Hecker Pass Safety Improvement Project
State Route 152 in Santa Clara County, California

04-SCL-152-PM 0.1/5.2
EA 04-2A250

Draft SECTION 4(f) DE MINIMIS FINDING
November 2012

Prepared by the State of California Department of Transportation

The environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried-out by Caltrans under its assumption of responsibility pursuant to 23 USC 327.

Submitted Pursuant to:
(Federal) 49 USC 303

11/9/12
Date of Approval

Cristin Hallissy, Branch Chief
Environmental Analysis
Caltrans, District 4
Introduction

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that “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 that the 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:

• there is no prudent and feasible alternative to using that land; and
• 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.

Section 4(f) De Minimis Impact Evaluation Requirements

Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only de minimis impacts on lands protected by Section 4(f). This revision provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a de minimis impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA’s final rule on Section 4(f) de minimis findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to the Department pursuant to 23 USC 326 and 327, including determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

Project Description

The proposed project is located on a section of State Route 152 known as Hecker Pass that crosses the Santa Cruz Mountain Range in western Santa Clara County. Hecker Pass links coastal Santa Cruz County and Watsonville on the west with rural Santa Clara County and Gilroy on the east. Most of State Route 152 in this area is a narrow, winding two-lane mountain road. The proposed project would make improvements at five separate locations within a five-mile stretch of the highway from just east of the Santa Cruz County line to just east of Watsonville Road near Gilroy (See Figure 1).
The purpose of the project is to reduce the number of head-on collisions and prevent vehicles from running off the road. Improvements include minor road widening to add 8-foot shoulders, curve improvements, retaining walls to prevent hillsides from slipping, a left-turn lane at Location 5, drainage improvements, and permanent warning signs. In addition the project would remove fixed objects close to the road, such as trees, poles and signs, to give drivers who go off the road room to recover.

A Final Environmental Impact Report/Environmental Assessment (FEIR/EA) for the project was approved on November 5, 2010. Since the approval of the FEIR/EA, there have been modifications to the project design, necessitating the preparation of a Supplemental EIR, a re-validation of the EA, and a new Section 4(f) de minimis finding.

This document focuses on Location 4, which is 0.6 mile long, because it is the only location with a Section 4(f) resource. See Figure 2 for a map showing this location. The design changes at Location 4 include the following:

- Widen the existing roadway to provide 8-foot-wide shoulders, rather than 15-foot-wide shoulders reported in the FEIR/EA.
- Acquire approximately 2.6 acres of land along both sides of the roadway. The original description called for acquiring approximately 0.55 acre on the westbound side of the roadway only.
- Add barriers at the end of the retaining walls to prevent drivers from crashing into the wall. The barriers will be stained to blend into the natural appearance of the walls.
- Add black vinyl cable railing at the top of retaining walls.
- Add additional drainage systems.
- Add longer transition tapers where the road widening ends to meet new road standards.
- Change the size of the retaining walls as shown in the table below:

<table>
<thead>
<tr>
<th>2010 Retaining Wall Names</th>
<th>Revised Retaining Wall Names</th>
<th>Originally Planned Maximum Height * (feet)</th>
<th>Revised Maximum Height (feet)</th>
<th>Originally Planned Length* (feet)</th>
<th>Revised Length (feet)</th>
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</thead>
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<td>4A</td>
<td>Soil Nail Wall 7</td>
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<td>4C</td>
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<td>10.64</td>
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</tbody>
</table>

*Design information provided in the 2010 FEIR/EA  
NA = Not Applicable
Applicability

Mount Madonna County Park is under the jurisdiction of the Santa Clara County Parks and Recreation Department. It is located in the project area on State Route 152, 10 miles west of Gilroy. The section of the park in the project area north of the highway includes a parking lot, equestrian staging area and access to park trails. The park is open to the public for a variety of recreational uses and is considered a significant resource to the County of Santa Clara. Therefore, Mount Madonna County Park is a Section 4(f) resource.

Use

While improvements are being made at 5 locations along State Route 152, Location 4 is the only location where improvements would affect Mount Madonna County Park. Please see Figure 2. As described in detail above, construction activities at Location 4 would involve building retaining walls (Figure 3), widening shoulders and correcting curves. Figure 4 shows the locations of the retaining walls and three different viewpoints. Figures 5 - 10 show what the changes at the park would look like from the three different viewpoints.

The safety improvements would require the acquisition of 2.6 acres of linear right-of-way from the 3,688-acre park. This right-of-way consists of uphill and downhill slopes. It will be acquired as strips of land along both sides of State Route 152, near the Sprig Recreation Area entrance to the park. The acquisition does not include any park features, such as trails, parking or equestrian staging areas. Land acquired from the park will be permanently incorporated into the transportation facility. This constitutes “use” of park land under Section 4(f) (23 CFR 774.17).

