

Appendix E. General Guidance on Preparing Section 4(f) Documents

We have taken the following guidance from numerous FHWA policy papers and federal regulations. For a complete listing of these sources, see the “References” section at the end of this Appendix.

E.1. Section 4(f) Resources

Section 4(f) resources can be divided into three principal categories: (A) publicly owned parks, recreation areas, and wildlife and waterfowl refuges, (B) historic and archaeological sites, and (C) properties that represent public multiple-use land holdings. In order to be considered a Section 4(f) resource, a property must function or be designated as a **significant** public park, recreation area, wildlife or waterfowl refuge, or historic site (see parts A, B, and C below for the definitions of significance for the specific resource groups). In addition, publicly owned land that has been formally designated and determined to be significant for park, recreation area, wildlife refuge, or waterfowl refuge purposes represents Section 4(f) resources even when it may not be functioning as such during project development.

Designations of park and recreation lands, wildlife and waterfowl refuges, and historic sites are sometimes made and determinations of significance changed late in the development of a proposed action. With the exception of the treatment of archaeological resources (see part B), the FHWA may permit a project to proceed without consideration under Section 4(f) if the property interest in the Section 4(f) lands was acquired for transportation purposes prior to the designation or change in the determination of significance and if an adequate effort was made to identify properties protected by Section 4(f) prior to acquisition.

Section 4(f) applies to historic sites regardless of ownership type, but only to publicly owned public parks, recreation areas, and wildlife and waterfowl refuges. When parks, recreational areas, and wildlife and waterfowl refuges are owned by private institutions and individuals, even if such areas are open to the public, Section 4(f) does not apply. The FHWA, however, strongly encourages the preservation of such privately owned lands. If a government body has a proprietary interest in the land (such as fee ownership, drainage easement, or wetland easement), it can be considered “publicly owned.” Further, case law holds that land subject to a public

easement in perpetuity can be considered to be publicly owned land for the purpose for which the easement exists. Under special circumstances, lease agreements may also constitute a proprietary interest in the land. You must evaluate such lease agreements on a case-by-case basis and consider factors such as the term of the lease, the understanding of the parties to the lease, cancellation clauses, and the like. Refer to the FHWA any questions on whether a leasehold or other temporary interest constitutes public ownership.

E.1.1 *Publicly Owned Public Parks, Recreation Areas, and Wildlife and Waterfowl Refuges*

Publicly owned land is considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been **officially designated** as such. This designation occurs when the federal, state, or local officials having jurisdiction over the land have made a written designation that the land either (1) represents a park, recreation area, or wildlife or waterfowl refuge, or that (2) one of its major purposes or functions is for park, recreation, or refuge purposes. Incidental, secondary, occasional, or dispersed recreational activities do not constitute a major purpose. For the most part, the “officials having jurisdiction” are the officials of the agency owning or administering the land. There may be instances where the agency owning or administering the land has delegated or relinquished its authority to another agency, via an agreement on how some of its land will be used. The FHWA will review this agreement and determine which agency has authority on how the land will be used. If the authority has been delegated or relinquished to another agency, you must contact that agency to determine the major purpose(s) of the land. After consultation and in the absence of an official designation of purpose or function by the officials having jurisdiction, the FHWA will base its decision on its own examination of actual functions.

The final decision on applicability of Section 4(f) to a particular type of land is made by the FHWA. In reaching their decision, however, the FHWA normally relies on the official having jurisdiction over the land to identify the kinds of activity or function that take place.

The “significance” determinations on publicly owned land considered to be a park, recreation area, or

wildlife and waterfowl refuge are also made by the federal, state, or local officials having jurisdiction over the land. As above, the “officials having jurisdiction” are usually officials of the agency owning or administering the land. For certain types of Section 4(f) lands, more than one agency may have jurisdiction over the site.

At all times a finding on significance from the local officials involved in the administration of the land is needed. The significance determination must consider the significance of the entire property and not just the portion of the property being used for the project. Explain the meaning of the term “significance” for purposes of Section 4(f) to the officials having jurisdiction. Significance means that in comparing the availability and function of the recreation, park, or wildlife and waterfowl refuge area with the recreational, park, and refuge objectives of that community, the land in question plays an important role in meeting those objectives. If you cannot obtain a determination from the official(s) with jurisdiction, you should presume the Section 4(f) land is significant. All determinations (whether stated or presumed) are subject to review by FHWA for reasonableness.

If the public is permitted visitation at any time to publicly owned parks and recreation areas that are significant, then the requirements of Section 4(f) apply. However, Section 4(f) does not apply when visitation is permitted to only a select group and not to the public at large. Examples of such specific groups include residents of a public housing project; military and their dependents; students of a school; and students, faculty, and alumni of a college or university. The FHWA does, however, strongly encourage the preservation of such parks and recreation areas even though they may not be open to the public at large.

E.1.2 Historic and Archaeological Sites

Section 4(f) also applies to significant historic and archaeological sites and districts. Normally, the sites considered Section 4(f) resources must be either individually significant or a contributing element in a significant historic district. Pursuant to the National Historic Preservation Act, DOT&PF consults with the state historic preservation officer (SHPO) and, if appropriate, the local officials to determine whether a site is on or eligible for listing on *The National Register of Historic Places*. In case of doubt or disagreement between DOT&PF and the SHPO,

FHWA makes a request for determination of eligibility to the keeper of the National Register. A third party may also request the keeper for a determination of eligibility. For purposes of Section 4(f), an historic or archaeological site is significant only if it is on or eligible for *The National Register of Historic Places*, unless the FHWA determines that the application of Section 4(f) is otherwise appropriate. If an historic site is determined not to be on or eligible for *The National Register of Historic Places*, but an official (such as the mayor, president of the local historic society, etc.) provides information to indicate that the historic site is otherwise significant, the FHWA may apply Section 4(f). If the FHWA Division Office finds Section 4(f) inapplicable, they should document the basis for the decision. Such documentation might include the reasons why the historic site was not eligible for the National Register.

In the case of archaeological sites, Section 4(f) only applies to those sites that are on or eligible for inclusion on the National Register **and** that warrant preservation in place (including those discovered during construction). Section 4(f) does not apply if FHWA, after consultation with the SHPO and the Advisory Council on Historic Preservation (ACHP), determines that the archaeological resource is important chiefly because of what can be learned by data recovery (even if it is agreed not to recover the resource) and has minimal value for preservation in place. In the cases where preservation in place is not warranted, the project documents should reflect the consultation and conclusion for the site in question. For sites discovered during construction, where preservation of the resource in place is warranted, the FHWA will expedite the Section 4(f) process. In such cases, the evaluation of feasible and prudent alternatives will take into account the level of investment already made. The review process, including the consultation with other agencies, should be shortened, as appropriate. An October 19, 1980, memorandum with the Heritage Conservation and Recreation Service (now National Park Service) provides emergency procedures for unanticipated cultural resources discovered during construction.

The FHWA may determine that Section 4(f) requirements do not apply to restoration, rehabilitation, or maintenance of transportation facilities (such as bridges) that are on or eligible for the National Register when: (1) the work will not adversely affect the historic qualities of the facility that cause it to be on or eligible for listing on the

National Register, and (2) the SHPO and the ACHP have been consulted and have not objected to the finding of “no adverse effect.”

E.1.3 Properties That Represent Public Multiple-Use Land Holdings

Where federal lands or other public land holdings (e.g. state forests) are administered under statutes permitting management for multiple uses, and, in fact, are managed for multiple uses, Section 4(f) applies only to those portions of such lands that function for, or are designated in the management plans of, the administering agency as being for significant park, recreation, or wildlife and waterfowl purposes. The officials having jurisdiction over the lands will make the determination as to which lands so function or are so designated, and the significance of those lands. The FHWA will review this determination to ensure its reasonableness. The determination of significance applies to the entire area of such park, recreation, or wildlife and waterfowl refuge sites. For public land holdings that do not have management plans (or where existing management plans are not current), Section 4(f) applies to those areas that function primarily for Section 4(f) purposes. Section 4(f) does not apply to areas of multiple-use lands that function primarily for purposes not protected by Section 4(f).

E.2. “Use” Under Section 4(f)

A Section 4(f) use can occur either directly or indirectly (i.e. constructive use). For the purposes of Section 4(f), a “use” occurs:

Directly:

1. When land from a Section 4(f) site is permanently acquired and is incorporated into a transportation project, or
2. When there is a temporary occupancy of land that is adverse to the statute's preservationist purposes

or Indirectly:

3. Due to the special relationship between transportation facilities such as bridges, highways, and transportation projects, the following types of work do not “use” land from a Section 4(f) site, provided the historic qualities of the facility will not be adversely affected: (a) modification/rehabilitation of an historic highway; and (b) maintenance/rehabilitation of an historic bridge. You should make such determinations only after consulting with the SHPO and the

ACHP, pursuant to the requirements of the Section 106 Process of the National Historic Preservation Act of 1966, as amended, and they have not objected to the finding.

E.2.1 Actual or Direct Use

The two types of direct use, as listed above, occur when land from a 4(f) resource is **permanently** incorporated into a transportation facility or when there is a **temporary** occupancy of land from a 4(f) resource that results in an adverse effect upon the resource in terms of the 4(f) statute's preservation purposes.

