(f).

Table 7- 1: Historic Properties Protected under Section 4(f)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Archaeological Sites			
42UT00684	Provo Trolley	Subsurface features	A
42UT001029	Utah Southern/Union Pacific Railroad	Railroad right-of-way	A
42UT001031/42UT001125	Denver & Rio Grande Western Railroad	Railroad right-of-way	A
42UT001032	Lake Bottom Canal	Canal right-of-way	A
42UT001568	West Union Canal	Canal right-of-way	A
Historic Buildings			
?798 S. Geneva Road	Ca. 1930 period cottage residence exhibiting English Tudor style	Current legal parcel boundary	A
789 S. Geneva Road Vineyard Ward	Ca. 1949 church exhibiting Art Moderne style	Current legal parcel boundary	A
1485 W. 800 S.	Ca. 1954 Ranch/Rambler exhibiting Early Ranch style	Current legal parcel boundary	A
1467 W. 800 S.	Ca. 1940 WWII-era cottage residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
1451 W. 800 S.	Ca. 1955 early ranch/rambler residence exhibiting General Early Ranch style	Current legal parcel boundary	A
475 E. University Parkway	Ca. 1959 split-level with garage residence exhibiting Ranch/Rambler style	Current legal parcel boundary	C
841 E. University Parkway	Ca. 1956 general school building exhibiting Late 20th Century style	Building only	C
881 E. University Parkway	Ca. 1955 general school building exhibiting Late 20th Century style	Building only	A
1600 N. 900 E.	Ca. 1959 church/LDS meeting house building exhibiting Post-War Colonial Revival style	Current legal parcel boundary	C
920 E. Fir Avenue	Ca. 1955 ranch/rambler residence exhibiting Ranch/Rambler style	Current legal parcel boundary	C

**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
808 E. 1430 N.	Ca. 1959 general school building exhibiting Late 20th Century style	Current legal parcel boundary	C
1401 N. 900 E.	Ca. 1956 general school/other apartment building exhibiting Late 20th Century style	Current legal parcel boundary	C
1400 N. 900 E.	Ca. 1941 other residential type exhibiting Minimal Traditional style	Current legal parcel boundary	A
1350 N. 900 E.	Ca. 1940 WWII-era cottage exhibiting Vernacular style	Current legal parcel boundary	A
1336 N. 900 E.	Ca. 1930 period cottage residence exhibiting Period Revival style	Current legal parcel boundary	A
1328 N. 900 E.	Ca. 1930 period cottage residence exhibiting Period Revival style	Current legal parcel boundary	A
1080 N. 900 E.	Ca. 1955 general school building exhibiting Late 20th Century style	Building only	A
1063 N. 900 E.	Ca. 1963 early ranch/rambler residence exhibiting Early Ranch style	Current legal parcel boundary	C
1035 N. 900 E.	Ca. 1951 early ranch residence exhibiting Early Ranch style	Current legal parcel boundary	C
953 N. 900 E.	Ca. 1935 period cottage exhibiting Period Revival style	Current legal parcel boundary	A
933 N. 900 E.	Ca. 1947 basement house exhibiting Vernacular style	Current legal parcel boundary	A
776 N. 900 E.	Ca. 1935 duplex residence exhibiting Vernacular style	Current legal parcel boundary	A
746 N. 900 E.	Ca. 1935 duplex residence exhibiting Vernacular style	Current legal parcel boundary	A
717 N. 900 E.	Ca. 1945 duplex residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
916 E. 700 N.	Ca. 1950 early ranch residence exhibiting Early Ranch style	Current legal parcel boundary	A

**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
917 E. 670 N.	Ca. 1935 indeterminate type residence exhibiting Vernacular style	Current legal parcel boundary	C
974 E. 700 N.	Ca. 1940 WWII-era cottage residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
960 E. 700 N.	Ca. 1950 WWII-era cottage residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
945 E. 700 N.	Ca. 1925 church/meeting house exhibiting Post-War Colonial Revival style	Current legal parcel boundary	A
889 E. 700 N.	Ca. 1945 duplex residence exhibiting Minimal Traditional and Late 20th Century style	Current legal parcel boundary	A
885 E. 620 N.	Ca. 1959 early ranch residence exhibiting Early Ranch style	Current legal parcel boundary	C
822 E. 700 N.	Ca. 1948 WWII-era cottage residence exhibiting Bungalow and Minimal Traditional style	Current legal parcel boundary	C
695 N. 800 E.	Ca. 1956 early ranch residence exhibiting Early Ranch style	Current legal parcel boundary	A
686 N. 800 E.	Ca. 1940 duplex residence exhibiting Minimal Traditional style	Current legal parcel boundary	C
775 E. 700 N.	Ca. 1950 triplex residence exhibiting Early Ranch style	Current legal parcel boundary	A
757 E. 700 N.	Ca. 1955 duplex residence exhibiting Early Ranch style	Current legal parcel boundary	A
756 E. 700 N.	Ca. 1942 WWII-era cottage residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
734 E. 700 N.	Ca. 1945 duplex residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
702 S. Utah Avenue	Ca. 1950 fourplex residence exhibiting Minimal Traditional and Early Ranch style	Current legal parcel boundary	A
**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*			

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
712 N. 700 E.	Ca. 1940 duplex residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
680/690 N. 700 E.	Ca. 1945 duplex residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
665 E. 700 N.	Ca. 1955 early ranch residence exhibiting Early Ranch style	Current legal parcel boundary	A
622 E. 700 N.	Ca. 1955 duplex residence exhibiting Early Ranch style	Current legal parcel boundary	A
621-627 E. 700 N.	Ca. 1955 duplex residence exhibiting Early Ranch style	Current legal parcel boundary	A
707 N. 600 E.	Ca. 1950 duplex residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
667 N. 600 E.	Ca. 1955 church exhibiting Late 20th Century style	Current legal parcel boundary	C
541 E. 700 N.	Ca. 1940 WWII-era cottage residence exhibiting Minimal Traditional and Period Revival styles	Current legal parcel boundary	A
534 E. 700 N.	Ca. 1940 WWII-era cottage residence exhibiting Minimal Traditional and Period Revival styles	Current legal parcel boundary	A
531 E. 700 N.	Ca. 1942 WWII-era cottage residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
513 E. 700 N.	Ca. 1942 WWII-era cottage residence exhibiting Minimal Traditional style	Current legal parcel boundary	A
688 N. 500 E	Ca. 1905 hall-parlor residence exhibiting Classical and Gothic Revival styles	Current legal parcel boundary	A
693 N. 400 E.	Ca. 1925 bungalow residence exhibiting Bungalow style	Current legal parcel boundary	A
343 E. 700 N.	Ca. 1927 period cottage residence exhibiting Period Revival style	Current legal parcel boundary	A

**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
309 E. 700 N. Meldrum House	Ca. 1891 cross-wing residence exhibiting Victorian Eclectic and Gothic Revival styles	Current legal parcel boundary	A: Provo City Landmarks Register
695 N. 300 E.	Ca. 1923 clipped gable cottage residence exhibiting Clipped Gable Cottage style	Current legal parcel boundary	A
291 E. 700 N.	Ca. 1927 clipped gable cottage residence exhibiting Clipped Gable Cottage style	Current legal parcel boundary	A
285 E. 700 N.	Ca. 1900 central-block-with-projecting-bays residence exhibiting Victorian Eclectic style	Current legal parcel boundary	A
274 E. 700 N.	Ca. 1927 bungalow residence exhibiting Prairie School and Bungalow styles	Current legal parcel boundary	A
267 E. 700 N.	Ca. 1930 period cottage residence exhibiting Period Revival style	Current legal parcel boundary	A
262 E. 700 N.	Ca. 1890 cross-wing residence exhibiting Victorian Eclectic style	Current legal parcel boundary	C
253 E. 700 N.	Ca. 1925 period cottage residence exhibiting Period Revival and Spanish Revival styles	Current legal parcel boundary	A
694 N. 100 E.	Ca. 1900 cross-wing residence exhibiting Victorian Eclectic style	Current legal parcel boundary	C
39 E. 700 N.	Ca. 1890 central-block-with-projecting-bays residence exhibiting Victorian Eclectic style	Current legal parcel boundary	C
800 N. University Avenue Amanda Knight Hall	Ca. 1930 apartment exhibiting English Tudor Revival style	Current legal parcel boundary	C
795 N. University Avenue	Ca. 1910 central passage residence exhibiting Victorian Eclectic style	Current legal parcel boundary	C
779 N. University Avenue	Ca. 1920 period cottage residence exhibiting English Tudor Revival style	Current legal parcel boundary	A
761 N. University Avenue	Ca. 1920 bungalow residence exhibiting Bungalow style	Current legal parcel boundary	A

**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
745 N. University Avenue	Ca. 1920 bungalow residence exhibiting Arts & Crafts style	Current legal parcel boundary	A
733 N. University Avenue	Ca. 1920 bungalow residence exhibiting Bungalow style	Current legal parcel boundary	A
719 N. University Avenue	Ca. 1920 bungalow residence exhibiting Clipped Gable Cottage and Bungalow styles	Current legal parcel boundary	A
706 N. University Avenue	Ca. 1930 walk-up apartment residential complex exhibiting Spanish Revival style	Building only	A
689-691 N. University Avenue	Ca. 1925 bungalow residence exhibiting Bungalow, English Tudor, and Arts and Crafts styles	Current legal parcel boundary	A
675-677 N. University Avenue	Ca. 1920 clipped gable cottage residence exhibiting Clipped Gable Cottage style	Current legal parcel boundary	C
663 N. University Avenue	Ca. 1925 bungalow residence exhibiting Bungalow style	Current legal parcel boundary	A
625 N. University Avenue	Ca. 1920 bungalow residence exhibiting Bungalow style	Current legal parcel boundary	C
620 N. University Avenue	Ca. 1955 early ranch residence exhibiting Early Ranch style	Current legal parcel boundary	A
520 N. University Avenue Brigham Young Academy	Ca. 1891 school building exhibiting Second Renaissance Revival and Queen Anne styles	Current legal parcel boundary	C; NRHP-listed
519 N. University Avenue Brigham Young Academy Gymnasium	Ca. 1912 gymnasium building exhibiting Neoclassical style	Current legal parcel boundary	C; NRHP-listed
429 N. University Avenue	Ca. 1920 bungalow residence exhibiting Bungalow style	Current legal parcel boundary	C
409 N. University Avenue	Ca. 1900 central- block-with-projecting-bays residence exhibiting Victorian Eclectic style	Current legal parcel boundary	A
389 N. University Avenue	Ca. 1935 period cottage exhibiting English Tudor Revival style	Current legal parcel boundary	C
333 N. University Avenue	Ca. 1935 period cottage residence exhibiting transitional Period Revival and Minimal Traditional styles	Current legal parcel boundary	C

**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
315-321 N. University Avenue	Ca. 1885 cross-wing residence exhibiting Victorian Eclectic style	Current legal parcel boundary	A
282-294 N. University Avenue	Ca. 1955 commercial block exhibiting Post-WWII Other style	Building only	A
255-261 N. University Avenue	Ca. 1960 commercial block exhibiting Post-WWII Other style	Current legal parcel boundary	C
175 N. University Avenue	Ca. 1925 church building exhibiting Spanish Colonial Revival style	Current legal parcel boundary	A
149 N. University Avenue	Ca. 1900 1-part block commercial building exhibiting 20th Century Commercial style	Building only	A
120 N. University Avenue	Ca. 1905 1-part block commercial building exhibiting vernacular style	Current legal parcel boundary	A
100 N. University Avenue	Ca. 1895 1-part block commercial building exhibiting Victorian Eclectic style	Building only	A
95 N. University Avenue	Ca. 1965 window wall commercial building exhibiting Contemporary style	Building only	C
86 N. University Avenue	Ca. 1945 3-part block commercial building exhibiting Federal Revival style	Building only	A
65 N. University Avenue	Ca. 1955 2-part block commercial building exhibiting Post-WWII Other style	Building only	C
55 N. University Avenue	Ca. 1902 2-part block commercial building exhibiting Victorian Eclectic style	Building only	A
43 N. University Avenue	Ca. 1902 2-part block commercial building exhibiting Second Renaissance Revival style	Building only	A
33 N. University Avenue	Ca. 1935 2-part block commercial building exhibiting Art Deco style	Building only	A
1 E. Center Street	Ca. 1880 2-part block commercial building exhibiting Victorian Romanesque Revival style	Building only	A

**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
2 W. Center Street	Ca. 1895 2-part block commercial building exhibiting Victorian Romanesque Revival and Victorian Eclectic styles	Current legal parcel boundary	A
51 S. University Avenue	Ca. 1920 courthouse exhibiting Neoclassical style	Current legal parcel boundary	C
100 S. University Avenue Provo Tabernacle	Ca. 1893 church building exhibiting Gothic Revival style	Current legal parcel boundary	C; NRHP-listed
110 S. University Avenue	Ca. 1960 motel court exhibiting Late 20th Century Other style	Current legal parcel boundary	C
231 S. University Avenue	Ca. 1900 2-part block commercial building exhibiting 20th Century Commercial style	Building only	A
250 S. University Avenue	Ca. 1960 motel court exhibiting Late 20th Century style	Current legal parcel boundary	A
?295 S. University Avenue	Ca. 1965 service bay/business building exhibiting Late 20th Century Other style	Current legal parcel boundary	A
305 S. University Avenue	Ca. 1960 commercial block building exhibiting Late 20th Century Other style	Current legal parcel boundary	A
370 S. University Avenue	Ca. 1945 motel court exhibiting Other/Unclear style	Current legal parcel boundary	A
373 S. University Avenue	Ca. 1925 period cottage residence exhibiting English Tudor Revival style	Current legal parcel boundary	A
383 S. University Avenue	Ca. 1925 clipped gable cottage exhibiting Clipped Gable Cottage style	Current legal parcel boundary	A
391 S. University Avenue	Ca. 1925 period cottage residence exhibiting English Tudor Revival and Bungalow styles	Current legal parcel boundary	A
?410 S. University Avenue	Ca. 1955 commercial block building exhibiting Late 20th Century Other style	Current legal parcel boundary	A
415 S. University Avenue William H. Ray House	Ca. 1898 central-block-with-projecting-bays residence exhibiting Victorian Romanesque Revival and Victorian Eclectic styles	Current legal parcel boundary	A; NRHP-listed

**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*

Table 7-1: Historic Properties Protected under Section 4(f) (cont'd)

Address*/Name	Description	Historic Boundary	NRHP Criterion
Historic Buildings			
470 S. University Avenue	Ca. 1945 service bay/business building exhibiting Vernacular style	Current legal parcel boundary	A
490 S. University Avenue	Ca. 1935 1-part block commercial building exhibiting 20th Century Commercial Other style	Current legal parcel boundary	A
515 S. University Avenue	Ca. 1935 service bay/business exhibiting 20th Century Commercial Other style	Current legal parcel boundary	A
712 S. Freedom Boulevard (200 West)	Ca. 1890 hall-parlor residence exhibiting Classical Other style	Current legal parcel boundary	A
760 S. Freedom Boulevard (200 West)	Ca. 1958 early ranch/rambler residence exhibiting Early Ranch style	Current legal parcel boundary	A
Other			
Provo Downtown Historic District	1875–1924; Contains 43 buildings, primarily commercial structures	District Boundary	A, B, and C
**A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.*			

Recreation Resources Protected Under Section 4(f)

Existing and planned recreation resources located within one-quarter mile of the project study area are identified both in Section 3.9: Parks and Recreation Resources, and in Table 7-2: Recreation Resources Evaluated for Section 4(f) Applicability. Section 4(f) provides protection to existing publicly owned parks and recreation areas. It also extends to planned parks and recreation resources that are on publicly owned property, provided these resources are formally designated and determined to be significant. Section 4(f) does not apply to recreation resources used primarily for transportation purposes (e.g., bike lanes) or to resources that have restrictions on public use (i.e., when visitation is permitted to only a select group and not the entire public). Table 7-2: Recreation Resources Evaluated for Section 4(f) Applicability indicates recreation resources located within the study area that are protected under Section 4(f). These are also shown on Figure 7-7: Recreation Resources Protected under Section 4(f). For recreation resources not protected under Section 4(f), an explanation is given in the table below as to why the resource does not qualify.

