



March 8<sup>th</sup>, 2018

Eric Friedli  
Director of Parks, Recreation and Cultural Services  
City of Shoreline  
Parks, Recreation and Cultural Services Department  
17500 Midvale Ave N  
Shoreline, WA 98133-4905

**Subject:** Lynnwood Link Extension, Twin Ponds Utility Relocation – Section 4(f)  
Temporary Occupancy

Dear Mr. Friedli:

As part of the final design phase for the Lynnwood Link Extension (LLE), Sound Transit, in consultation with Seattle City Light (SCL), has identified utility improvements along Northeast 155<sup>th</sup> Street which has temporary access impacts to Twin Ponds Park. As described in more detail below, the park is considered a Section 4(f) resource under the U.S. Department of Transportation Act. Due to this, Sound Transit is seeking concurrence from the City of Shoreline, that the work qualifies as a temporary occupancy under Section 4(f) because the duration is short compared to the overall project schedule, the nature and magnitude is minimal, no permanent adverse physical impacts with the protected features of the park are anticipated, and the land will be fully restored. Assessment of Section 4(f) use determination is provided below.

### Proposed Scope of Work

To accommodate construction of the light rail guideway and overhead catenary system, Sound Transit is proposing to relocate existing SCL electrical overhead lines above I-5 by undergrounding the electrical lines within the roadway of NE 155th Street that passes beneath I-5 and on the north side of the Park. As part of the underground work, Sound Transit will install duct banks and vaults beneath the sidewalk and amenity zone, which is the vegetated buffer between the curb and sidewalk. Sound Transit will daylight the undergrounded electrical lines onto overhead poles.

Specific work activities:

- Replace two existing utility poles
- One new utility pole
- One underground vault
- Two underground junction boxes

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- Underground duct bank
- Temporary staging in parking lot located at corner of NE 155<sup>th</sup> St and 1<sup>st</sup> Ave NE
- Replace the existing park fence on the north side of the parking lot
- Repair parking lot to current conditions: replace existing parking curbs removed/damaged, repair damaged portions of parking lot surface, and restripe parking stall lines
- Repair sidewalk to current conditions or build to new city standards and update parking lot, as agreed to with the City

Work limits within the park are shown in Exhibit A.

### Potential Impacts and Mitigation

Temporary impacts on the park includes construction activities to install the vaults/banks, rebuild the sidewalk, and install poles. The construction activities within the park will take up to six months. Permanent changes are associated with providing underground and overhead easements to SCL to access and maintain power lines and vaults. The details of these impacts and associated mitigation actions are listed below in the Impacts and Mitigation Table 1.

Sound Transit will restore all impacted areas to their original condition and may, if agreed upon with the City, update the sidewalk to current standards for pedestrian access improvements resulting in a widened sidewalk and reduced parking lot footprint. If SCL determines overhead utilities cannot be relocated to the amenity zone, SCL will need a permanent overhead easement for aerial power maintenance for overhead lines overhanging the park and a permanent easement within the park for maintenance and access to the poles and vaults/duct banks. A summary of impacts and mitigation measures is shown in Table 1:

**Table 1: Impacts and Mitigation**

Impact	Mitigation
<p><b>Temporary</b></p> <ul style="list-style-type: none"> <li>• 13 parking spaces unavailable during construction for 6 months.</li> <li>• Parking lot surface damaged during construction.</li> <li>• Removed landscape and fence surrounding parking lot.</li> <li>• Sections of sidewalk removed for placement of vaults/duct banks</li> <li>• Intermittent NE 155<sup>th</sup> St sidewalk closure.</li> </ul>	<p><b>Temporary</b></p> <ul style="list-style-type: none"> <li>• Provide temporary parking for park users at near-by properties.</li> <li>• Restore area damaged by construction to existing conditions, including fence, landscaping, and parking pavement.</li> <li>• Reconstruct sidewalk to match existing or updated to current city standards.</li> <li>• Provide detour for pedestrians.</li> <li>• Provide maintenance of traffic plan</li> <li>• Provide financial compensation for temporary use of land as determined by an independent appraisal.</li> <li>• Provide construction fencing.</li> </ul>
<p><b>Permanent – Only if SCL determines overhead utilities cannot be relocated to the amenity zone</b></p> <ul style="list-style-type: none"> <li>• Overhead utility lines overhanging north edge of the park and new SCL permanent overhead easement on park property for aerial utilities and maintenance access.</li> </ul>	<p><b>Permanent – Only if SCL determines overhead utilities cannot be relocated to the amenity zone</b></p> <ul style="list-style-type: none"> <li>• Provide financial compensation, as determined by independent appraisal, for necessary permanent utility and maintenance access easement(s) within</li> </ul>

