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Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

Kristina Swallow, P.E., *Director*

In Reply Refer to:

March 3, 2022

Henderson Interchange Project

Henderson, Clark County, Nevada

Section 4(f) Temporary Occupancy of the Harry Reid – UPRR Trail, Official with Jurisdiction  
Concurrence with Findings

From: **David N. Bowers, PE, PTOE**  
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Nevada Department of Transportation

To: **Mayor Debra March**  
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City of Henderson  
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CC: Scott Jarvis, City of Henderson  
Chris Young, NDOT  
Abdelmoez Abdalla, FHWA  
James Mischler, CA Group  
Andrea Engelman, CA Group

**Project Description**

The Nevada Department of Transportation (NDOT) and the Federal Highway Administration (FHWA) are proposing a project consisting of reconstructing the Henderson Interchange to increase traffic capacity and reduce travel delay on Interstate 11 (I-11), Interstate 215 (I-215), Interstate 515 (I-515), Lake Mead Parkway (SR 564), and the surrounding freeway ramps. The Henderson Interchange serves as the junction between I-11 to the south, I-215 to the west, I-515 to the north, and Lake Mead Parkway to the east.

The purpose of the proposed project is to:

- Eliminate existing roadway deficiencies in the Henderson Interchange and surrounding roadways.
- Provide transportation improvements to serve existing and future growth areas.
- Restore local traffic connectivity.
- Accommodate regional and local plans.

**Section 4(f) Requirements**

Section 4(f) of the Department of Transportation Act of 1966 (49 United States Code [U.S.C.] 303 and 23 U.S.C. 138) states it is the policy of the federal 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 FHWA and other DOT agencies cannot approve the use of land from a publicly owned park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless it is determined that there is no feasible and prudent alternative to the use of land from such properties.

As defined in 23 Code of Federal Regulations (CFR) 774.17, a “use” of a protected resource occurs when any of the following conditions are met:

- **Direct Use:** Land is permanently incorporated into a transportation facility.
- **Temporary Use:** There is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in 23 CFR 774.13(d). A temporary occupancy does not constitute a use of a Section 4(f) resources when all of the following conditions are satisfied:
  1. 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;
  2. 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;
  3. 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;
  4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
  5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.
- **Constructive Use:** There is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR 774.15.

### **Project Impacts**

Construction of the Build Alternative would result in temporary and intermittent closures of the Harry Reid – UPRR Trail under the freeway. It is anticipated that the temporary and intermittent closures would occur within a six- month timeframe while construction activities occur in the vicinity of the trail. The public would be notified in advance of anticipated closures and detour routes would be identified.

This temporary occupancy does not constitute a Section 4(f) use when all the conditions listed in 23 CFR 774.13(d) are satisfied. The duration of closures would be temporary; scope of work would be minor (closure of trail facility); there would be no anticipated permanent adverse physical effects or interference with the activities of functions of the resource; temporarily disturbed areas would be fully restored to pre-project conditions; and the agency with jurisdiction is in agreement with these conditions.

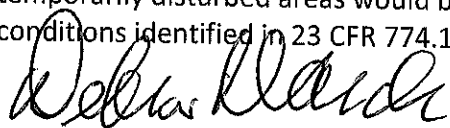
### **Findings**

FHWA and NDOT has determined that the temporary and intermittent closures of the Harry Reid – UPRR Trail during construction would result in a temporary occupancy of the Section 4(f) property. The conditions identified in 23 CFR 774.13(d) and identified in the bullets above (1-5) shall be agreed upon by the official with jurisdiction (the City of Henderson) over the Harry Reid – UPRR Trail).

**Concurrence**

Please indicate your agency's concurrence with FHWA's and NDOT's findings on temporary occupancy by replying to this email by March 18, 2022 with the following statement.

The City of Henderson, as the official with jurisdiction for the Harry Reid – UPRR Trial, concurs with the assessment of temporary occupancy of the Harry Reid – UPRR Trail. The duration of closures would be temporary; scope of work would be minor (closure of trail facility); there would be no anticipated permanent adverse physical effects or interference with the activities of functions of the resource; temporarily disturbed areas would be fully restored to pre-project conditions. The conditions identified in 23 CFR 774.13(d) are satisfied with this concurrence.



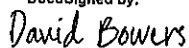
Signed: Debora March, Mayor  
City of Henderson

Date: 3/9/22

If you have any questions, please do not hesitate to contact me.

Sincerely,

DocuSigned by:



**David N. Bowers, PE, PTOE**

Senior Project Manager

Nevada Department of Transportation