Nine existing publicly owned parks, one publicly owned golf course, and two existing publicly owned separated trails within the study area are protected under Section 4(f). Four planned separated trails within the study area are protected under Section 4(f). There are no planned parks within the study area.

Table 7- 2: Recreation Resources Evaluated for Section 4(f) Applicability

Facility	Existing/Planned	Protected Under Section 4(f) – Y/N	Explanation
Brent Brown Ballpark	Existing	No	Privately owned/open for public use
Maeser Park	Existing	Yes	Publicly owned/open for public use
Carterville Park	Existing	Yes	Publicly owned/open to the public
Hillcrest Park	Existing	Yes	Publicly owned/open to the public
North Park	Existing	Yes	Publicly owned/open to the public
Timp Ballpark	Existing	Yes	Publicly owned/open for public use
Westmore Park	Existing	Yes	Publicly owned/open to the public
Branbury Greenway	Existing	Yes	Publicly owned/open to the public
2230 North Trailhead	Existing	Yes	Publicly owned/open to the public
Kiwanis Park	Existing	Yes	Publicly owned/open to the public
Powerline Park	Existing	No	Privately owned/open to the public
Intramural Fields (UVU)	Existing	No	Privately owned/closed for public use
East Bay Golf Course	Existing	Yes	Publicly owned/open for public use
Provo River Trail	Existing	Yes	Publicly owned/open to the public
College Connector Trail	Existing	No	Resource used for transportation purposes
Geneva Road Trail (1200 South to University Parkway – Orem)	Existing	No	Privately owned/open to the public
BYU Campus Trail (South)	Existing	No	Privately owned/closed for public use
BYU Campus Trail (North)	Existing	No	Privately owned/closed for public use
BYU Campus Trail (East)	Existing	No	Privately owned/closed for public use
West Union Canal Trail	Existing	Yes	Publicly owned/open to the public
Geneva Road Trail (Provo to Pleasant Grove)	Planned	Yes	Publicly owned/will be open for public use; included in MAG Regional Transportation Plan
Provo River Trail Extension	Planned	Yes	Publicly owned/will be open for public use; included in MAG Regional Transportation Plan
Carterville Multi-Use Path	Planned	Yes	Publicly owned/will be open for public use; included on Orem City Bike Plan
800 East Trail	Planned	Yes	Publicly owned/will be open for public use; included on Orem City Trails Plan

7.6 USE OF SECTION 4(F) PROPERTIES

Use of a Section 4(f) property, as defined in 23 CFR 774.17, occurs when one or more the following conditions are met:

- The property is permanently incorporated into a transportation facility.
- There is a temporary occupancy of land that is adverse in terms of the statute's preservationist purposes as determined by the temporary occupancy criteria described below.
- There is a constructive use of land.

The FHWA Section 4(f) Policy Paper states, "Land will be considered permanently incorporated into a transportation project when it has been purchased as right-of-way or [when] sufficient property interests have been otherwise acquired for the purpose of project implementation" (FHWA 2005a).

In general, Section 4(f) use does not apply to temporary occupancy. For a finding to be made that temporary occupancy of a Section 4(f) resource does not result in a use of that resource, all of the following conditions must be met:

- Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.
- Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
- There are no anticipated permanent adverse physical impacts nor will there be interference with the protected activities, features, or attributes of the property on either a temporary or permanent basis.
- The land being used must be fully restored, i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project.
- There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

A constructive use of a Section 4(f) resource happens when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, access, and/or ecological impacts) so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired (23 CFR Section 777.15(a)). Substantial impairment occurs only if the protected activities, features, or attributes of the resource are substantially diminished. This determination is made through the following practices:

- Identification of the current activities, features, or attributes of the resource that may be sensitive to proximity impacts.
- Analysis of the potential proximity impacts on the resource.
- Consultation with the appropriate officials having jurisdiction over the resource (23 CFR 774.15(3)).

There are no anticipated constructive use impacts (including noise, vibration, visual, access, or ecological) to Section 4(f) resources located within the project study area associated with the Preferred Alternative.

Use of Historic Properties

The impacts to historic properties resulting from the Preferred Alternative are categorized by criteria established by the NHPA's implementing regulations (36 CFR 800). The impact categories include *no historic properties affected*, *no adverse effect*, and *adverse effect*. The types of impacts from projects like the Provo-Orem Bus Rapid Transit Project are determined by FTA, FHWA, UTA, and UDOT, followed by concurrence from Utah SHPO and comments from other consulting parties. These determinations are documented in a finding of effect (FOE). The FOE for this project was submitted on October 15, 2010, and Utah SHPO and other consulting parties concurred on November 8, 2010. A copy of the FOE is included in the Appendix.

Historic properties that would be impacted by the Preferred Alternative are those that either have a finding of *no adverse effect* or *adverse effect* under the NHPA's Section 106 process. *No adverse effect* is also known as *de minimis* use or *de minimis* impacts under Section 4(f) (as described in Section 7.2 above) and usually means a small strip of right-of-way or a new crossing over a historic canal or railroad track is required. Examples of *adverse effect* could include complete parcel acquisition, acquisition of a substantial portion of a property, loss of access, demolition of buildings or structures, or proximity damages. A property with a finding of *no historic properties affected* would not be impacted by the Preferred Alternative so no further Section 4(f) analysis is required. Based on the definitions of effect described above, the use of a Section 4(f) resource occurs when there is a finding of either *no adverse effect* (i.e., *de minimis*) or *adverse effect* (i.e., use).

Table 7-3: Use of Historic Properties lists the historic properties within the study area and indicates whether each resource would be used by the Preferred Alternative.

Table 7- 3: Use of Historic Properties

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Archaeological Sites – 5 Sites, 4 *De Minimis*,1 Avoided				
-	42UT001568, West Union Canal	No Adverse Effect	*De Minimis*	Existing culverts under University Parkway and Campus Drive would be extended or replaced with longer culvert; approximately 870 feet of open channel south of 800 South would be piped.
-	42UT001029, Utah Southern/Union Pacific Railroad	No Adverse Effect	*De Minimis*	Crossed in two different locations; existing overpass over tracks west of I-15 would be widened; existing University Avenue overpass over tracks south of 600 South would be used as-is