The first type of direct use, the permanent incorporation of land from a 4(f) resource, is self-explanatory. It includes such activities as the expansion of a roadway or right-of-way, as well as any similar actions, into land that is designated as a significant public park, recreation area, waterfowl or wildlife refuge area, or an historic site as described above [see Section 4(f) Resources].

The second type of direct use, the temporary occupancy of land designated as a Section 4(f) resource (such as construction easements, etc.) does not constitute a “use” within the meaning of Section 4(f) if the following conditions are met:

1. The duration of the occupancy must be temporary (less than the time needed for the construction of the project) and there should be no change in the ownership of the land
2. The scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) resource are minimal
3. There are no permanent, adverse physical impacts anticipated and no interference with the activities or purposes of the resource on either a temporary or permanent basis
4. The land being used must be fully restored to a condition at least as good as that which existed prior to the project
5. There must be documented, written agreement of the appropriate federal, state, or local official(s) having jurisdiction over the resource regarding the conditions listed above

E.2.2 Constructive or Indirect Use

Constructive use of a Section 4(f) site occurs when a transportation project does not incorporate land from a Section 4(f) resource, but due to the proximity impacts

of the project, the activities, features, or attributes of the site's vital functions are "substantially impaired." Such "substantial impairment" occurs only when the protected activities, features, or attributes of the resource are substantially diminished. The degree of impairment should be determined in consultation with the officials having jurisdiction over the resource. FHWA policy maintains that a constructive use of Section 4(f) lands is possible, but because of its rarity, it should be carefully examined.

FHWA has suggested the following five-step process for constructive use determinations (see below, part C of this Section, Constructive Use Guidance, for examples of situations in which the FHWA has determined that a constructive use does or does not occur):

- Step 1:** Recognize that a constructive use can occur.
- Step 2:** Establish a threshold or standard for determining when constructive use occurs. The FHWA has determined that the threshold for constructive use is proximity impacts that substantially impair the function, integrity, use, access, value, or setting of a park, recreation area, waterfowl or wildlife refuge, or historic site.

Steps three, four, and five are project specific. Apply them whenever there is a likelihood that constructive use could occur or will be an issue on a project.

- Step 3:** Identify the functions, activities, and qualities of the Section 4(f) resource that may be sensitive to proximity impacts.
- Step 4:** Analyze the proximity impacts on the Section 4(f) resource. You should quantify impacts (such as noise, water runoff, etc.) that can be quantified. Other proximity impacts (such as visual intrusion, access, etc.) that lend themselves to qualitative analysis should be qualified. If any of the proximity impacts will be mitigated, only the net impact must be considered in the analysis. The analysis should also describe and consider the impacts that could reasonably be expected if the proposed project were not built since

such impacts should not be attributed to the project.

- Step 5:** Determine whether these impacts substantially impair the function, value, etc. of the Section 4(f) resource. This determination on impairment should, of course, be coordinated with the federal, state, or local officials having jurisdiction over the park, recreation area, refuge, or historic site.

If you conclude that the proximity effects do not cause a substantial impairment, the FHWA can reasonably conclude that there is no constructive use. Project documents should contain the analysis of proximity effects and whether there is substantial impairment to a Section 4(f) resource. Except for responding to review comments in environmental documents that specifically address constructive use, the term "constructive use" need not be used. Further, the FHWA is not required to determine that there is no constructive use. However, such a determination could be made at the discretion of the FHWA. Where it is decided that there will be a constructive use, the Draft Section 4(f) Evaluation must be cleared with the Washington Headquarters, through the Division Office, prior to circulation.

Whenever you identify a potential constructive use for a project, complete a request for a determination of Section 4(f) applicability and provide it to the FHWA Area Liaison. In addition to the standard information required for the request (see *Determination of Section 4(f) Applicability*), give a description of the attributes or features of the Section 4(f) property that may be sensitive to proximity impacts, and identify and evaluate any project activities that may result in proximity impacts to the resource. Only FHWA may determine if any such impacts constitute a "substantial impairment" of the Section 4(f) resource.

Constructive Use Guidance

The FHWA has reviewed the following situations and determined that a constructive use occurs when:

1. The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by Section 4(f), such as hearing the performances at an outdoor amphitheater, sleeping in the sleeping area of a campground, enjoyment of an historic site where a quiet setting is a generally recognized

feature or attribute of the site's significance, or enjoyment of an urban park where serenity and quiet are significant attributes

2. The proximity of the proposed project substantially impairs aesthetic features or attributes of a resource protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the resource. Examples of substantial impairment to visual or aesthetic qualities would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a park or historic site that derives its value in substantial part due to its setting
3. The project results in a restriction on access that substantially diminishes the utility of a significant publicly owned park, recreation area, or an historic site
4. The vibration impact from operation of the project substantially impairs the use of a Section 4(f) resource, such as projected vibration levels from a rail transit project that are great enough to affect the structural integrity of an historic building or substantially diminish the utility of the building; or
5. The ecological intrusion of the project substantially diminishes the value of wildlife habitat in a wildlife or waterfowl refuge adjacent to the project or substantially interferes with access to a wildlife or waterfowl refuge, when such access is necessary for established wildlife migration or critical life cycle processes

The FHWA has reviewed the following situations and determined that a constructive use does not occur when:

6. Compliance with the requirements of Section 106 of the National Historic Preservation Act and 36 CFR part 800 for proximity impacts of the proposed action on a site listed on or eligible for the National Register of Historic Places results in an agreement of "no effect" or "no adverse effect"

7. The projected traffic noise levels of the proposed highway project do not exceed the FHWA noise abatement criteria as contained in Table 1, 23 CFR part 772, or the projected operational noise levels of the proposed transit project do not exceed the noise impact criteria in the American Public Transit Association (APTA) guidelines
8. The projected noise levels exceed the relevant threshold in item 2, above, because of high existing noise, but the increase in projected noise levels if the proposed project is constructed, when compared with the projected noise levels if project is not built, is barely perceptible (3 dBA or less)
9. There are proximity impacts to a Section 4(f) resource, but a governmental agency's right-of-way acquisition, an applicant's adoption of project location, or the FHWA's approval of a final environmental document established the location for a proposed transportation project before the designation, establishment, or change in the significance of the resource. However, if the age of an historic site is close to, but less than, 50 years at the time of the governmental agency's acquisition, adoption, or approval, and except for its age would be eligible for the National Register, and construction would begin after the site was eligible, then the site is considered an historic site eligible for the National Register.
10. There are impacts to a proposed public park, recreation area, or wildlife refuge, but the proposed transportation project and the resource are concurrently planned or developed. Examples of such concurrent planning or development include, but are not limited to:
 - i. Designation or donation of property for the specific purpose of such concurrent development by the entity with jurisdiction or ownership of the property for both the potential transportation project and the Section 4(f) resource, or
 - ii. Designation, donation, planning, or development of property by two or more governmental agencies with jurisdiction for the potential transportation project and

the Section 4(f) resource, in consultation with each other;

11. Overall (combined) proximity impacts caused by a proposed project do not substantially impair the activities, features, or attributes that qualify a resource for protection under Section 4(f)
12. Proximity impacts will be mitigated to a condition equivalent to, or better than, those occurring under a no-build scenario
13. Change in accessibility will not substantially diminish the utilization of the Section 4(f) resource; or
14. Vibration levels from project construction activities are mitigated through advance planning and monitoring of the activities to levels that do not cause a substantial impairment of the Section 4(f) resource

E.3. Determination of Section 4(f) Applicability

Section 4(f) has been a frequent issue when projects are litigated. Therefore, it is essential that you document the applicability or nonapplicability of Section 4(f). When unsure of Section 4(f) applicability, prepare an applicability request in consultation with the FHWA, and address all potential Section 4(f) involvements. You must submit the following information to FHWA for a formal Determination of Section 4(f) Applicability:

1. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property
2. Size (acres or square) and location (maps or other exhibits such as photographs, sketches, etc.) of the affected Section 4(f) property
3. Ownership (City, County, State, etc.) and type of Section 4(f) property (park, recreation, historic, etc.)
4. Function of or available activities on the property (ball playing, swimming, tennis, golfing, etc.)
5. Description and location of all existing and planned facilities (ball diamonds, tennis courts, etc.)
6. Access (pedestrian, vehicular) and usage (approximate number of users, visitors, etc.)

7. Relationship to other similarly used lands in the vicinity
8. Applicable clause affecting the ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture
9. Unusual characteristics of the Section 4(f) property (flooding problems, terrain conditions, or other features) that either reduce or enhance the value of all or part of the property
10. Statement of significance from the official who has jurisdiction over the Section 4(f) property. The significance is on the entire Section 4(f) property and not of the proposed use
11. Whenever a potential constructive use is identified, include a description of the attributes or features of the Section 4(f) property that may be sensitive to proximity impacts along with a discussion and evaluation of project activities that may result in proximity impacts to the resource

The FHWA will use the above information to document the applicability or nonapplicability of Section 4(f) on a property. If the FHWA determines that Section 4(f) is applicable, then the regional environmental coordinator prepares a Section 4(f) Evaluation. If the FHWA determines that Section 4(f) is not applicable, then insert the following standard statement in the environmental document:

“ The proposed project will not use property from the (resource, name the property). FHWA has determined Section 4(f) does not apply.”

