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| **NATIONWIDE PROGRAMMATIC SECTION 4(f) EVALUATION** |
| **MINOR INVOLVEMENTS WITH PUBLIC PARKS, RECREATION LANDS, and WILDLIFE and WATERFOWL REFUGES** |

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| **Date:** | **xx/xx/xxxx** |
| **Project #** | **xxxxx** |
| **PCN:** | **xxxxx** |
| **Project Name:** | **xxxxx** |
| **Location:** | **xxxxx** |

**NOTE:** *Any response in a shaded box will require additional information, and MAY result in an individual evaluation/statement. Consult the “Nationwide” Section 4(f) Evaluation procedures.*

**USE:** This programmatic Section 4(f) evaluation has been prepared for projects which improve existing highways and use minor amounts of publicly owned public parks, recreation lands, or wildlife and waterfowl refuges that are adjacent to existing highways. This programmatic Section 4(f) evaluation does not apply to the construction of a highway on a new location. This programmatic Section 4(f) evaluation satisfies the requirements of Section 4(f) for all projects that meet the applicability criteria listed below.

**APPLICABILITY YES NO**

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| 1. | Is the proposed project designed to improve the operational characteristics, safety, and/or physical condition of existing highway facilities on essentially the same alignment? This includes the following: |  |  |
| 1. "4R" work (resurfacing, restoration, rehabilitation, and reconstruction) 2. Safety improvements, such as shoulder widening and the correction of substandard curves and intersections 3. Traffic operation improvements, such as signalization, channelization, and turning or climbing lanes 4. Bicycle and pedestrian facilities 5. Bridge replacement on essentially the same alignment 6. Construction of additional lanes | | |
| 2. | Are the Section 4(f) lands publicly owned public parks, recreation lands, or wildlife and waterfowl refuges located adjacent to the existing highway? |  |  |
| 3a. | Does the amount and location of the proposed impact area 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. |  |  |
| 3b. | Does the total amount of land to be acquired from any Section 4(f) site exceed the values in the following Table?  Total Size of Section 4(f) Site Maximum to Be Acquired  < 10 acres 10 percent of site  10-100 acres 1 acre  > 100 acres 1 percent of site |  |  |
| 4. | Will the proximity impacts of the project impair the use of the remaining Section 4(f) 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. | Have the officials having jurisdiction over the Section 4(f) lands provided, in writing, an agreement with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands? |  |  |
| 6. | Has coordination occurred with the appropriate Federal agency to ascertain the agency's position on the land conversion or transfer and they approved in writing? This may include 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 the lands are otherwise encumbered with a Federal interest (e.g., Former Federal surplus property). |  |  |
| 7. | Does the project require the preparation of an Environmental Impact Statement (EIS)? |  |  |

**ALTERNATIVES AND FINDINGS YES NO**

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| 1. | The **“Do-Nothing” Alternative** has been evaluated, and is not  considered to be feasible and prudent because: |  |  |
| 1. it would not correct existing or projected capacity deficiencies; or 2. it would not correct existing safety hazards; or 3. it would not correct existing deteriorated conditions and maintenance problems; and 4. 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. | An alternative has been evaluated **which improves the highway without using adjacent 4(f) lands**, and is not considered to be feasible and prudent to avoid Section 4(f) lands by roadway design or transportation system management techniques such as minor alignment shifts, changes in geometric design standards, use of retaining walls and/or other structures and traffic diversions or other traffic management measures because implementing such measures would result in: |  |  |
| 1. substantial adverse community impacts to adjacent homes, businesses or other improved properties; or 2. substantially increased transportation facility or structure cost; or 3. unique engineering, traffic, maintenance, or safety problems; or 4. substantial adverse social, economic, or environmental impacts; or 5. the project not meeting identified transportation needs; and 6. the impacts, costs, or problems would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands.   Flexibility in the application of American Association of State Highway and Transportation Officials (AASHTO) geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative. | | |
| 3. | An alternative has been evaluated **on a new location avoiding the 4(f) site**, and is not considered to be feasible and prudent because: |  |  |
| 1. the new location would not solve existing transportation, safety, or maintenance problems; or 2. the new location would result in substantial adverse social, economic, or environmental impacts (including such impacts as extensive severing of productive farmlands, displacement of a substantial number of families or businesses, serious disruption of established patterns, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) lands; or 3. the new location would substantially increase costs or engineering difficulties (such as an inability to achieve minimum design standards, or to meet the requirements of various permitting agencies such as those involved with navigation, pollution, or the environment); and 4. 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.   Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative. | | |

