



Arizona Department of Transportation
Intermodal Transportation Division

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To: Local Public Agencies

From: Thor Anderson, Manager
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Subject: Section 4(f) Evaluations

It has come to the attention of the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) Arizona Division that some local public agencies (LPA) are making determinations under Section 4(f) of the U.S. Department of Transportation Act of 1966. In addition, LPAs are also signing and sending letters to obtain concurrence with these determinations. The purpose of this letter is to clarify LPA roles and responsibilities with respect to the Section 4(f) regulations.

Section 4(f) protects significant publicly owned parks, recreation areas, wildlife and waterfowl refuges, and significant publicly or privately owned historic sites. FHWA must approve all Section 4(f) evaluations, determinations, and Section 4(f) statements and this responsibility cannot be transferred or delegated. Since Section 4(f) determinations made by an LPA are invalid, these submissions will be rejected necessitating a reevaluation utilizing the process outlined below, resulting in delays in project development. LPAs shall coordinate with FHWA and ADOT as follows:

- As soon as a property that is potentially subject to Section 4(f) is identified by an LPA, FHWA and ADOT shall be consulted to make the final determination as to whether the property is subject to Section 4(f) protections.
- Upon the identification of a resource subject to Section 4(f) protections, the LPA shall set up a meeting with ADOT and FHWA environmental staff to discuss the approach to protect or avoid the resource. FHWA and ADOT shall be included in any decisions pertaining to impacts to and analysis of resources subject to Section 4(f) protections prior to finalizing plans or preparing a Section 4(f) analysis.
- All relevant correspondence to "officials with jurisdiction" over a resource subject to protection under Section 4(f) must come from FHWA on FHWA letterhead.
- Documentation regarding resources subject to protection under Section 4(f) shall be presented to ADOT and FHWA in draft form for review and approval prior to the finalization of the environmental document.

These actions are required to be in conformance with agreements with ADOT and to be in compliance with the Section 4(f) regulations (23 CFR 774). Questions regarding Section 4(f) may be directed to Patricia Hunter at (602)-712-6895.