It is important to note that except when direct use obviously does or does not apply, the FHWA must make a Section 4(f) determination of applicability. The information in the request for a determination of applicability also serves to document the decision as to whether an Individual or Programmatic Section 4(f) must be pursued. The applicability of constructive use and Section 4(f) land use is **always** made by the FHWA.

E.3.1 Section 4(f) and Transportation (ISTEA) Enhancement Activities

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), in Section 1007(c), created “Transportation Enhancements” and identified ten specific types of activities that could receive such. In

many cases, this program would be considered to also fall under the strict interpretation of Section 4(f) requirements since the program could involve working on a Section 4(f) protected resource.

Because the “Transportation Enhancements” Program is administered by the FHWA, which is an Agency of the USDOT, it is subject to the provisions of Section 4(f) as programs or projects, just as the federal-aid highway program is subject to Section 4(f) provisions. Therefore, determinations can be made at either the program or project level that the provisions of Section 4(f) do not apply, provided certain conditions are satisfied. Because of past experience with highway projects having impacts ranging from no impact to total acquisition the FHWA has determined that the applicability determinations for enhancement projects will be made at the project level.

Use the same two-step process for determining a Section 4(f) use for a Transportation Enhancement project as you would use for any other project:

1. First, determine that the resource in question is protected by Section 4(f).
2. Second, determine if there is a “use” of land from the Section 4(f) resource for a transportation facility/project.

Notice that these two steps only address whether a resource protected under Section 4(f) is present and whether the project entails a “use” of that resource. The steps do not address the “feasible and prudent” alternative issue.

Should one of the steps not be satisfied, the provisions of Section 4(f) would not apply to the project in question and, therefore, a Section 4(f) evaluation would not be required, but this fact would have to be documented in the NEPA document for the project (see Section 6.2.2 Determination of Section 4(f) Applicability).

Currently, there are ten activities eligible for funding as transportation enhancements, any one of which could either involve or impact a Section 4(f) protected resource. If you determine that a Section 4(f) resource is involved, either because (1) the activity is designed as an enhancement of a particular Section 4(f) resource (such as a walkway construction project for a recreational park enhancement) or because (2) a Section 4(f) resource is part of the affected environment of the enhancement project (such as an historic lock rehabilitation in a wildlife or waterfowl refuge), then you must make a determination of “use.”

As with standard project development activities, you must make these determinations of use in consultation with the officials having jurisdiction over the Section 4(f) resource; and the FHWA makes the final determination of Section 4(f) applicability/non-applicability. In order to determine whether or not the enhancement project involves a Section 4(f) use of land from a Section 4(f) resource, apply the following criteria:

1. Section 4(f) is invoked whenever Section 4(f) land is acquired for permanent incorporation into a transportation facility. It is not the actual acquisition, but the change in land use from Section 4(f) protected to a transportation facility that causes Section 4(f) to be invoked. If the following 3 criteria are met, however, the provisions of Section 4(f) do not apply, since there is no permanent incorporation of land into a transportation facility:
 - The land/property is being acquired solely for the protection, preservation, or enhancement of a scenic or historic site
 - The official with jurisdiction has been consulted and concurs with the acquisition; and
 - Conditions such as historical covenants, deeding to other land management agencies, etc., are in place to provide long-range protection
2. Should a temporary occupancy occur, Section 4(f) will apply unless you can document that this occupancy is not adverse to the provisions of 23 CFR 771.135(p)(7). Coordinate such a determination with the official having jurisdiction over the resource.
3. Constructive use occurs when the proximity impacts from a transportation project (the enhancement activity in this case) substantially impair the activities, features, or attributes of an adjacent 4(f) resource. Because constructive use deals with adjacent resources, you must examine these on an individual project basis.
4. Please note that you will have to examine all the Transportation Enhancement Activities for all potential Section 4(f) involvements within the affected environment, that is, with any Section 4(f) resources that the project may involve, including, but not limited to, the resource being enhanced.

E.4. Section 4(f) Evaluations

When a project uses land protected by Section 4(f), you must prepare a Section 4(f) Evaluation. The Evaluation can be either an Individual or a Programmatic evaluation [see E.4.4, Programmatic Section 4(f) Evaluations, for the four evaluations]. Because the four Programmatic Section 4(f) evaluations have been coordinated with the DOI, USDA, and HUD, the coordination process required under Section 4(f) is more streamlined for the programmatic.

The intent of the Section 4(f) statute and the policy of the U.S. Department of Transportation is to avoid public parks, recreation areas, refuges, and historic sites. The FHWA may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- a. There is no feasible and prudent alternative to the use of land from the property; and
- b. The action includes all possible planning to minimize harm to the property resulting from such use

In order to demonstrate that there is no feasible and prudent alternative to the use of Section 4(f) land, the evaluation must address location alternatives and design shifts that avoid the Section 4(f) land. Supporting information must demonstrate that such alternatives result in unique problems. Unique problems are present when there are truly unusual factors or when the costs or community disruption reach extraordinary magnitude.

Further, the statute and the FHWA regulation require all possible planning to minimize harm (including, but not limited to, mitigation measures). You should determine all possible plans to minimize harm through consultation with the official of the agency owning or administering the land. In order to identify the most prudent and feasible alternative that results in the least **net** harm to the Section 4(f) resource, include in the alternative analysis any mitigation measures associated with the various alternatives.

E.4.1 Individual Section 4(f) Evaluations

You must prepare a Section 4(f) Evaluation for each location within a proposed project before the FHWA can approve the use of Section 4(f) land [23 CFR 771.135(a)]. For projects processed with an EIS or an EA/FONSI, you must include the Individual Section

4(f) Evaluation as a separate section of the document; for projects processed as Type 2 Categorical Exclusions, you must include it as a separate document. You may summarize pertinent information from various sections of the EIS or EA/FONSI in the Section 4(f) Evaluation to reduce repetition. Where an issue on constructive use arises and FHWA decides that Section 4(f) does not apply, you should include in the environmental document sufficient analysis and information to demonstrate that the resource(s) is not substantially impaired.

The Department, in cooperation with the FHWA, will develop the evaluations of alternatives to avoid the use of Section 4(f) land and of possible measures to minimize harm to such lands. Provide the Section 4(f) Evaluation for coordination and comment to the officials having jurisdiction over the Section 4(f) property and to the Department of Interior, and as appropriate to the Department of Agriculture and the Department of Housing and Urban Development. FHWA will set a minimum of 45 days for receipt of comments.

E.4.2 Draft Section 4(f) Evaluations

The following format and content are suggested. The listed information should be included in the Section 4(f) Evaluation, as applicable.

1. **Proposed Action:** Where a separate Section 4(f) Evaluation is prepared, describe the proposed project and explain the purpose and need for the project.
2. **Section 4(f) Property:** Describe each Section 4(f) resource that would be used by any alternative under consideration. Provide the following information:
 - a. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property
 - b. Size (acres or square feet) and location (maps or other exhibits such as photographs, sketches, etc.) of the affected Section 4(f) property
 - c. Ownership (city, village, borough, historic site, etc.) and type of Section 4(f) property (park, recreation, historic, etc.)
 - d. Function of or available activities on the property (ball playing, swimming, golfing, etc.)

- e. Description and location of all existing and planned facilities (ball diamonds, tennis courts, etc.)
- f. Access (pedestrian, vehicular) and usage (approximate number of users, visitors, etc.)
- g. Relationship to other similarly used lands in the vicinity
- h. Applicable clauses affecting the ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture
- i. Unusual characteristics of the Section 4(f) property (flooding problems, terrain conditions, or other features) that either reduce or enhance the value of all or part of the property

3. Impacts on the Section 4(f) Property(ies):

Discuss the impacts on the Section 4(f) property for each alternative (e.g., amount of land to be used, facilities and functions affected, noise, air pollution, visual, etc.). Where an alternative(s) uses land from more than one Section 4(f) property, consider including a summary table as a useful tool for comparing the various impacts of the alternatives. Quantify any impacts that can be quantified, such as facilities and functions affected, noise, etc. Describe other impacts (such as visual intrusion) that cannot be quantified.

- 4. Avoidance Alternatives:** Identify and evaluate location and design alternatives on either side of the property. Where an alternative would use land from more than one Section 4(f) property, the analysis needs to evaluate alternatives that avoid each and all properties [23 CFR 771.135(i)]. The design alternatives should be in the immediate area of the property and consider minor alignment shifts, a reduced facility, retaining structures, etc., individually or in combination, as appropriate. You need not repeat detailed discussions of alternatives from an EIS or EA in the Section 4(f) portion of the document, but you should reference and summarize them. However, when alternatives [avoiding Section 4(f) resources] have been eliminated from detailed study, explain whether these

alternatives are feasible and prudent and, if not, the reasons why.

- 5. Measures to Minimize Harm:** Discuss all possible measures that are available to minimize the impacts of the proposed action on the Section 4(f) property(ies). You may reference and summarize detailed discussions of mitigation measures from the EIS or EA, rather than repeating them in the Section 4(f) Evaluation.

- 6. Coordination:** Discuss the results of preliminary coordination with the public official having jurisdiction over the Section 4(f) property and with regional (or local) offices of DOI and, as appropriate, the Regional Office of HUD and the forest supervisor of the affected National Forest. Generally, the coordination should include discussion of avoidance alternatives, impacts to the property, and measures to minimize harm. In addition, the coordination with the public official having jurisdiction should include, where necessary, a discussion of significance and primary use of property. Such discussion should necessarily include coordination efforts resulting from any concurrent requirements such as Section 106 of the National Historic Preservation Act and Section 6(f) of the Land and Water Conservation Fund Act.