**MEASURES TO MINIMIZE HARM YES NO**

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| This Nationwide Programmatic Section 4(f) Evaluation and approval may be used only for projects where the FHWA Division Representative, in accordance with this evaluation, ensures that the proposed action includes all possible 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. | | | |
| 1. | Does the proposed project include **one or more** of the following mitigation measures? | | |
| a. Replacement of lands used with lands of reasonably equivalent usefulness and location and of at least comparable value.  b. Replacement of facilities impacted by the project including sidewalks, paths, benches, lights, trees, and other facilities.  c. Restoration and landscaping of disturbed areas.  d. Incorporation of design features (e.g., reduction in right-of-way width, modifications to the roadway section, retaining walls, curb and gutter sections, and minor alignment shifts); and habitat features (e.g., construction of new, or enhancement of existing, wetlands or other special habitat types); where necessary to reduce or minimize impacts to the Section 4(f) property. Such features should be designed in a manner that will not adversely affect the safety of the highway facility. Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during such design.  e. Payment of the fair market value of the land and improvements taken or improvements to the remaining Section 4(f) site equal to the fair market value of the land and improvements taken.  f. Such additional or alternative mitigation measures as may be determined necessary based on consultation with, the officials having jurisdiction over the parkland, recreation area, or wildlife or waterfowl refuge. |  |  |
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| 2. | Have the officials with jurisdiction over the Section 4(f) lands provided concurrence in writing?  List all applicable officials: |  |  |

**COORDINATION** **YES NO**

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| 1. | Has the proposed project been coordinated with the Federal, State, and/or local officials having jurisdiction over the Section 4(f) lands and concurrence in writing been given?  List all applicable officials: |  |  |
| 2. | In the case of non-federal Section 4(f) lands, has the official with jurisdiction been asked to identify any Federal encumbrances; and has coordination occurred with the Federal agency responsible for the encumbrance? |  |  |
| 3. | Does the proposed project require an individual bridge permit from the US Coast Guard? |  |  |
| 4. | If a US Coast Guard permit is required, has coordination with the US Coast Guard occurred? |  |  |

**APPROVAL PROCEDURE** **YES NO**

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| This programmatic Section 4(f) approval applies only after the FHWA Division Representative has: | | | |
| 1. | Determined that the project meets the applicability criteria set forth above; |  |  |
| 2. | Determined that all of the alternatives set forth in the Findings section have been fully evaluated; |  |  |
| 3. | Determined that the findings in this document (which conclude that there are no feasible and prudent alternatives to the use of the publicly owned park, recreation area, or wildlife or waterfowl refuge) are clearly applicable to the project; |  |  |
| 4. | Determined that the project complies with the Measures to Minimize Harm section of this document; |  |  |
| 5. | Determined that the coordination called for in this programmatic evaluation has been successfully completed; |  |  |
| 6. | Assured that the measures to minimize harm will be incorporated into the project; and |  |  |
| 7. | Documented the project file clearly identifying the basis for the above determinations and assurances. |  |  |

**SUMMARY AND APPROVAL**

The proposed action meets all criteria regarding the required Alternatives, Findings, and Measures to Minimize Harm, which will be incorporated into this proposed project. This proposed project therefore complies with the December 23, 1986 Programmatic Section 4(f) Evaluation by the U.S. Department of Transportation’s Federal Highway Administration. This approval is made Pursuant to Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303, Section 18(a) of the Federal-Aid Highway Act of 1968, 23 U.S.C. 138, and 23 CFR 774.

**Approved: Date:**

FHWA Representative