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Archaeological Sites – 5 Sites, 4 *De Minimis*,1 Avoided				
-	42UT001031/42UT001125, Denver and Rio Grande Western Railroad	No Adverse Effect	*De Minimis*	Crossed in two different locations; existing overpass over tracks west of I-15 would be widened; existing University Avenue overpass over tracks south of 600 South would be used as-is
-	42UT001032, Lake Bottom Canal	No Adverse Effect	*De Minimis*	Approximately 2,300 feet of canal would be relocated near I-15 and 800 South; one intact (unpiped) segment would be placed in a culvert under 800 South; existing culvert under University Parkway west of the Provo River would be extended or replaced with longer culvert
-	42UT00684, Provo Trolley	No Historic Properties Affected	None	Not used if no discovery under University Avenue pavement during construction
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	?798 S. Geneva Road	No Historic Properties Affected	None	Avoided
1	789 S. Geneva Road	No Adverse Effect	*De Minimis*	Strip take of 10,800 sq ft out of 220,191 sq ft (4.9% taken)
2	1485 W. 800 S.	No Adverse Effect	*De Minimis*	Strip take of 1,170 sq ft out of 26,966 sq ft (4.3% taken)
3	1467 W. 800 S.	No Adverse Effect	*De Minimis*	Strip take of 998 sq ft out of 45,520 sq ft (2.2% taken)
4	1451 W. 800 S.	No Adverse Effect	*De Minimis*	Strip take of 1,650 sq ft out of 45,463 sq ft (3.6% taken)
-	475 E. University Parkway	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	841 E. University Parkway	No Historic Properties Affected	None	Avoided
-	881 E. University Parkway	No Historic Properties Affected	None	Avoided
5	1600 N. 900 E.	No Adverse Effect	*De Minimis*	Strip take of 2,044 sq ft out of 251,124 sq ft (0.8% taken)
-	920 E. Fir Avenue	No Historic Properties Affected	None	Avoided
-	808 E. 1430 N.	No Historic Properties Affected	None	Avoided
-	1401 N. 900 E.	No Historic Properties Affected	None	Avoided
-	1400 N. 900 E.	No Historic Properties Affected	None	Avoided
-	1350 N. 900 E.	No Historic Properties Affected	None	Avoided
-	1336 N. 900 E.	No Historic Properties Affected	None	Avoided
-	1328 N. 900 E.	No Historic Properties Affected	None	Avoided
-	1080 N. 900 E.	No Historic Properties Affected	None	Avoided
-	1063 N. 900 E.	No Historic Properties Affected	None	Avoided
-	1035 N. 900 E.	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	953 N. 900 E.	No Historic Properties Affected	None	Avoided
-	933 N. 900 E.	No Historic Properties Affected	None	Avoided
-	776 N. 900 E.	No Historic Properties Affected	None	Avoided
-	746 N. 900 E.	No Historic Properties Affected	None	Avoided
7	717 N. 900 E.	No Adverse Effect	*De Minimis*	Strip take of 664 sq ft out of 5,580 sq ft (11.9% taken)
9	916 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 120 sq ft out of 6,565 sq ft (1.8% taken)
-	917 E. 670 N.	No Historic Properties Affected	None	Avoided
-	974 E. 700 N.	No Historic Properties Affected	None	Avoided
-	960 E. 700 N.	No Historic Properties Affected	None	Avoided
6	945 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 170 sq ft out of 149,444 sq ft (0.11% taken)
8	889 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 398 sq ft out of 5,810 sq ft (6.9% taken)
10	885 E. 620 N.	No Adverse Effect	*De Minimis*	Strip take of 183 sq ft out of 10,826 sq ft (1.7% taken)
11	822 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 138 sq ft out of 7,411 sq ft (1.9% taken)
12	686 N. 800 E.	No Adverse Effect	*De Minimis*	Strip take of 306 sq ft out of 6,861 sq ft (4.5% taken)

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
13	695 N. 800 E.	No Adverse Effect	*De Minimis*	Strip take of 238 sq ft out of 7,807 sq ft (3.0% taken)
-	775 E. 700 N.	No Historic Properties Affected	None	Avoided
-	757 E. 700 N.	No Historic Properties Affected	None	Avoided
14	756 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 148 sq ft out of 5,711 sq ft (2.6% taken)
-	734 E. 700 N.	No Historic Properties Affected	None	Avoided
-	702 S. Utah Avenue	No Historic Properties Affected	None	Avoided
-	712 N. 700 E.	No Historic Properties Affected	None	Avoided
15	680/690 N. 700 E.	No Adverse Effect	*De Minimis*	Strip take of 49.5 sq ft out of 16,548 sq ft (0.3% taken)
16	665 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 97 sq ft out of 149,407 sq ft (0.07% taken)
-	622 E. 700 N.	No Historic Properties Affected	None	Avoided
17	621-627 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 187 sq ft out of 4,399 sq ft (4.3% taken)
-	707 N. 600 E.	No Historic Properties Affected	None	Avoided
-	667 N. 600 E.	No Historic Properties Affected	None	Avoided
-	541 E. 700 N.	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	534 E. 700 N.	No Historic Properties Affected	None	Avoided
-	531 E. 700 N.	No Historic Properties Affected	None	Avoided
-	513 E. 700 N.	No Historic Properties Affected	None	Avoided
-	688 N. 500 E.	No Historic Properties Affected	None	Avoided
-	693 N. 400 E.	No Historic Properties Affected	None	Avoided
-	343 E. 700 N.	No Historic Properties Affected	None	Avoided
-	309 E. 700 N. Meldrum House	No Historic Properties Affected	None	Avoided
-	695 N. 300 E.	No Historic Properties Affected	None	Avoided
-	291 E. 700 N.	No Historic Properties Affected	None	Avoided
-	285 E. 700 N.	No Historic Properties Affected	None	Avoided
-	274 E. 700 N.	No Historic Properties Affected	None	Avoided
-	267 E. 700 N.	No Historic Properties Affected	None	Avoided
-	262 E. 700 N.	No Historic Properties Affected	None	Avoided
-	253 E. 700 N.	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	694 N. 100 E.	No Historic Properties Affected	None	Avoided
18	39 E. 700 N.	No Adverse Effect	*De Minimis*	Strip take of 87 sq ft out of 5,909 sq ft (1.5% taken)
-	800 N. University Avenue Amanda Knight Hall	No Historic Properties Affected	None	Avoided
-	795 N. University Avenue	No Historic Properties Affected	None	Avoided
-	779 N. University Avenue	No Historic Properties Affected	None	Avoided
-	761 N. University Avenue	No Historic Properties Affected	None	Avoided
-	745 N. University Avenue	No Historic Properties Affected	None	Avoided
-	733 N. University Avenue	No Historic Properties Affected	None	Avoided
-	719 N. University Avenue	No Historic Properties Affected	None	Avoided
19	706 N. University Avenue	No Adverse Effect	*De Minimis*	Strip take of 107 sq ft out of 4,969 sq ft (2.2% taken)
20	689-691 N. University Avenue	No Adverse Effect	*De Minimis*	Strip take of 35 sq ft out of 7,615 sq ft (0.5% taken)
-	675-677 N. University Avenue	No Historic Properties Affected	None	Avoided
-	663 N. University Avenue	No Historic Properties Affected	None	Avoided
-	625 N. University Avenue	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	620 N. University Avenue	No Historic Properties Affected	None	Avoided
-	520 N. University Avenue Brigham Young Academy	No Historic Properties Affected	None	Avoided
-	519 N. University Avenue Brigham Young Academy Gymnasium	No Historic Properties Affected	None	Avoided
-	429 N. University Avenue	No Historic Properties Affected	None	Avoided
-	409 N. University Avenue	No Historic Properties Affected	None	Avoided
-	389 N. University Avenue	No Historic Properties Affected	None	Avoided
-	333 N. University Avenue	No Historic Properties Affected	None	Avoided
-	315-321 N. University Avenue	No Historic Properties Affected	None	Avoided
-	282-294 N. University Avenue	No Historic Properties Affected	None	Avoided
-	255-261 N. University Avenue	No Historic Properties Affected	None	Avoided
-	175 N. University Avenue	No Historic Properties Affected	None	Avoided
-	149 N. University Avenue	No Historic Properties Affected	None	Avoided
-	120 N. University Avenue	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	100 N. University Avenue	No Historic Properties Affected	None	Avoided
-	95 N. University Avenue	No Historic Properties Affected	None	Avoided
-	86 N. University Avenue	No Historic Properties Affected	None	Avoided
-	65 N. University Avenue	No Historic Properties Affected	None	Avoided
-	55 N. University Avenue	No Historic Properties Affected	None	Avoided
-	43 N. University Avenue	No Historic Properties Affected	None	Avoided
-	33 N. University Avenue	No Historic Properties Affected	None	Avoided
-	1 E. Center Street	No Historic Properties Affected	None	Avoided
-	2 W. Center Street	No Historic Properties Affected	None	Avoided
-	51 S. University Avenue	No Historic Properties Affected	None	Avoided
21	100 S. University Avenue	No Adverse Effect	*De Minimis*	Strip take of 13 sq ft out of 56,662 sq ft (0.02% taken)
-	110 S. University Avenue	No Historic Properties Affected	None	Avoided
-	231 S. University Avenue	No Historic Properties Affected	None	Avoided
-	250 S. University Avenue	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Historic Buildings – 115 Buildings, 22 *De Minimis*, 93 No Use				
-	?295 S. University Avenue	No Historic Properties Affected	None	Avoided
22	305 S. University Avenue	No Adverse Effect	*De Minimis*	Strip take of 6 sq ft out of 12,261 sq ft (0.05% taken)
-	370 S. University Avenue	No Historic Properties Affected	None	Avoided
-	373 S. University Avenue	No Historic Properties Affected	None	Avoided
-	383 S. University Avenue	No Historic Properties Affected	None	Avoided
-	391 S. University Avenue	No Historic Properties Affected	None	Avoided
-	?410 S. University Avenue	No Historic Properties Affected	None	Avoided
-	415 S. University Avenue William H. Ray House	No Historic Properties Affected	None	Avoided
-	470 S. University Avenue	No Historic Properties Affected	None	Avoided
-	490 S. University Avenue	No Historic Properties Affected	None	Avoided
-	515 S. University Avenue	No Historic Properties Affected	None	Avoided
-	712 S. Freedom Boulevard (200 West)	No Historic Properties Affected	None	Avoided
-	760 S. Freedom Boulevard (200 West)	No Historic Properties Affected	None	Avoided