You should use the following standard statement for the conclusion of the Draft Section 4(f) Evaluation:

The provisions of Section 4(f) and 36 CFR Part 800 (if appropriate) will be fully satisfied by our selected final alternative.”

E.4.3 Final Section 4(f) Evaluation

When the preferred alternative uses Section 4(f) land, the Final Section 4(f) Evaluation must contain [23 CFR 771.135(i) and (j)]:

- 1. All of the above information for the Section 4(f) Draft Evaluation
- 2. A discussion of the basis for concluding that there are no feasible and prudent alternatives to the use of the Section 4(f) land. *The*

supporting information must demonstrate that “there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes” [23 CFR 771.135(a)(2)]. This language should appear in the document together with the supporting information.

3. A discussion of the basis for concluding that the proposed action includes all possible planning to minimize harm to the Section 4(f) property. When there are no feasible and prudent alternatives that avoid the use of Section 4(f) land, the Final Section 4(f) Evaluation must demonstrate that the preferred alternative is a feasible and prudent alternative with the least harm on the Section 4(f) resources after considering mitigation to these resources.
4. A summary of the appropriate formal coordination with the Headquarters Offices of DOI (and/or appropriate agency under that Department) and, as appropriate, the involved offices of USDA and HUD.
5. Copies of all formal coordination comments and a summary of other relevant Section 4(f) comments received, and an analysis and response to any questions raised. Where new alternatives or modifications to existing alternatives are identified and will not be given further consideration, the basis for dismissing these alternatives should be provided and supported by factual information. Where Section 6(f) land is involved, the National Park Service's position on the land transfer should be documented.

Use the following standard statement for a conclusion:

“ Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the [identify Section 4(f) property] and the proposed action includes all possible planning to minimize harm to the [Section 4(f) property] resulting from such use.”

E.4.4 Programmatic Section 4(f) Evaluations

As an alternative to preparing an Individual Section 4(f) Evaluation, FHWA may, in certain circumstances, have the option of applying a Section 4(f) Programmatic Evaluation. Under a Programmatic Section 4(f) Evaluation, certain conditions are laid out such that, if a project meets the conditions, it will satisfy the requirements of Section 4(f) that there are no feasible and prudent alternatives and that there has been all possible planning to minimize harm. These conditions generally relate to the type of project, the severity of impacts to Section 4(f) property, the evaluation of alternatives, the establishment of a procedure for minimizing harm to the Section 4(f) property, and adequate coordination with appropriate entities. Programmatic Section 4(f) Evaluations can be nationwide, regionwide, or statewide.

There are four Nationwide Programmatic Section 4(f) Evaluations:

- a. Projects that use historic bridges
- b. Projects that use minor amounts of land from public parks, recreation areas, and wildlife and waterfowl refuges
- c. Projects that use minor amounts of land from historic sites
- d. Independent bikeway projects

The fact that the Nationwide Programmatic Section 4(f) Evaluations are approved does not mean that these types of projects are exempt from or have advance compliance with the requirements of Section 4(f). Section 4(f) does, in fact, apply to each of the types of projects addressed by the programmatic evaluations. Furthermore, the Programmatic Section 4(f) does not relax the Section 4(f) standards; it is just as difficult to justify using Section 4(f) land with the Programmatic Section 4(f) Evaluation as it is with an Individual Section 4(f) Evaluation.

You may apply these Programmatic Section 4(f) Evaluations only to projects meeting the applicability criteria. You must document how the project meets the applicability criteria in a manner acceptable to FHWA. In preparing a Programmatic Section 4(f) Evaluation, the documentation needed to support the required conclusions is comparable to the documentation needed for an Individual Section 4(f) Evaluation.

These Programmatic Section 4(f) Evaluations streamline the amount of interagency coordination

that is required for an Individual Section 4(f) Evaluation. Interagency coordination is required only with the official(s) with jurisdiction, and not with DOI, USDA, or HUD (unless the federal agency has a specific action to take, such as DOI approval of a conversion of land acquired using Land and Water Conservation Funds).

The FHWA Alaska Division Administrator is responsible for ensuring that each individual project meets the criteria and procedures of these Programmatic Section 4(f) Evaluations. It is, therefore, necessary to clearly document the items that have been reviewed. The written analysis and determinations will be combined in a single document and placed in the public record and will be made available to the public upon request.

A. Projects That Use Historic Bridges

Applicability Criteria

FHWA may apply this Programmatic Section 4(f) Evaluation to projects that meet the following criteria:

1. The bridge is to be replaced or rehabilitated with federal funds.
2. The project will require the use of an historic bridge structure that is on or is eligible for listing on *The National Register of Historic Places*.
3. The bridge is not a National Landmark.
4. The FHWA division administrator determines that the facts of the project match those set forth in the section of the Programmatic Section 4(f) Evaluation in sections labeled Alternatives, Findings, and Measures to Minimize Harm.
5. FHWA, the SHPO, and the ACHP have reached agreement through procedures pursuant to Section 106 of the National Historic Preservation Act (NHPA).

Alternatives and Findings

The alternatives listed below avoid any use of the historic bridge within the meaning of Section 4(f). In order for this Programmatic Section 4(f) Evaluation to be applied to a project, you must support each of the following findings by the circumstances, studies, and consultations on the project. This list of alternatives is all-inclusive. The Programmatic Section 4(f) Evaluation does not apply if you identify a reasonable

alternative that is not discussed below. In the project record, you must clearly demonstrate that the Department fully evaluated each of the alternatives, and you must demonstrate that all applicability criteria listed above were met before the FHWA division administrator concluded that the Programmatic Section 4(f) applied to the project.

1. *Do nothing*. The do nothing alternative has been studied and is not feasible and prudent because it does not correct the situation that causes the bridge to be considered structurally deficient and functionally obsolete to the degree where the bridge poses serious and unacceptable safety hazards to the public or places intolerable restriction on transport or travel.
2. *Build a new structure at a different location without affecting the historic integrity of the old bridge, as determined by procedures implementing the NHPA*. Demonstrate that the Department has investigated constructing a bridge on a new location or parallel to the old bridge (allowing for a one-way couplet), but, for one of the following reasons, this alternative is not feasible and prudent:
 - a. Terrain: The existing bridge has already been located at the only feasible and prudent site
 - b. Building a new bridge away from the present site would result in social, economic, or environmental impact of extraordinary magnitude
 - c. The new site would not be feasible and prudent where cost **and** engineering difficulties reach extraordinary magnitude
 - d. It would not be feasible and prudent to preserve the existing bridge, even if a new bridge were to be built at a new location
3. *Rehabilitate the historic bridge without affecting the historic integrity of the structure, as determined by procedures implementing the NHPA*. Show that the Department has conducted studies of the rehabilitation measures, but because the bridge is so structurally or geometrically deficient, it cannot be rehabilitated to meet either the minimum acceptable load requirements or the minimum required capacity of the highway system on which it is located without affecting the historic integrity of the bridge.

Exercise flexibility in the application of the American Association of State Highway and Transportation Officials (AASHTO) geometric standards as permitted in 23 CFR Part 625 during the analysis of geometric deficiency.

Measures to Minimize Harm

You may only use this Programmatic Section 4(f) Evaluation and approval for projects where the FHWA, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. This has occurred:

1. For bridges that are to be rehabilitated, the historic integrity of the bridge is preserved, to the greatest extent possible, consistent with unavoidable transportation needs, safety, and load requirements
2. For bridges that are to be rehabilitated to the point that the historic integrity is affected or that are to be moved or demolished, the FHWA ensures that, in accordance with the Historic American Engineering Record (HAER) standards, or other suitable means developed through consultation, the Department makes fully adequate records of the bridge
3. For bridges that are to be replaced, the existing bridge is made available for an alternative use, provided a responsible party agrees to maintain and preserve the bridge
4. For bridges that are adversely affected, the SHPO, ACHP, and FHWA reach agreement through the Section 106 process of the NHPA on measures to minimize harm, and those measures are incorporated into the project. This Programmatic Evaluation does not apply to projects where such an agreement cannot be reached.

B. Projects That Use Minor Amounts of Land from Public Parks, Recreation Areas, and Wildlife and Waterfowl Refuges

Applicability Criteria

FHWA may apply this Programmatic Section 4(f) Evaluation only to projects meeting the following criteria:

1. The proposed project is designed to improve the operational characteristics, safety, and/or

physical condition of existing facilities on essentially the same alignment. This includes “4R” work (resurfacing, restoration, rehabilitation, and reconstruction); safety improvements, such as shoulder widening and the correction of substandard curves and intersections; traffic operation improvements, such as signalization, channelization, and turning or climbing lanes; bicycle and pedestrian facilities; bridge replacements on essentially the same alignment; and the construction of additional lanes. This Programmatic Section 4(f) Evaluation does not apply to the construction of a highway on a new location.

2. The Section 4(f) lands are publicly owned public parks, recreation lands, or wildlife and waterfowl refuges located adjacent to the existing highway.
3. The amount and location of the land to be used shall not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. This determination is to be made by the FHWA in concurrence with the officials having jurisdiction over the Section 4(f) lands, and will be documented in relation to the size, use, and/or other characteristics deemed relevant.

