I. INTRODUCTION

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c), as implemented through 23 CFR 774 by the Federal Highway Administration (FHWA), requires that the proposed use of land from any publicly-owned public park, recreation area, wildlife and/or waterfowl refuge, or any significant historic site may not be approved as part of a federally funded or approved transportation project unless:

a) The FHWA determines that there is no feasible and prudent avoidance 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 (23 CFR 774.3(a)); or

b) The FHWA determines that the use of the Section 4(f) properties, including any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancements measures) committed to by the applicant, will have a *de minimis* impact on the property (23 CFR 774.3(b)).

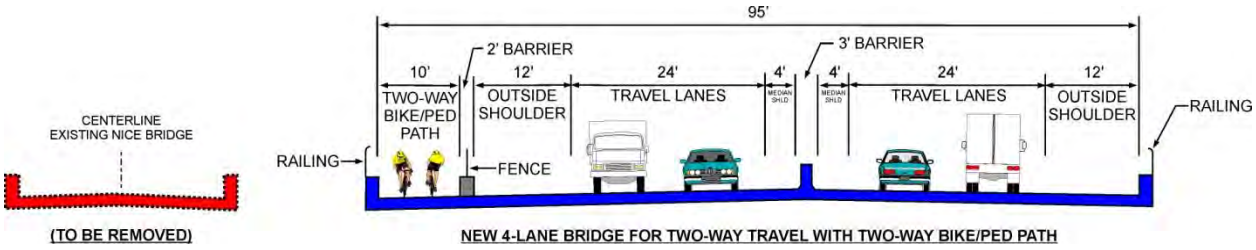
Based on the information presented in this Final Section 4(f) Evaluation, FHWA has determined there are no feasible and prudent alternatives to the use of Section 4(f) properties, and that Modified Alternate 7 includes all possible planning to minimize harm resulting from the use of these properties.

This Final Section 4(f) Evaluation also provides notification of FHWA's *de minimis* impact finding for Barnesfield Park. The determination has been made following continued coordination with the officials having jurisdiction over the resource. Pursuant to 23 CFR 774.5(b)(2), all *de minimis* impacts were presented for public review and comment in the combined Environmental Assessment (EA)/Draft Section 4(f) Evaluation, in conjunction with the requirements of the National Environmental Policy Act (NEPA). On July 20, 2011, the County Administrator for King George County concurred that the Governor Harry W. Nice Memorial Bridge (Nice Bridge) Improvement Project will not adversely affect the activities, features, and attributes of Barnesfield Park that qualify it for protection as a Section 4(f) property.

II. PROPOSED ACTION

The Proposed Action consists of the Maryland Transportation Authority (MDTA) Preferred Alternate, Modified Alternate 7 (see mapping in ***Appendix A***). The alternate was originally presented in the EA in July 2009 as Alternate 7. Modified Alternate 7 consists of the installation of a new four-lane bridge north of the existing bridge. As shown in ***Figure 1***, the new bridge will provide four 12-foot travel lanes, two four-foot inside shoulders, two 12-foot outside shoulders, a median barrier to separate opposing traffic flows, and a single, 10-foot barrier-separated, two-way bicycle/pedestrian (bike/ped) path on the south side of the bridge. The bike/ped path crosses beneath the bridge on each shore to enable bicyclists and pedestrians to transition to the shoulders of US 301 without crossing the highway. The difference between Alternate 7, as shown in the EA, and Modified Alternate 7, the Preferred Alternate, is that Alternate 7 included a bike/ped path on both the north and south sides of the bridge, while Modified Alternate 7 reduces its footprint to include a bike/ped path on the south side of the bridge, only.

Figure 1: Typical Section of Preferred Alternate



Modified Alternate 7 includes the replacement of the existing tollbooths at the Nice Bridge with Open Road Tolling (ORT) provisions, which permit the electronic collection of tolls without a reduction of vehicle speed. Modified Alternate 7 will provide reasonable tie-in points with the existing and planned highway network, capacity for 2030 demand, the ability to maintain two-way traffic flow, improved safety on the bridge and approaches, and the ability to comply with navigational channel requirements. The type of new bridge (e.g., steel girder, suspension, cable stayed, etc.) would be determined during final design, and is independent of the length and location of the project. Modified Alternate 7 requires a slight alignment shift of the US 301 approach roadway to connect to the structure's new location. In addition, the profile grade of the new bridge will not be as steep as the existing bridge grade (3% compared to the existing 3.75%), but would maintain or exceed the existing vertical and horizontal clearance of the navigational channel. The revised profile grade results in a shift in the location of the new bridge abutment in Maryland approximately 800 feet east of the existing bridge abutment. This would not affect the location of the bridge abutment on the Virginia shore.

With the construction of a new four-lane bridge and two-way bike/ped path, there will no longer be a transportation need for the existing historic bridge. Therefore, Modified Alternate 7 includes removal of the existing bridge immediately following the opening of the new four-lane bridge to traffic.

Consideration was given to phasing the construction of Modified Alternate 7 to manage construction funding. A phased Modified Alternate 7 could involve the construction of the substructure for an ultimate four-lane bridge, but initially only the superstructure for two lanes of traffic. The additional two lanes of traffic would be constructed in the future, followed by the removal of the existing bridge. However, the delay in the installation of the superstructure for the additional two lanes of traffic would result in higher costs due to the need to fund rehabilitation of the existing bridge and the likely higher costs for materials and labor in the future. A phased installation would also require a second period of traffic disruption, and repeat disturbance of the benthic environment due to dredging for barge access to remove the existing bridge. Therefore, phasing the construction of the Modified Alternate 7 is not effective in terms of cost, traffic impacts, or aquatic impacts.

III. PURPOSE AND NEED

A. Existing Conditions

US 301 is classified as a Rural Principal Arterial in the Charles County, Maryland and King George County, Virginia comprehensive plans (***Figure 2***). Rural Principal Arterial roadways, which include components of the Interstate Highway System, are designed to provide a rural network of continuous routes for interstate and intercounty service at the highest levels of mobility and speed. At the approaches to the Nice Bridge, this section of US 301 consists of a four-lane divided roadway with two travel lanes in each direction and outside shoulders. The 1.7-mile long Nice Bridge has one travel lane in each direction with no median separation and a narrow offset on each side (approximately one foot). The posted speed on the bridge varies from 40 to 50 miles per hour (mph). There is a four-lane toll plaza north of the Nice Bridge that provides one-way toll collection for southbound vehicles. The percentage of trucks crossing the bridge in 2006 approximated 14 percent of the vehicle mix with nearly 1,200 wide-load vehicle crossings. Due to the limited roadway width on the bridge, the bridge must be closed to two-way traffic flow during each wide-load crossing.

The Nice Bridge is an important transportation element and is part of the National Highway System (NHS) and Strategic Highway Network (STRAHNET). STRAHNET is a 61,000-mile system of interstate and other highways which are used for the rapid mobilization and deployment of armed forces in the event of war or a peacekeeping emergency. Current NHS and STRAHNET design standards state