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

Table 7-3: Use of Historic Properties (cont'd)

Figure ID #[1]	Archaeological Site Number/Historic Property Address[2]	Type of Section 106 Effect	Section 4(f) Use	Comments
Other – 1 District, 1 *De Minimis*				
-	Provo Downtown Historic District	No Adverse Effect	*De Minimis*	No direct effect on contributing buildings or features. Minor effect on setting and feeling of the district from a station location.

1. Properties identified as de minimis use have been numbered on the corresponding figures.
2. A "?" in front of an address denotes an estimated address where an exact address could not be confirmed.

The findings of *no adverse effect* indicate that the Preferred Alternative would not directly or indirectly alter any of the historic characteristics that make these resources eligible for the NRHP. Based on these considerations FTA, with Utah SHPO concurrence, have made the determination that there is a *de minimis* impact on these resources, therefore no avoidance analysis is required. Because no findings of *adverse effect*, and therefore no findings of Section 4(f) use, from the Preferred Alternative have been made, no consideration of avoidance alternatives for historic properties is necessary. The FOE for this project was submitted on October 15, 2010, and Utah SHPO concurred on November 8, 2010. A copy of the FOE is included in the Appendix.

Use of Recreation Resources

The impacts to recreation resources resulting from the Preferred Alternative are categorized by the nature of the use, as defined in 23 CFR 774. The severity of the use and the subsequent determination in relation to the applicability of a *de minimis* finding for each resource was carried out in consultation with the agencies that have primary jurisdiction over each existing and planned resource to which Section 4(f) protection is applicable.

Of the 16 recreation resources along the project corridor that are protected under Section 4(f), 15 of the resources would not be used at all by the Preferred Alternative. One remaining resource would be subject to *de minimis* use by the Preferred Alternative. Table 7-4: Use of Existing and Planned Publicly Owned Recreation Resources, below, summarizes these resources and indicates whether each resource will be used by the Preferred Alternative.

Table 7- 4: Use of Existing and Planned Publicly Owned Recreation Resources

Resource Name	Section 4(f) Use	Comments
Carterville Park	None	Temporary occupancy of Carterville Park will occur during project construction as modifications are being made to the existing abutments of the Carterville Road bridge. Construction crews will acquire a temporary easement to access the bridge via park property. There are no anticipated permanent adverse physical impacts to the park nor will there be interference with the protected activities, features, or attributes of the park. Carterville Park will be restored to its previous condition once modifications to the abutments are finished. It is anticipated that this work will be completed in less than six months. Ownership of the park will remain with Provo City, who has agreed in writing regarding temporary occupancy of Carterville Park. Per Provo City's request, a written agreement will be prepared outlining UTA and Provo City's joint understanding of how Carterville Park will be impacted and the temporary use required, prior to construction (see Appendix).
Maeser Park	None	Maeser Park, at 600 South and 500 East in Provo, is four blocks from the proposed alignment of the Preferred Alternative (on University Avenue). Due to Maeser Park's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of the park.
North Park	None	North Park, at 500 North and 500 West in Provo, is five blocks from the proposed alignment of the Preferred Alternative (on University Avenue). Due to North Park's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of the park.
Timp Ballpark	None	Timp Ballpark, at 500 North and 400 West in Provo, is four blocks from the proposed alignment of the Preferred Alternative (on University Avenue). Due to Timp Ballpark's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of the park.
Westmore Park	None	Westmore Park, at 1050 South Main Street in Orem, is approximately two and half blocks from the proposed alignment of the Preferred Alternative (on University Parkway). Due to Westmore Park's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of the park.
Branbury Greenway	None	The Branbury Greenway is adjacent to the Provo River, directly south of the Provo River Bridge. Impacts associated with widening the existing bridge and construction of a new BRT bridge will be limited to within the existing UDOT right-of-way; therefore, there is no anticipated Section 4(f) use of this greenway.
2230 North Trailhead	None	This trailhead is off 2320 North at approximately 300 West in Provo, which is two blocks from the proposed alignment of the Preferred Alternative (on University Parkway). Due to the trailhead's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of this resource.

Table 7- 4: Use of Existing and Planned Publicly Owned Recreation Resources (cont'd)

Resource Name	Section 4(f) Use	Comments
Kiwanis Park	None	Kiwanis Park, at 820 North and 1100 East in Provo, is two blocks from the proposed alignment of the Preferred Alternative (on 900 East). Due to Kiwanis Park's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of this park.
West Union Canal Trail	None	The northern trailhead of the West Union Canal Trail is located at approximately 1430 South, 400 West in Orem, which is one and a half blocks from the alignment of the Preferred Alternative (University Parkway). Due to the West Union Canal Trail's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of this trail.
Hillcrest Park	*De Minimis*	Hillcrest Park is located on University Parkway at 650 East in Orem. As part of the proposed project two new BRT lanes, two additional vehicle lanes, and new sidewalk (south side only) will be constructed along a portion of University Parkway. To make these improvements, a strip take of approximately .015 acres will be required along the northern portion of Hillcrest Park. This is approximately 0.76% of the total area of the existing park (1.97 acres). The existing wall in this location will be relocated approximately 11 feet to the south. Given that the proposed project will not adversely affect the features, attributes, or activities qualifying Hillcrest Park for protection under Section 4(f), a *de minimis* impact finding has been made. Orem City has provided written concurrence with this finding (see Appendix).
East Bay Golf Course	None	East Bay Golf Course, at 1860 S. East Bay Boulevard in Provo, is located adjacent to the alignment of the Preferred Alternative; however, BRT will operate in shared lanes in this location. No additional right-of-way will be required; therefore, there is no anticipated Section 4(f) use of the golf course.
Provo River Trail	None	Temporary occupancy of the Provo River Trail will occur during project construction as the Provo River Bridge is widened to include two additional vehicle travel lanes and a new BRT bridge is built. During construction UTA will coordinate with Provo City to develop a trail user outreach and communication plan to notify users of trail detours resulting from project construction. There are no anticipated permanent adverse physical impacts to the trail nor will there be any interference with the protected activities, features, or attributes of the trail. It is anticipated that the bridge construction work will be completed in less than nine months. Ownership of the trail will remain with Provo City, who has agreed in writing regarding temporary closure of the Provo River Trail. Per Provo City's request, a written agreement will be prepared outlining UTA and Provo City's joint understanding of how the Provo River Trail will be impacted and the temporary use required, prior to construction (see Appendix).