The total amount of land to be acquired from any Section 4(f) site shall not exceed the values in the following table.

Total Size of Section 4(f) site	--	Maximum to Be Acquired
less than 10 acres	--	10 percent of site
10 -100 acres	--	1 acre
more than 100 acres	--	1 percent of site

4. The proximity impacts of the project on the remaining Section 4(f) land shall not impair the use of such land for its intended purpose. This determination is to be made by the FHWA in concurrence with the officials having jurisdiction over the Section 4(f) lands, and will be documented with regard to noise, air, and water pollution, wildlife and habitat effects, aesthetic values, and/or other impacts deemed relevant.
 5. The officials having jurisdiction over the Section 4(f) lands must agree, in writing, with the assessment of the impacts of the proposed project mitigation for the Section 4(f) lands.
 6. For projects using land from a site purchased or improved with funds under the Land and Water Conservation Fund Act, the Federal Aid in Fish Restoration Act (Dingell-Johnson Act), the Federal Aid in Wildlife Act (Pittman-Robertson Act), or similar laws, or if the lands are otherwise encumbered with a federal interest (e.g., former federal surplus property), coordination with the appropriate federal agency is required to ascertain the agency's position on the land conversion or transfer. The Programmatic Section 4(f) Evaluation does not apply if the agency objects to the land conversion or transfer.
 7. This Programmatic Evaluation does not apply to projects for which an Environmental Impact Statement (EIS) is prepared, unless the use of Section 4(f) lands is discovered after the approval of the Final EIS. Should any of the above criteria not be met, this Programmatic Section 4(f) Evaluation cannot be used, and you must prepare an Individual Section 4(f) Evaluation.
- refuge. In order for the FHWA to apply this Programmatic Section 4(f) Evaluation to a project, you must support each of the following findings must by the circumstances, studies, and consultations on the project. This list of alternatives is all-inclusive. The Programmatic Section 4(f) Evaluation does not apply if you identify a reasonable alternative that is not discussed below. In the project record, you must clearly demonstrate that the Department fully evaluated each of the alternatives before the FHWA division administrator concluded that the Programmatic Section 4(f) applied to the project.
1. *Do nothing.* The do nothing alternative is not feasible and prudent because it would not correct existing or projected capacity deficiencies, safety hazards, or deteriorated conditions and maintenance problems. Not providing such correction would constitute a cost or community impact of extraordinary magnitude, or would result in truly unusual or unique problems, when compared with the proposed use of the Section 4(f) lands.
 2. *Improve the highway without using the adjacent public park, recreational land, or wildlife or waterfowl refuge.* It is not feasible and prudent to avoid Section 4(f) lands by roadway design or transportation system management techniques because implementing such measures would result in:
 - a. Substantial adverse community impacts to adjacent homes, businesses or other improved properties; or
 - b. Substantially increased roadway or structure costs; or
 - c. Unique engineering, traffic, maintenance, or safety problems; or
 - d. Substantial adverse social, economic, or environmental impacts; or
 - e. The project not meeting identified transportation needs; and
 - f. Impacts, costs, or problems that would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f)

Alternatives and Findings

The alternatives listed below avoid any use of public park land, recreational area, or wildlife and waterfowl

lands.

Exercise flexibility in the application of AASHTO geometric standards, as permitted in 23 CFR Part 625, during the analysis of this alternative.

3. *Build an improved facility on a new location without using the public park, recreation land, or wildlife or waterfowl refuge.* It is not feasible and prudent to avoid Section 4(f) lands by constructing on new alignment because
 - a. The new location would not solve existing transportation, safety, or maintenance problems; or
 - b. The new location would result in substantial adverse social, economic, or environmental impacts; or
 - c. The new location would substantially increase the costs or engineering difficulties; and
 - d. Such problems, impacts, costs, or difficulties would be truly unusual or unique, or of extraordinary magnitude, when compared with the proposed use of Section 4(f) lands.

Exercise flexibility in the application of AASHTO geometric standards, as permitted in 23 CFR Part 625, during the analysis of this alternative.

Measures to Minimize Harm

You may use this Programmatic Section 4(f) Evaluation and approval only for projects where the FHWA division administrator, in accordance with this evaluation, ensures that the proposed action includes all planning to minimize harm. This has occurred when the officials having jurisdiction over the Section 4(f) property have agreed, in writing, with the assessment of impacts resulting from the use of the Section 4(f) property and with the mitigation measures to be provided.

If the project uses Section 4(f) lands that are encumbered with a federal interest, you must coordinate with the appropriate agency to ascertain what special measures to minimize harm, or other requirements, may be necessary under that agency's regulations. To the greatest extent possible, include in the project record these commitments to accomplish such special measures and/or requirements.

C. Projects That Use Minor Amounts of Land

From Historic Sites

Applicability Criteria

FHWA may apply this Programmatic Section 4(f) Evaluation only to projects meeting the following criteria:

1. The proposed project is designed to improve the operational characteristics, safety, and/or physical condition of existing highway facilities on essentially the same alignment. This includes "4R" work (resurfacing, restoration, rehabilitation, and reconstruction); safety improvements, such as shoulder widening and the correction of substandard curves and intersections; traffic operation improvements, such as signalization, channelization, and turning or climbing lanes; bicycle and pedestrian facilities; bridge replacements on essentially the same alignment; and the construction of additional lanes. This Programmatic Section 4(f) Evaluation does not apply to the construction of a highway on a new location.
2. The historic site involved is located adjacent to the existing highway.
3. The project does not require the removal or alteration of historic buildings, structures or objects on the historic site.
4. The project does not require the disturbance or removal of archaeological resources that are important to preserve in place rather than to recover for archaeological research. FHWA will make the determination of the importance to preserve in place based on consultation with the SHPO, and if appropriate, the ACHP.
5. The impact on the Section 4(f) site resulting from the use of the land is minor. The word minor is narrowly defined as having either "no effect" or "no adverse effect" (when applying the requirements of Section 106 of the NHPA and 36 CFR Part 800) on the qualities that qualified the site for listing or eligibility for listing on *The National Register of Historic Places*. The ACHP must not object to the determination of "no adverse effect."
6. The SHPO must agree, in writing, with the assessment of the impacts of the proposed project on and the proposed mitigation for the historic sites.

7. This Programmatic Section 4(f) Evaluation does not apply to projects for which an Environmental Impact Statement (EIS) is prepared, unless the use of Section 4(f) lands is discovered after the approval of the Final EIS.

Should any of the above criteria not be met, this Programmatic Section 4(f) Evaluation cannot be used, and you must prepare an Individual Section 4(f) Evaluation.

Alternatives and Findings

The alternatives and findings guidance provided for the Programmatic Section 4(f) concerning minor involvement with public parks, recreation area, and wildlife and waterfowl refuges provided in (B) above can be used as guidance in the evaluation of the Programmatic Section 4(f) for minor involvement with historic sites.

Measures to Minimize Harm

You may use this Programmatic Section 4(f) Evaluation and approval only for projects where the FHWA division administrator, in accordance with this evaluation, ensures that the proposed action includes all planning to minimize harm. Measures to minimize harm will consist of those measures necessary to preserve the historic integrity of the site and agreed to, in accordance with 36 CFR Part 800, by the FHWA, the SHPO, and as appropriate, the ACHP.

For historic sites encumbered with federal interests, you must coordinate with the federal agencies responsible for the encumbrances.

D. Independent Bikeway Projects

Applicability Criteria

FHWA may apply this Programmatic Section 4(f) Evaluation only to projects meeting the following criteria:

1. The bikeway or walkway construction project is an independent construction project that requires the use of recreation and park areas established and maintained primarily for active recreation, open space, and similar purposes.
2. The official(s) having specific 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 in the location and design of the bikeway or walkway facility.

3. The project does not require the use of critical habitat of endangered species, or land from a publicly owned wildlife or waterfowl refuge, or any land from an historic site of national, state, or local significance.
4. There are no unusual circumstances such as major impacts, adverse effects, or controversy.
5. The bicycle or pedestrian facilities are not incidental items of construction in conjunction with highway improvements whose primary purpose is serving motor vehicular traffic.

E.5. Concurrent Requirements

There are often concurrent requirements of other federal agencies when Section 4(f) lands are involved in highway projects. Examples of such concurrent requirements include:

- Compatibility determinations for the use of lands in the National Wildlife Refuge System and the National Park System
- Consistency determinations for the use of public lands managed by the Bureau of Land Management
- Determinations of direct and adverse effects for Wild and Scenic Rivers under the jurisdiction of such agencies as the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, and Forest Service
- Approval of land conversions covered by the federal-aid in fish restoration and the Federal-Aid in Wildlife Restoration Acts (the Dingell-Johnson and Pittman-Robertson Acts), the Recreational Demonstration Projects and the Federal Property and Administrative Service (Surplus Property) Acts, and Section 6(f) of the Land and Water Conservation Fund Act

In the mitigation plan developed for the project, you should include measures that would satisfy the requirements for these determinations and for Section 4(f) approval. When federal lands needed for highway projects are not subject to Section 4(f), there is still a need for close coordination with the federal agency owning or administering the land in order to develop a mitigation plan that would satisfy any other requirements for a land transfer.

E.5.1 Section 6(f)

State and local governments often obtain grants through the Land and Water Conservation Fund Act to acquire or make improvements to parks and recreation areas. Section 6(f) of this act prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without the approval of the Department of the Interior's National Park Service (NPS). Section 6(f) directs the NPS to assure that replacement lands of equal value, location, and usefulness are provided as conditions to such conversions. Consequently, when the Department proposes conversions of Section 6(f) land for highway projects, replacement lands will be necessary. Importantly, Section 6(f) applies to all transportation projects involving such a conversion, whether or not federal funding is being used for the project. Normally, any federally funded transportation project requiring the conversion of recreational or park land covered by Section 6(f) will also involve Section 4(f). In the Section 4(f) evaluation, therefore, you should reflect the coordination and agreements entered into as part of completing DOT&PF's Section 6(f) responsibilities. Regardless of the mitigation proposed, the Section 4(f) Evaluation should document the National Park Service's tentative position relative to Section 6(f) conversion. In addition, all 6(f) coordination must include the Alaska Department of Natural Resources (DNR), Grants Coordinator. In the Section 4(f) Evaluation, you should document this coordination, along with DNR's position regarding the Section 6(f) conversion.

E.5.2 Section 6(f) for Federal-Aid Transportation Improvements

As a part of the Section 4(f) Evaluation, the regional environmental coordinator must determine ownership of the property and whether or not the Section 4(f) resource was purchased or some improvement made to the property using Land and Water Conservation funds. Once it has been determined that Land and Water Conservation funds were used to purchase the property, then Section 6(f) of the act applies.

The coordinator, in cooperation with the local government landowner, must identify replacement land of equal value, location, and usefulness before a transfer of property under Section 6(f) can occur. Upon identification of such land(s), the coordinator and the local government must develop a written plan as part of the Section 4(f) mitigation, demonstrating that the Section 6(f) replacement land is acceptable to

the local government entity. The plan must also include any special conditions mutually agreed to by both parties, as deemed necessary, to bring about equal value, location, and usefulness in the replacement land as required under Section 6(f). Coordination with the NPS will occur during the processing of the Draft and Final Section 4(f) Evaluations.

The coordinator will discuss the Section 6(f) property and the plan, as mitigation, in the Section 4(f) Evaluation. Incorporate the plan into the appendix of the Section 4(f) Evaluation.

For Programmatic Section 4(f) Evaluations, the Section 6(f) issue is to be resolved before processing the Programmatic Section 4(f) Evaluation. In this case, the coordinator, through FHWA, would work directly with the NPS to obtain concurrence in the Section 6(f) Land Replacement Plan. You should document the results of this coordination effort in the Appendix of the Programmatic 4(f) Evaluation and submit it to the FHWA for approval. If the NPS objects to the conversion or transfer of the land under Section 6(f), then you must prepare an individual Section 4(f) Evaluation.

For individual Section 4(f) Evaluations, follow the normal process. Send the Draft Section 4(f) Evaluation to USDOJ and NPS for review; the NPS will comment or concur on the Section 6(f) issue as a normal part of the Section 4(f) process. The regional environmental coordinator will resolve any Section 6(f) comments received on the Draft Section 4(f) Evaluation with the NPS, DEP, and the local government, as required, and amend the Final Section 4(f) Evaluation accordingly. This may require modifying the Section 6(f) Land Replacement Plan. Document agreement among all parties in the Final Section 4(f) Evaluation before FHWA approval. You should send copies of the approved Final Section 4(f) Evaluation to USDOJ, NPS, and the local government entity for their use during the right-of-way acquisition phase.

E.5.3 Section 6(f) Conversion

The conversion of the Section 6(f) land to transportation right-of-way and the acquisition of the replacement land occurs during the right-of-way acquisition phase. In subsequent re-evaluations, you must include, in the Mitigation Status and Commitment Compliance Sections, status discussions

on the implementation of the Section 6(f) Land Replacement Plan. You must coordinate with DNR and the NPS to ensure their cooperation in the land conversion transaction. The NPS will not permit the conversion of Section 6(f) land to occur until the Department has fully acquired the replacement property and it is available to serve the public outdoor recreational uses of the Section 6(f) property it is meant to replace. Therefore, the acquisition or conversion of the Section 6(f) land cannot take place until after the Department has purchased the replacement land and integrated it into the recreational facility involved. Because the functional replacement must occur before the conversion of the 6(f) property, it is imperative that you coordinate with the right-of-way chief and inform him/her of the requirements of Section 6(f) once it is known that Section 6(f) land is required for the project. This sequence may require an advance acquisition of the replacement land before opening the project's right-of-way phase or it may require a use of state funds for the mitigation. It is, therefore, important to maintain close coordination with the right-of-way chief. Failure to implement the agreed upon Land Replacement Plan will cause delays in subsequent project construction.

E.6. Processing

E.6.1 Programmatic Section 4(f) Evaluation

After the regional environmental coordinator has determined that the Programmatic Section 4(f) is appropriate, you should complete the evaluation. Process the evaluation to FHWA for concurrence. Programmatic Section 4(f) Evaluations need not be circulated for review.

For Categorical Exclusion projects, prepare the Programmatic Section 4(f) Evaluation and submit it to FHWA with the checklist (see Chapter 2: Categorical Exclusion).

For projects processed with an Environmental Assessment (EA) submit the Programmatic Section 4(f) Evaluation independently of the EA, but after the public hearing. You must include the following standard statement in the EA or EIS:

“The Department will comply with the Section 4(f) requirement for [name of Section 4(f) resource] by applying a nationwide evaluation in accordance with [name the

appropriate Nationwide Programmatic Section 4(f) statement].”

For projects that require the preparation of an Environmental Impact Statement, you may not use two of the four Nationwide Programmatic Section 4(f) Evaluations. These two are the Programmatic Section 4(f) Evaluations for projects that use minor amounts of land from public parks, recreation areas, and wildlife and waterfowl refuges or from historic sites. For these projects, you must prepare an Individual Section 4(f) Evaluation and incorporate it into the environmental document whenever the preparation of an Environmental Impact Statement (EIS) is involved.

For Programmatic Section 4(f) Evaluations concerning Historic Bridge or Independent Bikeway projects and involving the preparation of an EIS, follow the same processing as that outlined for the EA.

Send two copies of the Programmatic Section 4(f) Evaluation to the FHWA Division Office. The FHWA will either concur with the evaluation or return comments to the regional environmental coordinator. The environmental coordinator will make appropriate revisions and return two revised copies to FHWA. When FHWA concurs, they will return one signed copy to the regional environmental coordinator and retain one signed copy in their project files.

E.6.2 Individual Section 4(f) Evaluations

A. Draft Section 4(f) Evaluations

Forward six copies of the Draft Section 4(f) Evaluation to the FHWA Division Office for review and approval. If the Section 4(f) Evaluation is included in a Draft EIS, the DOI Headquarters does not need additional copies of the Draft or Final EIS/Section 4(f) Evaluation. If the Section 4(f) Evaluation is processed separately or as part of an EA, submit twelve copies of the Draft Section 4(f) Evaluation to the DOI for coordination and six copies of the Final Section 4(f) for information. In addition to coordination with DOI, you must coordinate Draft Section 4(f) Evaluations with the officials having jurisdiction over the Section 4(f) property, the Department of Housing and Urban Development (HUD), and the United States Department of Agriculture (USDA), where these agencies have an interest in or jurisdiction over the affected Section 4(f) resource [23 CFR 771.135(i)]. The point of

coordination for HUD is the appropriate regional office and for USDA, the forest supervisor of the affected national forest. You should provide one copy to the officials with jurisdiction and submit two copies to HUD and USDA when coordination is required.

The FHWA may send one copy to their legal counsel for legal review before the division administrator signs the document. Upon signing, FHWA will return one copy each to the regional environmental coordinator. The coordinator will reproduce the document and circulate the Draft Section 4(f) Evaluation to the appropriate agencies. After a 45-day comment period, the coordinator will prepare the Final Section 4(f) Evaluation.

B. Final Section 4(f) Evaluations

After completion of the circulation period and the public hearing, submit six copies of the Final Section 4(f) Evaluation to the FHWA Division Office. If the Section 4(f) Evaluation is included in a Draft EIS, the DOI Headquarters does not need additional copies of the Draft or Final EIS/Section 4(f) Evaluation. If the Section 4(f) Evaluation is processed separately or as part of an EA, submit twelve copies of the Draft Section 4(f) Evaluation to the DOI for coordination and six copies of the Final Section 4(f) for information. In addition to coordination with DOI, you must coordinate Final Section 4(f) Evaluations must be coordinated with the officials having jurisdiction over the Section 4(f) property, the Department of Housing and Urban Development (HUD), and the United States Department of Agriculture (USDA) where these agencies have an interest in or jurisdiction over the affected Section 4(f) resource [23 CFR 771.135(i)]. The point of coordination for HUD is the appropriate regional office and for USDA, the forest supervisor of the affected national forest. You should provide one copy to the officials with jurisdiction and submit two copies to HUD and USDA when coordination is required. The FHWA will forward the Final Section 4(f) document to the regional office for a review for legal sufficiency and approval.

For actions processed with EISs, the FHWA will make the Section 4(f) approval either in its approval of the Final EIS or in the Record of Decision (ROD). Where the Section 4(f) approval is documented in the Final EIS, the FHWA will summarize the basis for its Section 4(f) approval in the ROD. Actions requiring the use of Section 4(f) property, and proposed to be

processed with a FONSI or CE, shall not proceed until notified by the FHWA of Section 4(f) approval. For these actions, any required Section 4(f) approval will be documented separately. After the approval, the division office will return one signed copy to the regional environmental coordinator. The regional environmental coordinator will distribute copies to the agencies that received the draft. After 30 days, FHWA may grant location and design concept acceptance.

You must circulate a separate Section 4(f) Evaluation when:

1. A proposed modification of the alignment or design would require the use of Section 4(f) property after FHWA has processed the CE, FONSI, Draft EIS, or Final EIS
2. The FHWA determines, after processing the CE, FONSI, Draft EIS, or Final EIS, that Section 4(f) applies to a property
3. A proposed modification of the alignment, design, or measure(s) to minimize harm [after the original Section 4(f) approval] would result in a substantial increase in the amount of Section 4(f) land used, a substantial increase in the adverse impacts to Section 4(f) land, or a substantial reduction in mitigation measures
4. Another agency is the lead agency for the NEPA process, unless another DOT element (e.g., FAA or USCG) is preparing the Section 4(f) Evaluation

If the FHWA determines under 23 CFR 771.135(m) (see above, points 1 through 4) or otherwise, that Section 4(f) is applicable after they have processed the CE, FONSI, or Final EIS, the decision to prepare and circulate a Section 4(f) Evaluation will not necessarily require the preparation of a new or supplemental environmental document. Where a separately circulated Section 4(f) Evaluation is prepared, such evaluation does not necessarily:

1. Prevent the granting of new approvals
2. Require the withdrawal of previous approvals
3. Require the suspension of project activities for any activity not affected by the Section 4(f) Evaluation

FHWA Guidance on Section 4(f) Applicability

We took the following series of questions and answers from an FHWA Section 4(f) Policy Paper. The situations discussed represent specific cases frequently encountered. Please note, however, that Section 4(f) applicability is determined on a case-by-case basis. For advice on situations or issues not covered in these questions and answers or discussed in Chapter 6, contact the state environmental coordinator.

1. Historic sites
2. Historic bridges and highways
3. Archaeological resources
4. Wild and scenic rivers
5. Fairgrounds
6. School playgrounds
7. Bodies of water
8. Trails
9. Bikeways
10. Joint development (park with highway corridor)
11. "Planned facilities"
12. Temporary occupancy of highway right-of-way
13. Tunneling
14. Wildlife management areas
15. Air rights
16. Access ramps to public boat launches
17. Scenic byways

1. Historic Sites

Question : How does Section 4(f) apply to either permanent or temporary occupancy of nonhistoric property within an historic district, but that forms an integral part of the historical basis for designation of the district?

Answer: Normally, Section 4(f) does not apply where a property is not individually historic, is not an integral part of the historic district in which it is located, and does not contribute to the factors that make the district historic. The property and the district must be carefully evaluated to determine whether or not such a property could be occupied without adversely affecting the integrity of the historic district. If the occupancy of the property adversely affects the integrity of the district, then Section 4(f) would apply. Appropriate steps (including consultation with the SHPO) should be taken to establish and document that the property is not historic, that it has no value in the context of the historic district, and its occupancy would not adversely affect the integrity of the historic district.

Question: If a highway project does not occupy land in a historic site or district but does cause an "adverse effect" under 36 CFR Part 800, do the Section 4(f) requirements apply (i.e., is there a constructive use)?

Answer: An "adverse effect" under 36 CFR Part 800 does not automatically mean that Section 4(f) applies. If the impact would not substantially impair the historic integrity of a historic site or district, Section 4(f) requirements do not apply. Whether or not the historic integrity of the historic site or district is substantially impaired should be determined in consultation with the SHPO and thoroughly documented in the project records.

2. Historic Bridges and Highways

Question: How does Section 4(f) apply to historic bridges and highways?

Answer: The Section 4(f) statute places restrictions on the use of land from historic sites for highway improvements. The statute makes no mention of historic bridges or highways that are already serving as transportation facilities. Congress clearly did not intend to restrict the rehabilitation, repair, or improvement of historic bridges and highways if the historic integrity is not adversely affected. The FHWA has, therefore, determined that Section 4(f) would apply if a historic bridge or highway is demolished or if its historic integrity (the criteria for which the bridge was designated historic) is adversely affected due to the proposed improvement. The affect on the historic integrity is determined in consultation with the SHPO. Section 4(f) does not apply to the construction of a replacement bridge when a historic bridge is left in place and the proximity impacts of the replacement bridge do not substantially impair the historic integrity of the historic bridge.

Question: How do the requirements of Section 4(f) apply to donations [pursuant to 23 USC 144(o)] to state, locality, or responsible private entity?

Answer: A Section 4(f) use exists when the donee cannot maintain the features that give the bridge its historic significance. In such cases, the Section 4(f) evaluation would need to establish that it is not feasible and prudent to leave the historic bridge alone. If the bridge marketing effort is unsuccessful and the bridge is to be demolished, a finding would have to be made that there is no feasible and prudent alternative.

3. Archaeological Resources

Question: How should the Section 4(f) requirements be applied to archaeological districts?

Answer: Section 4(f) requirements apply to an archaeological district the same as they do to an archaeological site (only where preservation in place is warranted). However, as with historic districts, Section 4(f) would not apply if after consultation with the SHPO, FHWA determines that the project occupies only a part of the district, which is a noncontributing part of that district, provided such portion could be occupied without adversely affecting the integrity of the archaeological district. In addition, Section 4(f) would not apply if, after consultation with the SHPO and the ACHP, it is determined that the project occupies only a part of the district that is important chiefly because of what can be learned by data recovery, and it has minimal value for preservation in place, provided such portion could be occupied without adversely affecting the integrity of the archaeological district.

4. Wild and Scenic Rivers

Question: Are rivers and adjoining lands under study [pursuant to Section 5(a) of the Wild and Scenic Rivers Act] as potential wild and scenic rivers subject to Section 4(f)?

Answer: No. However, publicly owned public parks, recreation areas, and refuges and historic sites in a potential river corridor would still be subject to Section 4(f).

Question: Are rivers that are included in the National Wild and Scenic Rivers System and the adjoining lands subject to Section 4(f)?

Answer: Publicly owned waters of designated wild and scenic rivers are protected by Section 4(f). Public-owned lands in the immediate proximity of such rivers may be protected by Section 4(f), depending on the manner in which they are administered by the federal, state, or local government that administers the land. Wild and scenic rivers are managed by different federal agencies, including the U. S. Forest Service, the National Park Service, and the Fish and Wildlife Service. The FHWA should examine the management plan developed for the river (as required by the Wild and Scenic Rivers Act) to determine how the public lands adjacent to the rivers

are administered. Section 4(f) would apply to those portions of the land designated in the management plan for recreation or other Section 4(f) activities. Where the management plan is not sufficiently specific, FHWA should consult further with the river manager and document the primary function of the area in order to make a Section 4(f) determination. Those areas that function primarily and/or are managed for recreational purposes are subject to Section 4(f).

5. Fairgrounds

Question: Are publicly owned fairgrounds subject to the requirements of Section 4(f)?

Answer: Section 4(f) is not applicable to publicly owned fairgrounds that function primarily for commercial purposes (e.g., stock car races, annual fairs, etc.), rather than recreation. When fairgrounds are open to the public and function primarily for public recreation other than an annual fair, Section 4(f) only applies to those portions of land determined significant for recreational purposes.

6. School Playgrounds

Question: Are publicly owned school playgrounds subject to the requirements of Section 4(f)?

Answer: While the primary purpose of school playgrounds is for structured physical education classes and recreation for students, such lands may also serve public recreational purposes and as such, may be subject to Section 4(f) requirements. When the playground serves only school activities and functions, the playground is not considered subject to Section 4(f). However, when the playground is open to the public and serves either organized or recreational purposes (walk-on activity), it is subject to the requirements of Section 4(f) if the playground is determined to be significant for recreational purposes (Question 2B). In determining the significance of the playground facilities, there may be more than one official having jurisdiction over the facility. A school official is considered to be the official having jurisdiction of the land during school activities. However, the school board may have authorized the city's park and recreation department or a public organization to control the facilities after school hours. The actual function of the playground is the determining factor under these circumstances. Therefore, documentation should be obtained from the

official(s) having jurisdiction over the facility stating whether or not the playground is of local significance for recreational purposes.

7. Bodies of Water

Question: How does Section 4(f) apply to publicly owned lakes and rivers?

Answer: Lakes are sometimes subject to multiple, even conflicting, activity and do not readily fit into one category or another. When lakes function for park, recreation, or refuge activities, Section 4(f) would only apply to those portions of water that function primarily for those purposes. Section 4(f) does not apply to areas that function primarily for other purposes. In general, rivers are not subject to the requirements of Section 4(f). Rivers in the National Wild and Scenic Rivers System are subject to the requirements of Section 4(f) in accordance with Questions 8A and 8B. Those portions of publicly owned rivers that are designated as recreational trails are subject to the requirements of Section 4(f). Of course, Section 4(f) would also apply to lakes and rivers or portions thereof that are contained within the boundaries of parks, recreational areas, refuges and historic sites to which Section 4(f) otherwise applies.

