



# THE SECTION 4(f) PROCESS

## WHAT IS THE SECTION 4(f) PROCESS?

Section 4(f) of the Department of Transportation Act 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 impact.

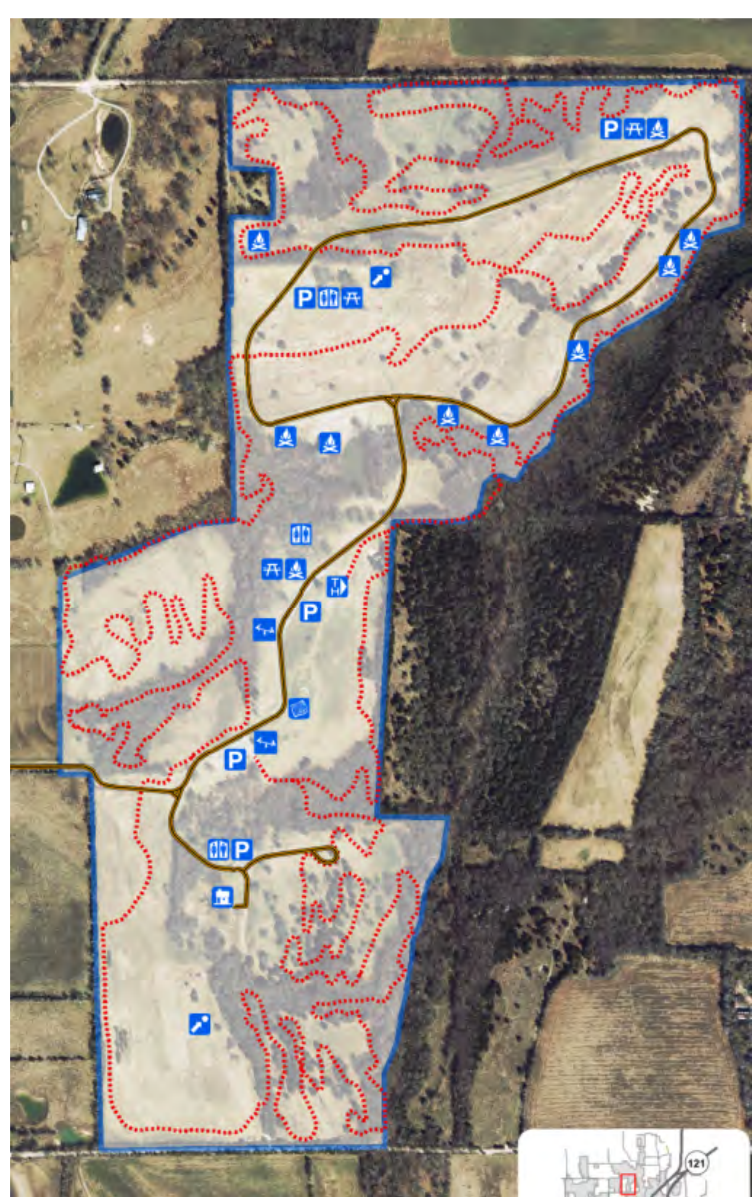
**Resources in the US 380 from Coit Road to FM 1827 study area that may be protected under Section 106 and/or Section 4(f) include:**



2163 E. Dave Brown Road



Houston & Texas Central Thru-Truss Bridge



Erwin Park  
City of McKinney  
*the proposed project is avoiding the use of land from Erwin Park*



**WHEN TXDOT DETERMINES THE USE SECTION 4(f) PROPERTY, THERE ARE THREE METHODS AVAILABLE FOR TXDOT TO APPROVE THE USE:**

**De Minimis Impact Determination**  
after taking into account ways to minimize harm to the resource, the project would result in either no adverse effect to a historic property, or would not adversely affect the activities, features, or attributes that make the park, historic site, recreation area, or refuge eligible for protection under Section 4(f).

**Applying a Programmatic Section 4(f) Evaluation**

developed by the FHWA based on factors common to many previous projects of a similar type. Programmatic Section 4(f) evaluations can be applied to the use of historic bridges; minor improvements to public parks, recreational areas, and wildlife refuges; and projects that have a net benefit of Section 4(f) property.

**Preparing an Individual Section 4(f) Evaluation**

prepared when the project results in the use of a Section 4(f) property that exceeds *de minimis* impacts and when a Programmatic 4(f) cannot be applied to the situation.

**The public is encouraged to be involved in the Section 4(f) Process 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.**