Table 7- 4: Use of Existing and Planned Publicly Owned Recreation Resources (cont'd)

Resource Name	Section 4(f) Use	Comments
Geneva Road Trail	None	The Preferred Alternative intersects the location of the planned Geneva Road Trail at 800 South and Geneva Road in Orem. During final design UTA will accommodate this planned trail and ensure that north-south connectivity will be maintained. No permanent adverse physical impacts to this planned trail are anticipated nor will there be any permanent interference with the planned activities, features, or attributes of the trail that qualify it for protection under Section 4(f).
Provo River Trail Extension	None	The Provo River Trail Extension will run north from 2320 North/300 West in Provo to approximately 3700 North. At its closest point, this trail will be approximately two blocks from the proposed alignment of the Preferred Alternative (on University Parkway). Due to the trail's proximity to the Preferred Alternative, there is no anticipated Section 4(f) use of this resource.
Carterville Multi-Use Path	None	The Carterville Multi-Use Path will be adjacent to Carterville Road. The southern limit of this trail is the intersection of Carterville Road and University Parkway (which is grade separated); therefore, there is no anticipated Section 4(f) use of this resource.
800 East Trail	None	The Preferred Alternative intersects the southern limit of the planned 800 East Trail at the intersection of 800 East and University Parkway in Orem. During final design UTA will accommodate this planned trail. It is not anticipated that there will be any permanent adverse physical impacts to the this planned trail nor will there be any permanent interference with the planned activities, features, or attributes of the trail which qualify it for protection under Section 4(f).

7.7 COORDINATION

Section 4(f) requires coordination with the public officials that have jurisdiction over the Section 4(f) property. Public officials having jurisdiction over the impacted sites include Utah SHPO and the Cities of Provo and Orem. Utah SHPO's concurrence on the FOE is included in the Appendix. Letters of concurrence regarding *de minimis* impacts to Section 4(f) resources and temporary occupancy from both Provo City and Orem City are also included in the Appendix.

7.8 SECTION 4(F) FINDING AND CONCLUSION

FTA finds that the Provo-Orem Bus Rapid Project has met the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966 codified at 49 USC Section 303. Through consultation with Utah SHPO and agencies with jurisdiction over Section 4(f) resources, FTA finds that:

- There is one park for which the project would have a *de minimis* impact: Hillcrest Park.
- There will be temporary occupancy of two recreation facilities: Carterville Park and the Provo River Trail.
- There will be no direct use of any public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance.
- In consultation with Utah SHPO, four archaeological linear resources and 22 historic buildings have been identified for which the project would have a *de minimis* impact.

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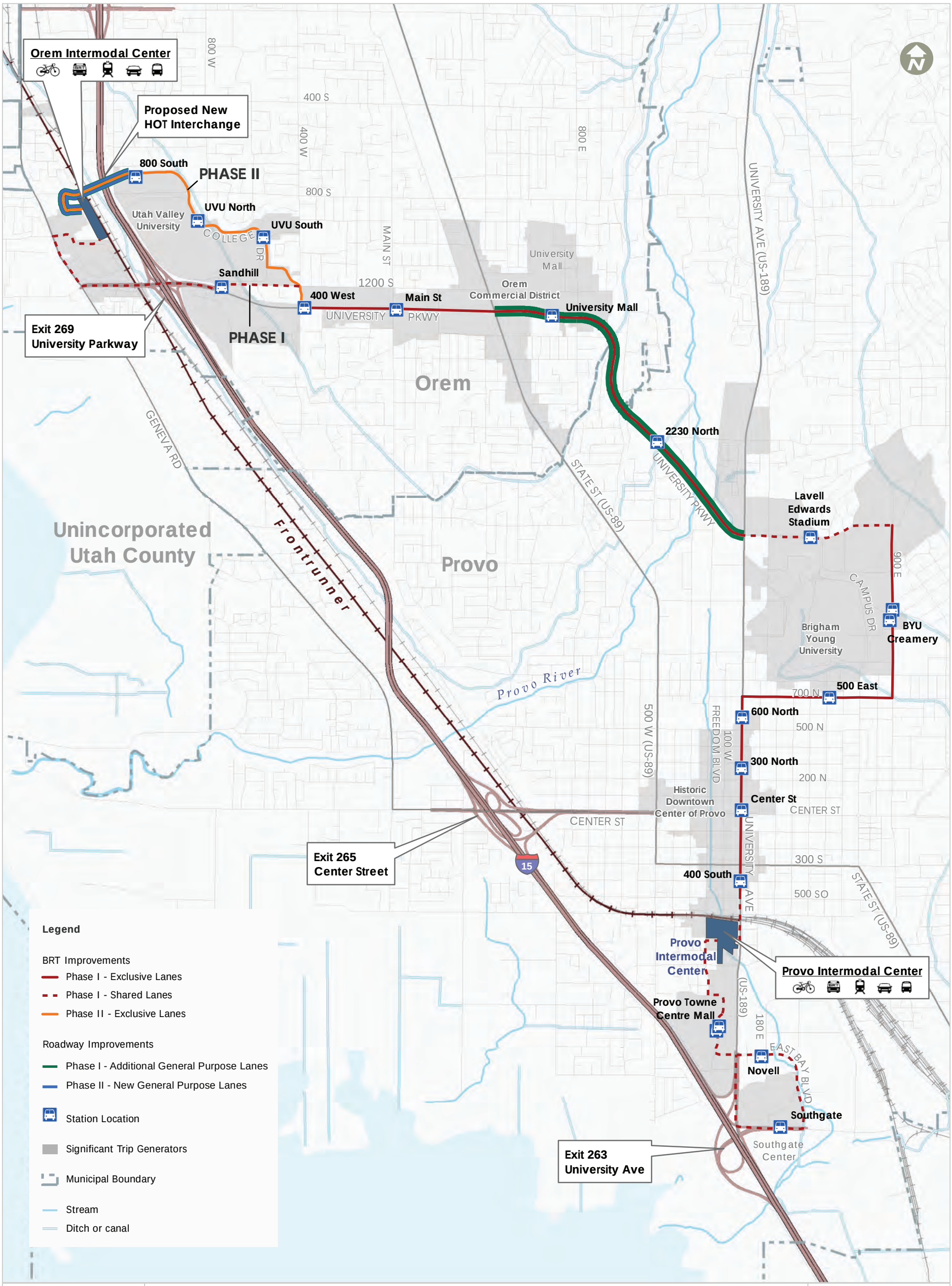
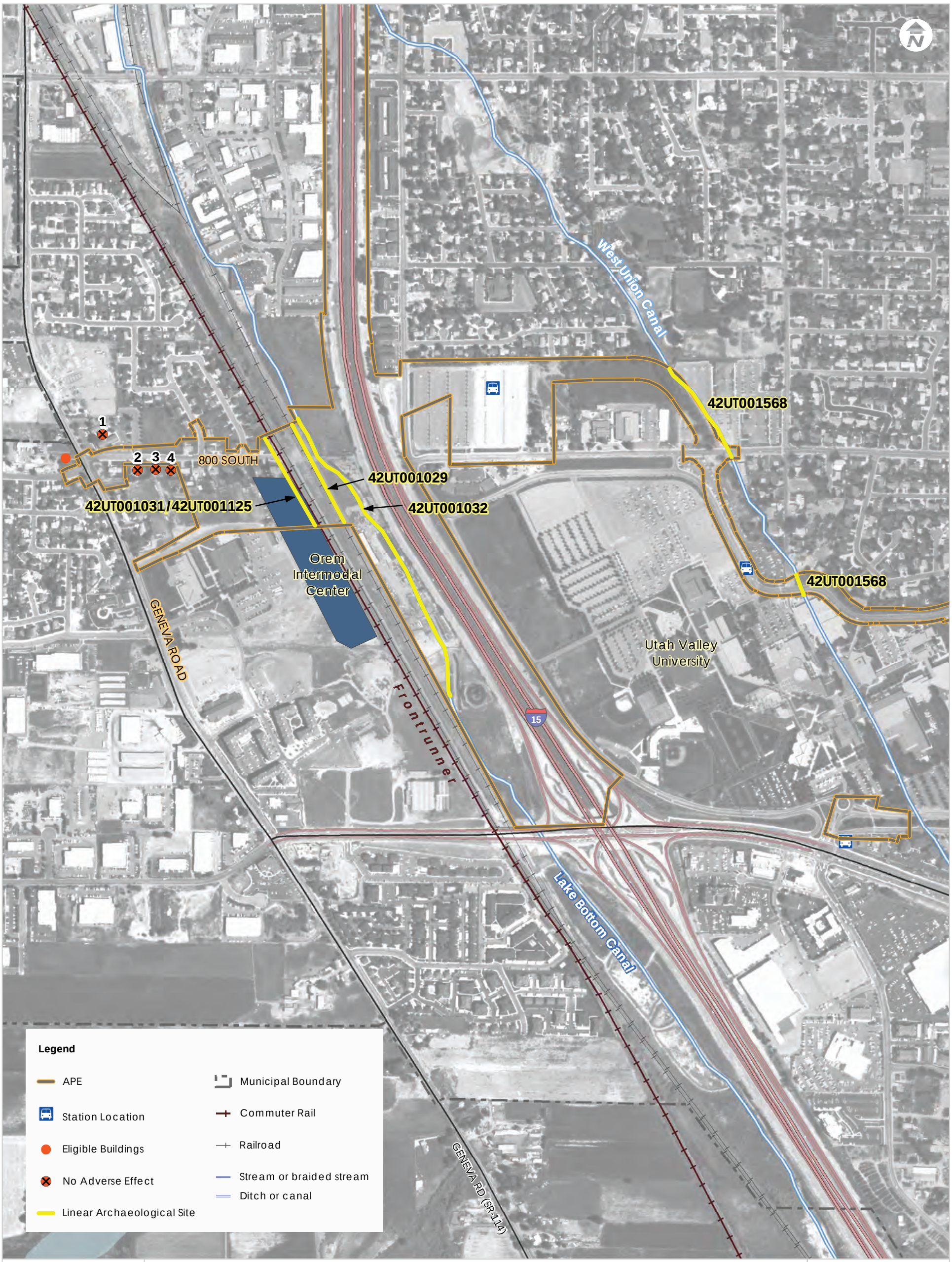