<ul style="list-style-type: none"> <li>• Utility pole installation located in park and new SCL permanent underground easement on park property for maintenance access.</li> <li>• Underground duct banks/vaults located within sidewalk and small section of park and new SCL permanent underground easement for duct banks/vaults and maintenance access.</li> </ul>	<ul style="list-style-type: none"> <li>• the park property for overland utilities, poles, or underground banks/vaults.</li> <li>• Execution of SCL’s airspace maintenance easement</li> <li>• Execution of SCL’s below-ground maintenance easement</li> </ul>
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**Section 4(f) Assessment and Concurrence**

Twin Ponds Park is a Section 4(f) resource, pursuant to federal regulations (23 CFR 774). Section 4(f) of the U.S Department of Transportation (DOT) Act of 1966 is a federal law that protects parks, recreation areas, historic and cultural areas, and wildlife and waterfowl refuges. A transportation project, such as the LLE, cannot be approved under Section 4(f) if it requires the use of Section 4(f) resource, unless it determined that there is no “feasible and prudent alternative” to use of the property; and that the action includes “all possible planning: to minimize harm to the property resulting from such use. The regulations also exempts temporary occupancies of land that are so minimal as to not constitute a use. Below is an assessment of how the proposed utility work complies with Section 4(f).

**4(f) Use Assessment**

As defined, the “use” of a Section 4(f) property occurs when land is permanently incorporated into a transportation project. In other words, the transportation agency directly purchases the property (fee simple acquisition), and the property sustains a permanent impact—typically, changing from Section 4(f) property to a transportation facility. Such a “use” also includes easements if the ultimate owner is a transportation agency and use is for transportation related purposes.

If, in consultation and agreed to with the City, the sidewalk is updated to current city standards, a portion of the park parking lot would be changed for sidewalk use. With this change, the city will continue to own all park and right of way properties. Sound Transit is not directly purchasing any part of the parking lot for transportation purposes. The changes associated with the proposed overhead and underground easements needed by SCL are also not directly acquired by Sound Transit for transportation purposes. Given that the park property is not being directly purchased for transportation uses by Sound Transit, there is no Section 4(f) use associated with the proposed utility work.

**4(f) Temporary Occupancy**

This section evaluates how the proposed utility work qualifies as a temporary occupancy, under Section 4(f) (23 CFR 774.113(d)). The required temporary occupancy conditions are listed below in bold, which are followed by how the utility work satisfies each condition.

- **The duration of the use must be less than the time needed for construction of the project, and there should be no change in the ownership of the land.** The duration of use will be approximately six months for construction, much less than the construction duration for the LLE. SCC and the private telecommunications companies will require permanent easements for future maintenance, but there will be no change in ownership of the land.

- **Both the nature and magnitude of the changes to the Section 4(f) property must be minimal.** Changes to the park will be minimal and will consist of a temporary closure of parking spaces, an overhead easement for utility lines overhanging the edge of the park's northern parking lot, and a new vault and a duct bank underneath the parking lot.
- **There must be no anticipated permanent adverse physical impacts, nor interference with the protected activities, features, or attributes of the property on either a temporary or permanent basis.** The work will affect the park's parking lot, on a temporary basis. The parking lot is not a feature or attribute that qualify the park for protection under Section 4(f). The park's southern parking lot will remain unaffected and Sound Transit will provide replacement parking for the parking spaces that are closed. No permanent adverse physical impacts or interference with the protected activities, features, or attributes of the park will occur.
- **The land being used must be fully restored.** Sound Transit will fully restore the impacted area.
- **There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.** This concurrence letter constitutes the documented agreement.

If you agree that the scope of work does not qualify as a use under Section 4(f) and furthermore, the work qualifies as temporary occupancy, we respectfully request that you provide your signature on this letter to confirm your concurrence.

If you have any questions, please contact Steve Kennedy, Sound Transit, by phone at (206) 398-5302 or by email at [steven.kennedy@soundtransit.org](mailto:steven.kennedy@soundtransit.org). Thank you for your assistance.

Sincerely,



Steve Kennedy, Senior Environmental Planner  
Office of Environmental Affairs and Sustainability



Concurring: Eric Friedli  
City of Shoreline, Director of Parks, Recreation and Cultural Services

Date

3/8/18

cc: Juniper Nammi, City of Shoreline  
Jon Evans, Sound Transit

Exhibit A:



