



National Preservation Institute

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Section 4(f) Compliance for Historic Properties

Seminar Overview

Section 4(f) of the DOT Act of 1966 is triggered by funding or approval from a U.S. DOT agency for a project that proposes “use” of historic property or land from a publicly owned park, recreation area, or refuge. With a focus on historic properties, examine the stringent approval standards of this substantive law and discuss ways to better integrate and streamline Sections 4(f) and 106 with the National Environmental Policy Act (NEPA) process.

Agenda

Successfully navigating the process for approvals under Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. 303 and 23 U.S.C. 138) involves coordination with a number of environmental laws and regulations, notably historic preservation laws, regulations, and guidelines.

Seminar objectives are to become familiar with the requirements, how they interrelate, and how they can most effectively and responsibly be addressed together.

Introduction to the seminar, the participants, the instructor

History, background, and principles of Section 4(f)

- Looking at the origin and substantive requirements of “Section 4(f),” examine why a 4(f) analysis is required, what its intended purpose is, and how its goals can be met efficiently.

Overview of the laws and process

- Review the specific requirements of Section 4(f) and how they overlap with other environmental, historic preservation, and cultural resource requirements, with a goal of understanding what must be addressed to ensure effective compliance.

Identifying resources subject to Section 4(f)

- What kinds of resources trigger a Section 4(f) requirement?
- When does Section 4(f) apply?
- What coordination is required?

Determining “use”

- What is meant by a “use” of land from a Section 4(f) resource?
- When is Section 4(f) triggered?
- How are the approval options dictated by the nature of the use?
- What is a de minimis use?
- What is a constructive use?

Approval options, coordination, and documentation

- What are the approval options available and the steps for accomplishing a Section 4(f) analysis?
- Who is responsible for carrying them out?
- What other coordination may be required?
- What is required for an Individual Section 4(f) Evaluation?
- What other time-saving options may be available?

Coordination in the transportation project development process

- Putting the Section 4(f) process in context with other environmental requirements and how what has been learned can help move the process forward more efficiently.