



THE SECTION 4(f) PROCESS AND CHAPTER 26

Section 4(f) and Chapter 26 are federal and state regulations, respectively, set up to protect the use of public land in projects.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 stipulates that TxDOT cannot approve the use of land from:

- ✓ Publicly owned parks or recreational areas
- ✓ Wildlife and waterfowl refuges
- ✓ Public and private historic sites

Unless the following conditions apply:

There is no feasible and prudent avoidance alternative to the use of that land; and the action includes all possible planning to minimize harm to the property resulting from such use;

OR

TxDOT determines that the use of the property will have a de minimis, minimal impact.

Chapter 26

Chapter 26 is a state regulation in the Texas Parks and Wildlife Code (PWC) established to protect parks, recreational and scientific areas, wildlife refuges, and historic sites from being used or taken by the state or local agencies for public projects. Similar to Section 4(f) of the U.S. Department of Transportation Act of 1966 in its requirements, except that Texas law requires a public hearing for any use or taking of protected land.



PREFERRED ALTERNATIVE PROTECTED PROPERTIES

Wilson Creek Greenbelt

- Section 4(f) and Chapter 26

The Preferred Alternative would cross over approximately seven acres of the Wilson Creek Greenbelt, owned by the City of McKinney. Trails are located on the land and it is used for recreational purposes. The freeway would be constructed on a bridge; however, the piers supporting the bridge would touch down within park property. It would not affect the trails and other park amenities. The use of this land is considered minimal and TxDOT anticipates making a section 4(f) *de minimis* determination for this use. Because the proposed improvements would result in the acquisition of public land, Chapter 26 also applies because public land would have to be acquired.

Future McKinney Parkland

- Section 4(f)

The Preferred Alternative would require acquisition of more than 15 acres of this future parkland owned by the City of McKinney. This property was conveyed to the city with a blanket easement to accommodate a transportation corridor connecting to US 380. With the easement in place covering the transportation use, Section 4(f) does not apply to the use of the parkland.

These federal and state regulations require TxDOT to inform and gather input from the public.

The public is encouraged to be involved with the Section 4(f) and Chapter 26 processes by asking questions and expressing concerns about historic properties and public and recreation areas. You can also help the study team identify actions that may be taken to mitigate or offset unavoidable impacts to these resources as described in the EIS. Please note that the Orange Alternative has no effect on historic properties protected by Section 4(f).