Figure 7-1 Preferred Alternative



Project Location

Map projection is UTM12N NAD83. Base data layers from the State of Utah Automated Geographic Reference Center (AGRC) and from municipal zoning plans. Thematic data from SWCA.

0 500 1,000 Feet
0 200 400 Meters

Figure 7-2
Historic Properties Protected under Section 4(f) - 1

University Mall
University Mall
West Union Canal
Provo River
UNIVERSITY PKWY
42UT001568
Lake Bottom canal
W 2230 N
42UT001032
UNIVERSITY PKWY
RIVERSIDE AVE
STATE ST (US-89)

Legend

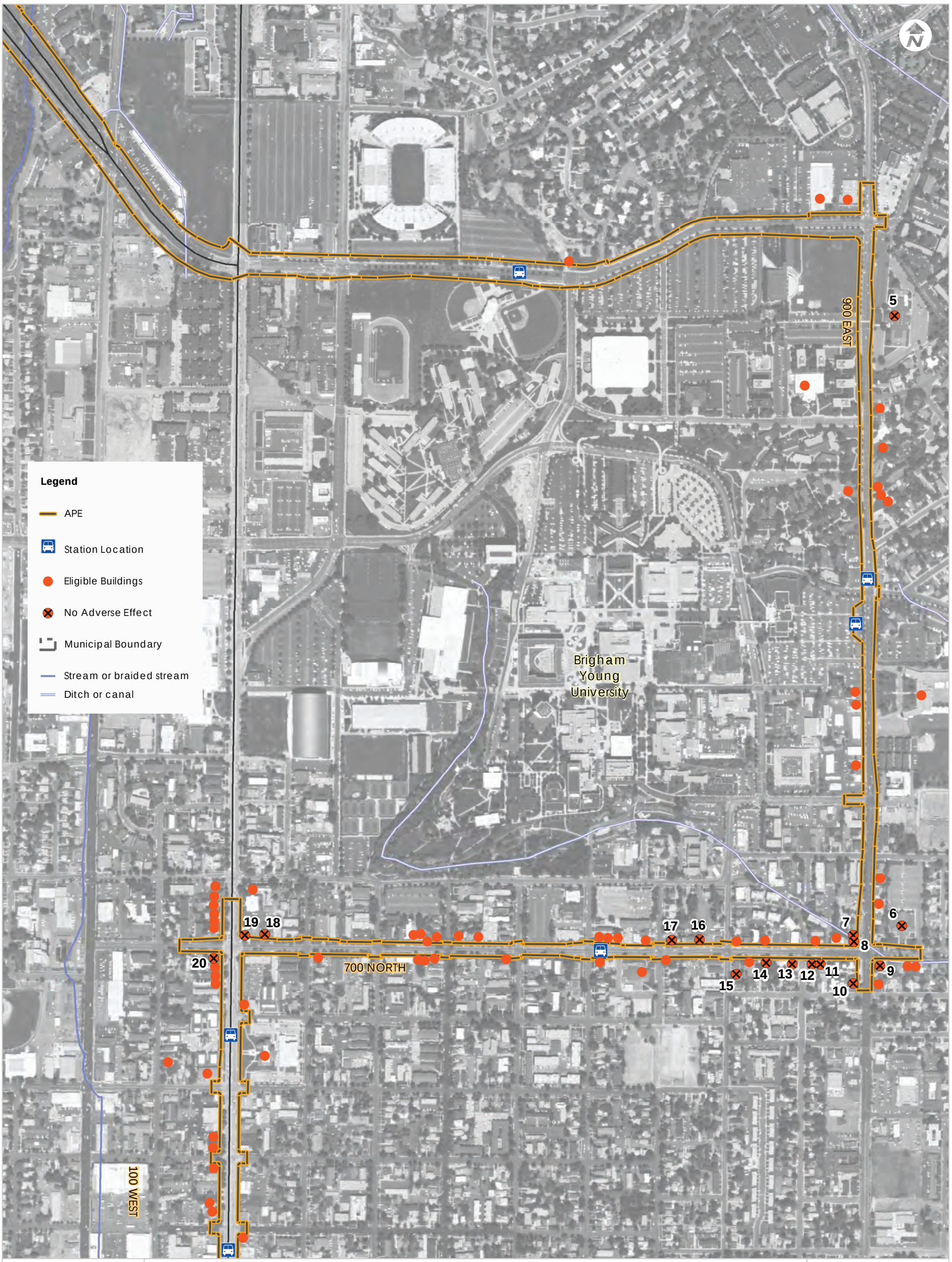
- APE
- Station Location
- Linear Archaeological Sites
- Municipal Boundary
- Stream or braided stream
- Ditch or canal

Project Location

Map projection is UTM12N NAD83. Base data layers from the State of Utah Automated Geographic Reference Center (AGRC) and from municipal zoning plans. Thematic data from SWCA.

