



Resolution 2023-97

RESOLUTION APPROVING TEMPORARY OCCUPANCY UNDER SECTION 4(F) OF THE TRANSPORTATION ACT OF 1966 FOR BROADWAY STREET NE PEDESTRIAN IMPROVEMENTS PROJECT ADJACENT TO AND WITHIN LOGAN PARK AND BELTRAMI PARK

Whereas, The Minneapolis Park and Recreation Board (MPRB) was created by the Minnesota Legislature in April 1883 and has the authority to manage and operate park facilities;

Whereas, MPRB operates and has jurisdiction over Logan Park and Beltrami Park (The Parks) in northeast Minneapolis, both situated on Broadway Street NE;

Whereas, The Parks are considered protected park resources under Section 4(f) of the Transportation Act of 1966;

Whereas, The City of Minneapolis (City) is preparing plans for traffic signal and pedestrian improvements (The Project) along Broadway Street NE between 5th Street NE and Johnson Street NE, which will be funded through the Federal Highway Safety Improvement Program (HSIP);

Whereas, The Project is adjacent to the Parks and will result in minor construction of pedestrian improvements on parkland;

Whereas, The Minneapolis Park and Recreation Board was determined to be the Agency with Jurisdiction over the 4(f) parkland that will be potentially impacted by this project;

Whereas, A nationwide programmatic determination called a temporary occupancy can be utilized in lieu of a full 4(f) impact review under certain conditions;

Whereas, A temporary occupancy is only valid when the Agency with Jurisdiction over the Section 4(f) property has given approval in writing that the project is acceptable and consistent with the designated use of the property and that all possible planning to minimize harm has been accomplished;

Whereas, MPRB staff have consulted with City project staff about these temporary impacts, have reviewed the proposed project, and believe it will benefit park users and have minimal impact on existing parkland;

Whereas, Upon approval of temporary occupancy, MPRB staff will continue to work with City staff and consultants through the detailed design phase of the project, and will require that construction on parkland take place under a construction permit issued by the Planning Division; and



Whereas, This resolution is supported by Parks for All, the MPRB Comprehensive Plan 2021-2036, under Goal 3: "Provide core services with care," and Goal 4: "Work from our strengths and determine our role in partnerships;"

RESOLVED, That the Board of Commissioners approves temporary occupancy under Section 4(f) of the Transportation Act of 1966 for Broadway Street NE pedestrian improvements project adjacent to and within Logan Park and Beltrami Park; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.



TO: Planning Committee

FROM: Michael Schroeder, Assistant Superintendent, Planning

DATE: 10 May 2023

SUBJECT: RESOLUTION APPROVING TEMPORARY OCCUPANCY UNDER SECTION 4(F) OF THE TRANSPORTATION ACT OF 1966 FOR BROADWAY STREET NE PEDESTRIAN IMPROVEMENTS PROJECT ADJACENT TO AND WITHIN LOGAN PARK AND BELTRAMI PARK

BACKGROUND

This resolution considers agreement with a temporary occupancy determination (*Attachment A*) under Section 4(f) of the Transportation Act of 1966 for traffic signal and pedestrian improvements (The Project) along Broadway Street NE between 5th Street NE and Johnson Street NE, which will be funded through the Federal Highway Safety Improvement Program (HSIP). Logan and Beltrami Parks lie along this stretch of Broadway, at the intersections of Monroe Street and Fillmore Street, respectively, which are intersections that will be improved as part of this project.

This federally funded project led by the City of Minneapolis will upgrade pedestrian infrastructure by installing ADA compliant pedestrian ramps and signals, reconstructing sidewalks, and restriping all roadway crossings with high-visibility markings. In order to accommodate reconstruction of the pedestrian ramps at the southeastern corner of Logan Park and the northeastern corner of Beltrami Park, and to tie the pavement back into existing park trails, a small amount of construction must take place on lands under Minneapolis Park and Recreation Board (MPRB) jurisdiction at these Parks.

A temporary occupancy is an alternative to a full-scale 4(f) evaluation and can be considered for projects in parks where long-term impacts are extremely minimal. In order for the project to proceed, the temporary occupancy must be approved by MPRB. Per the Federal Register Rules and Regulations 23 CFR 774.13(d), a project may be considered a temporary occupancy of Section 4(f) lands when all of the following conditions are satisfied (*see Attachment A for documentation*):

- The duration of the project's occupancy is temporary.
- There is no change in ownership of the land.
- The scope of the work must be minor.
- 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 must be fully restored to a condition at least as good as prior to the project.

There also must be documented agreement by the park agency with jurisdiction in order for the project to proceed. MPRB is the Agency with Jurisdiction over the 4(f) resources considered under this action. MPRB staff have consulted with City staff and are satisfied that all the temporary occupancy requirements have been or will be met. Furthermore, rehabilitation of these intersections will allow for greater access into Logan and Beltrami Parks. The construction costs will be borne by the City and will be performed under an MPRB construction permit. MPRB staff expect to waive the construction permit fee because the work is directly beneficial to parkland. MPRB will maintain the rehabilitated sidewalk connections within and adjacent to the Parks, as it does today.

RECOMMENDATION

Staff recommends that the Board of Commissioners approve temporary occupancy under Section 4(f) of the Transportation Act of 1966 for Broadway Street NE pedestrian improvements project adjacent to and within Logan Park and Beltrami Park.

This action is supported by the following goals and strategies in Parks for All, the MPRB Comprehensive Plan 2021-2036.

Goal:

03. Provide core services with care

04. Work from our strengths and determine our role in partnerships

Strategy:

11. Design and implement parks that are welcoming, climate resilient, ecologically healthy, playful, beautiful and safe as they age.

08. Create system-wide connections to and through parks for pedestrians, cyclists, and transit riders based on master plans and in collaboration with agency partners.

This action is further supported by the adopted East of the River Park Master Plan in the following ways:

Principle 13a:

Work with partners to implement safe street crossings at all parks, and especially along arterials like Broadway Street and Central Avenue

Plan for Beltrami Park:

“Improved Crossings” identified at the intersection of Broadway Street and Fillmore Street

Plan for Logan Park:

“Improved Crossings” and “Improved Entrances” identified at the intersection of Broadway Street and Monroe Street.



Attachments:

1. Attachment A 4(f) Temporary Occupancy Request

Jbr 5.10.2023.