8. Trails

Question: The National Trails System Act permits the designation of scenic and recreational trails. Are these trails or other designated scenic or recreational trails on publicly owned land subject to the requirements of Section 4(f)?

Answer: Yes, except for the Continental Divide National Scenic Trail which was exempted from Section 4(f) by Public Law 95-625.

Question: Are trails on privately owned land (including land under public easement) that are designated as scenic or recreational trails subject to the requirements of Section 4(f)?

Answer: Section 4(f) does not apply to trails on privately owned land unless there is a public easement to permit the public to utilize the trail. Nevertheless, every reasonable effort should be made to maintain the continuity of designated trails in the national system.

Question: Are trails on highway rights-of-way, which are designated as scenic or recreational trails, subject to the requirements of Section 4(f)?

Answer: If the trail is simply described as occupying the rights-of-way of the highway and is not limited to any specific location within the right-of-way, a "use" of land would not occur, provided adjustments or changes in the alignment of the highway or the trail would not substantially impair the continuity of the trail. In this regard, it would be helpful if all future designations made under the National Trails System Act describe the location of the trail only as generally in the right-of-way.

Question: Are historic trails that are designated (pursuant to the National Trails System Act) as national historic trails (but not scenic or recreational) subject to the requirements of Section 4(f)?

Answer: Only lands or sites adjacent to historic trails that are on or eligible for the National Register of Historic Places are subject to Section 4(f). Otherwise (pursuant to Public Law 95-625), national historic trails are exempt from Section 4(f).

9. Bikeways

Question: Do the requirements of Section 4(f) apply to bikeways?

Answer: If the bikeway is primarily for transportation and is an integral part of the local transportation system, the requirements of Section 4(f) would not apply. Section 4(f) would apply to bikeways (or portions thereof) designated or functioning primarily for recreation, unless the official having jurisdiction determines it not to be significant for such purpose. However, as with recreational trails, if the recreational bikeway is simply described as occupying the highway rights-of-way and is not limited to any specific location within that right-of-way, a "use" of land would not occur [Section 4(f) would not apply], provided adjustments or changes in the alignment of the highway or bikeway would not substantially impair the continuity of the bikeway.

Regardless of whether Section 4(f) applies to a bikeway, Title 23, Section 109(n), precludes the approval of any project that will result in the severance or destruction of an existing major route for nonmotorized transportation traffic unless such project

provides a reasonable alternative route or such a route exists.

10. Joint Development (Park with Highway Corridor)

Question: Where a public park or recreation area is planned on a publicly owned tract of land and a strip of land within the tract is reserved for a highway corridor at the time the development plan for the tract is established, do the requirements of Section 4(f) apply?

Answer: The requirements of Section 4(f) do not apply to the subsequent highway construction on the reserved right-of-way as previously planned. All measures that were taken to jointly develop the highway and the park should be completely documented in the project records.

11. "Planned" Facilities

Question: Do the requirements of Section 4(f) apply to publicly owned properties "planned" for park, recreation area, wildlife refuge, or waterfowl refuge purposes even though they are not presently functioning as such?

Answer: Section 4(f) applies if the agency that owns the property has formally designated and determined it to be significant for park, recreation area, wildlife refuge, or waterfowl purposes.

12. Temporary Occupancy of Highway Right-of-Way

Question: Is temporary occupancy of highway rights-of-way for park and recreational activity (e.g., a playground or snowmobile trail is allowed to be located on highway property) subject to the requirements of Section 4(f)?

Answer: Section 4(f) does not apply to either authorized or unauthorized temporary occupancy of highway right-of-way pending further project development. For authorized temporary occupancy of highway rights-of-way for recreation, it would be advisable to make clear in a limited occupancy permit with a reversionary clause that no right is created and the park or recreational activity is a temporary one pending completion of the highway project.

13. Tunneling

Question: Is tunneling under a publicly owned public park, recreation area, wildlife refuge, and waterfowl refuge, or historic site subject to the requirements of Section 4(f)?

Answer: Section 4(f) would apply only if the tunneling (1) will disturb any archaeological sites on or eligible for *The National Register of Historic Places* that warrant preservation in place, or (2) causes disruption that will harm the purposes for which the park, recreation, wildlife or waterfowl refuge was established or will adversely affect the historic integrity of the historic site.

4. Wildlife Management Areas

Question: Do the requirements of Section 4(f) apply to Wildlife Management Areas?

Answer: Section 4(f) may apply to publicly owned wildlife management areas (or any other wildlife area, e.g., Wildlife Reserve, Wildlife Preserve, Wildlife Sanctuary, Waterfowl Production Area, etc.), that are not a wildlife refuge but perform some of the same functions as a refuge. If a federal, state, or local law clearly delineates a difference between Wildlife Refuges and Wildlife Management Areas, the intentional separation of these systems demonstrates that Section 4(f) should not apply to Wildlife Management Areas in the jurisdiction for which the law governs. If a federal, state, or local law does not establish such clear distinction, the property should be examined to determine its "refuge" characteristics. If the wildlife management area primarily functions as a sanctuary or refuge for protection of species, Section 4(f) would apply.

Publicly owned wildlife management areas (or any other wildlife area that is not a refuge or sanctuary) may allow recreation opportunities. The areas on which the recreation occurs may be subject to the requirements of Section 4(f) as a public multiple-use land holding.

15. Air Rights

Question: Do the requirements of Section 4(f) apply to bridging over a publicly owned public park, recreation area, wildlife refuge, waterfowl refuge, or historic site?

Answer: Section 4(f) applies if piers or other appurtenances are placed on the park, recreation, wildlife refuge, waterfowl refuge, or historic site.

Section 4(f) also applies if the bridge harms the purposes for which these lands were established or adversely affects the historic integrity of the historic site.

not come under the purview of Section 4(f) unless the improvement were to otherwise use land from a protected resource.

16. Access Ramps (In accordance with Section 147)

Question: Is construction of access ramps (pursuant to Section 147 of the Federal-aid Highway Act of 1976, Public Law 94-280) to public boat launching areas located within a publicly owned public park, recreation area, wildlife refuge, or waterfowl refuge subject to the requirements of Section 4(f)?

Answer: Section 147 provides for the construction of access ramps to public boat launching areas adjacent to bridges under construction, reconstruction, replacement, repair, or alteration on the Federal-aid primary, secondary, and urban system highways. Such access ramps are not an integral or necessary component of the bridge project (to which they are appended) that is approved by the FHWA, nor do such access ramps meet any transportation need or provide any transportation benefits.

Where boat launching areas are located in publicly owned parks, recreational areas, or refuges otherwise protected by the provisions of Section 4(f), it would be contrary to the intent of Section 147 to search for "feasible and prudent alternatives" to the use of such areas as a site for a ramp to a boat launching area. A consistent reading of Section 147 and Section 4(f) precludes the simultaneous application of the two sections to boat launching ramp projects through or to the publicly owned park, recreation area, or refuge with which the boat launching area is associated. Therefore, Section 4(f) does not apply to access ramp projects to such boat launching areas carried out pursuant to Section 147. However, the construction, replacement, repair, or alteration of a bridge on Section 4(f) land will be subject to Section 4(f).

17. Scenic Byways

Question: How does Section 4(f) apply to Scenic Byways?

Answer: The designation of a road as a scenic byway is not intended to create a park or recreation area within the meaning of 49 USC 303 or 23 USC 138. The improvement (reconstruction, rehabilitation, or relocation) of a publicly owned scenic byway would

E.7. References

1. Federal Highway Administration, September 24, 1987. Section 4(f) Policy Paper.
2. Federal Register, August 22, 1983. FR Vol. 48, No. 163, 38139-38140.
3. Federal Register, August 19, 1987. FR Vol. 52, No. 160, 31116-31119.
4. Federal Register, August 28, 1987. Environmental Impact and Related Procedures. FR Vol. 52, No. 167, 32667-32669.
5. Federal Register, April 1, 1991. Environmental Impact and Related Procedures. FR Vol. 56, No. 62, 13279-13280.
6. U.S. Department of Transportation, Federal Highway Administration, October 30, 1987. Guidance For Preparing and Processing Environmental and Section 4(f) Documents. FHWA Technical Advisory T6640.8A.
7. U.S. Department of Transportation, Federal Highway Administration, May 23, 1977. Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects.
8. U.S. Department of Transportation, Federal Highway Administration, May 1986. Section 4(f) and Historic Bridges Position Paper.
9. U.S. Department of Transportation, Federal Highway Administration, December 23, 1986. Final Nationwide Section 4(f) Evaluation and Approval For Federally-Aided Highway Projects With Minor Involvements With Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges.
10. U.S. Department of Transportation, Federal Highway Administration, December 23, 1986. Final Nationwide Section 4(f) Evaluation and Approval For Federally-Aided Highway Projects With Minor Involvement With Historic Sites.
11. U.S. Department of Transportation, Federal Highway Administration, July 5, 1983. Historic Bridges, Programmatic Section 4(f) Evaluation and Approval.
12. U.S. Department of Transportation, Federal Highway Administration, December 9, 1991. Federal Aid Policy Guide, Transmittal 1, 23-31.
13. U.S. Department of Transportation, Federal Highway Administration, September 21, 1994. Interim Guidance on Applying Section 4(f) on Transportation Enhancement Projects and Recreation Trails Projects.