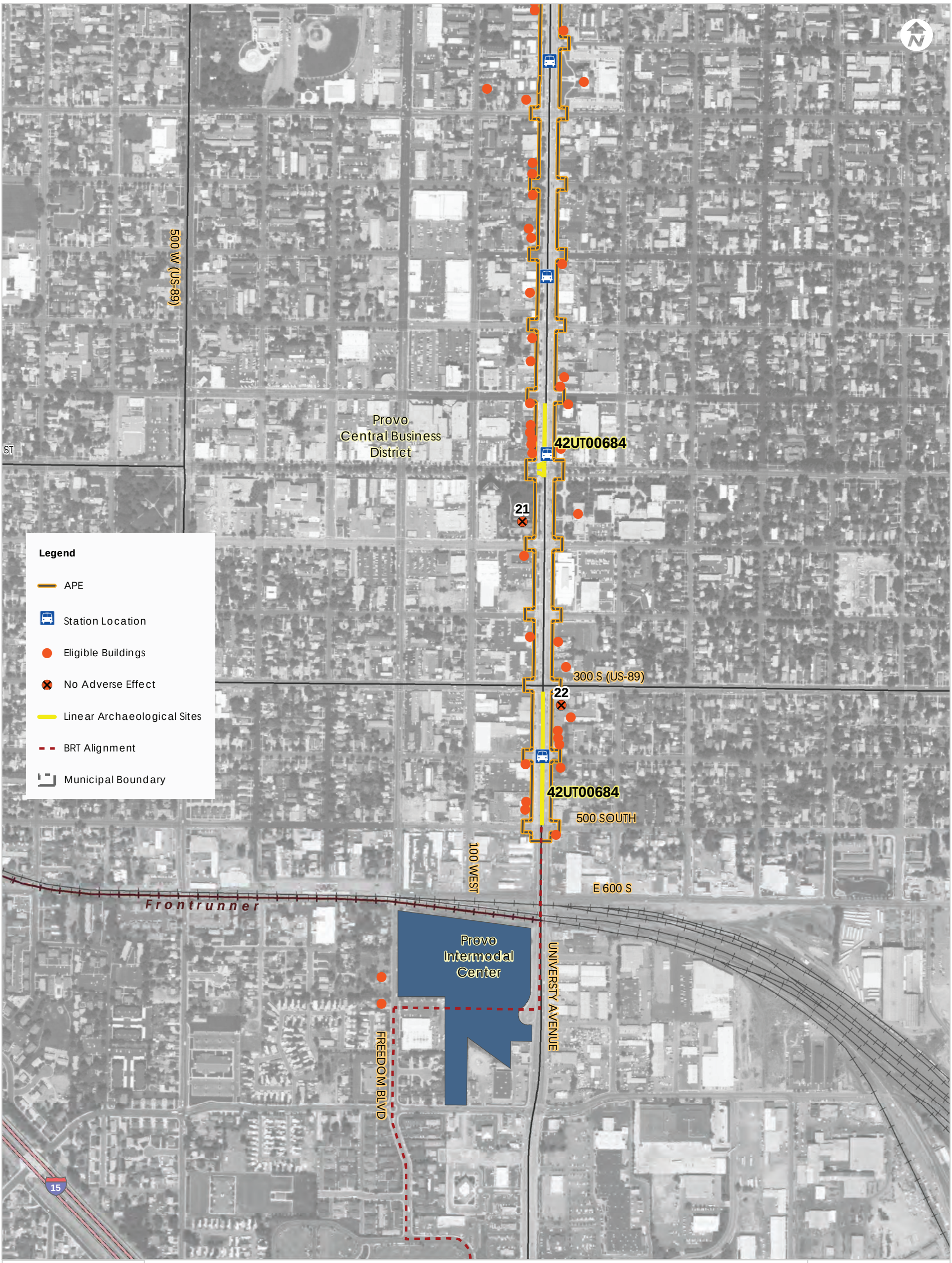
0 500 1,000 Feet
0 200 400 Meters

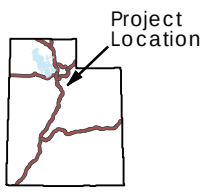
Figure 7-3
Historic Properties Protected under Section 4(f) - 2



Map projection is UTM12N NAD83. Base data layers from the State of Utah Automated Geographic Reference Center (AGRC) and from municipal zoning plans. Thematic data from SWCA.

Figure 7-4
Historic Properties Protected Under Section 4(f) - 3





Map projection is UTM12N NAD83. Base data layers from the State of Utah Automated Geographic Reference Center (AGRC) and from municipal zoning plans. Thematic data from SWCA.

0 500 1,000 Feet
0 200 400 Meters

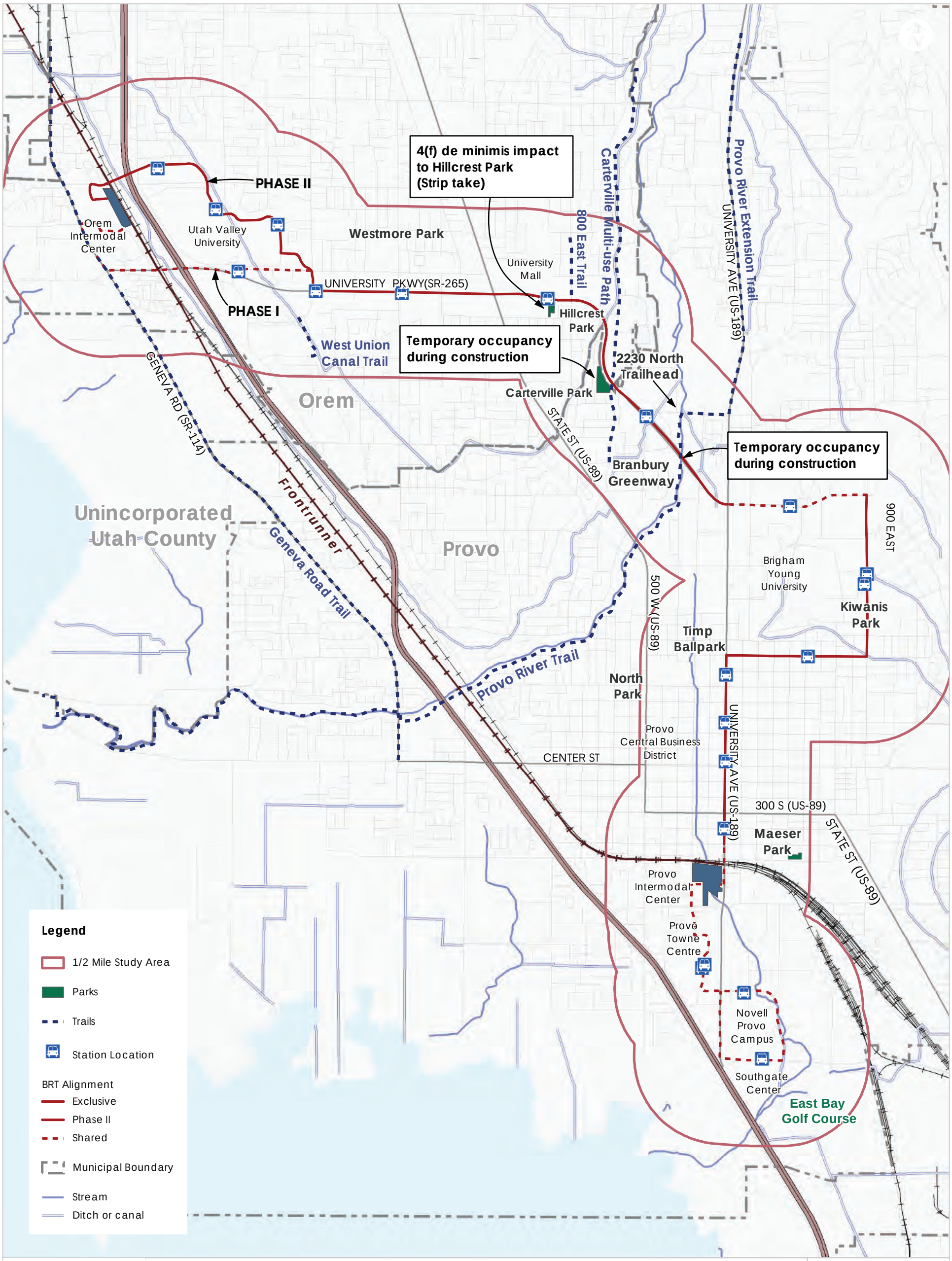
Figure 7-5
Historic Properties Protected Under Section 4(f) - 4

Project Location

Map projection is UTM12N NAD83. Base data layers from the State of Utah Automated Geographic Reference Center (AGRC) and from municipal zoning plans. Thematic data from SWCA.

0 500 1,000 Feet
0 200 400 Meters

Figure 7-6
Historic Properties Protected Under Section 4(f) - 5



Map projection is UTM12N NAD83. Base data layers from the State of Utah Automated Geographic Reference Center (AGRC) and from municipal zoning plans.

Figure 7-7
Recreation Resources Protected Under Section 4(f)