Public Involvement

The public must be afforded the opportunity to review and comment on the effects of the proposed project on Mount Madonna County Park. The public was given the opportunity to comment on the effects of the project to the park resources during the comment period for the environmental document. A public meeting was held on March 24, 2010 at the Gilroy High School library.

The County of Santa Clara Parks and Recreation Department was the only entity to comment on potential impacts to the Section 4(f) resource. The County’s main concerns were the project’s effect on plans for a future trail and the adequate replacement of trees and other forest vegetation. Responses to their letter can be found in Section 4.3 of the FEIR/EA, which is available on the Caltrans website at http://www.dot.ca.gov/dist4/envdocs.htm.

Since the public meeting, there have been changes to the project design as described in the project description above. Therefore, this document is being circulated from November 16 through December 16, 2012 to give the public the opportunity to review and comment on the effects of the revised project and impacts to the Section 4(f) resource. A public meeting will also be held following the circulation of the Supplemental EIR in early 2013 to discuss the supplemental document.
Coordination
Caltrans has met with the Santa Clara County Parks and Recreation Department to discuss the impacts of the proposed project on Mount Madonna County Park; to determine how to best preserve the activities, features, and attributes that make the park a significant resource and qualify the park for protection under Section 4(f); and to discuss the applicability of a de minimis finding.

On May 15, 2012, Caltrans met with the Santa Clara County Parks and Recreation Department to explain changes in the design at Location 4. A follow-up on-site meeting was held on July 10, 2012 to help park officials visualize project impacts. At this meeting, representatives from the Santa Clara County Parks and Recreation Department discussed the location of a proposed trail in their county-wide Trails Master Plan (2005). The County would like this trail be taken into consideration during the design of the proposed project. It was determined during the meeting that retaining walls for the proposed project will not interfere with the future trail crossing. In addition, Caltrans agreed to work with Santa Clara County Parks and Recreation Department on the future trail development within Caltrans’ right-of-way.

As the officials with jurisdiction over the property, the Santa Clara County Parks and Recreation Department must provide written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

De minimis Impact
The 2.6 acres of land to be acquired from the 3,688-acre park is vegetated terrain that slopes steeply downhill on the north side of the highway and steeply uphill on the south side of the highway. This land is not currently used for hiking or other recreational activities. The park land south of State Route 152 is currently not open to the public. Project impacts are anticipated to be minimal, and include the construction of retaining walls near the Sprig Recreation Area park entrance to accommodate curve corrections and widened shoulders and to reduce the amount of right-of-way required from Mount Madonna County Park. The proposed safety improvements will also contribute to an increase in safety for park users. Parking, equestrian staging and access to trails would not be affected by the project.

It has been determined that the minor project impacts to the park, taking into consideration the avoidance, minimization, and mitigation measures to be implemented, would not adversely affect the activities, features, or attributes qualifying Mount Madonna County Park for protection under Section 4(f). Therefore, it is Caltrans’ preliminary determination that the project will have a de minimis impact on Mount Madonna County Park. The final determination will be made following the public comment period and concurrence from the Santa Clara County Parks and Recreation Department.

Avoidance, Minimization and/or Mitigation Measures
Caltrans is committed to replacing native trees at a ratio of 3:1, as opposed to the original 1:1 ratio proposed in the Draft Environmental Impact Report/Environmental Assessment (DEIR/EA). Retaining walls will be constructed with a carved rock texture and natural dark
color to blend in with the environment. Caltrans will also work with the Santa Clara County Parks and Recreation Department on any future park projects within Caltrans’ right-of-way, such as the proposed trail described in the Coordination section above.

**Concurrence from Officials with Jurisdiction**

In order to fulfill all the requirements of Section 4(f), the officials with jurisdiction (Santa Clara County Parks and Recreation Department) must provide written concurrence with the *de minimis* finding following the public comment period from November 16, 2012 to December 16, 2012.
Figure 1  Project Vicinity Map
Figure 2  *De Minimis* Impact Area

Hecker Pass Safety Improvement Project
Figure 3  Retaining Wall Cross-Section
Figure 4   Locations of Retaining Walls and Viewpoints in Mount Madonna County Park
Figure 5  Existing eastbound view showing location of proposed Retaining Wall 9 from Viewpoint 4A

Figure 6  Simulated eastbound view showing proposed Retaining Wall 9 from Viewpoint 4A
Figure 7  Existing westbound view showing location of proposed Retaining Wall 9 from Viewpoint 4B

Figure 8  Simulated westbound view showing proposed Retaining Wall 9 from Viewpoint 4A
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Figure 9  Existing westbound view showing location of proposed Retaining Wall 10 from Viewpoint 4C

Figure 10  Simulated westbound view showing proposed Retaining Wall 10 from Viewpoint 4C