

Project Information	
Project Name: Enter project name.	Federal-aid Number: Enter number
ADOT Project Number: Enter number	NEPA Class of Action:
Approval MOU <input type="checkbox"/> 23 U.S.C. 326	Project Administration: <input type="checkbox"/> ADOT
<input type="checkbox"/> 23 U.S.C. 327	<input type="checkbox"/> LPA

According to Title 23 Code of Federal Regulations (CFR) 774.17, a property afforded protection under Section 4(f) is defined as “publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance.”

Section 4(f) requirements stipulate that the USDOT agencies may not approve the use of a Section 4(f) property unless there is no feasible and prudent alternative to the use of that land, and the proposed action includes all possible planning to minimize harm to the property resulting from such use, OR it is determined that the use of the property, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property.

23 CFR §§ 774.11 and 774.13 identify applicability (exemptions and exceptions) to the requirement for Section 4(f) approval.

**Project Description:**

(Provide a concise description of the proposed action.)

**Identification of Property:**

(List the property and provide a description of the property as per Chapter 6 of the Section 4(f) Manual. Include a map, photo(s), etc. as appropriate.)

**Official With Jurisdiction (OWJ) Over Property (if required):**

1. Identify agency with jurisdiction:
2. Name and title of contact person at agency:

**Determination of Applicability:**

Indicate which of the following apply (more than one may be applicable, indicate all that apply):  
*Provide additional information regarding each checked item.*

**23 CFR 774.11 - Applicability**

- 1. **Non-Section 4(f) Multi-use lands:** The project involves a multiple-use facility (state, federal, National Forest, large municipal-owned land, etc.) but does not impact an area that is managed for/functions specifically as a Section 4(f) property. *Requires OWJ concurrence.* No Applicability under 23 CFR 774.11(d)
  
- 2. **Reserved Transportation ROW or Joint Planning:** The project involves a property that is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established, and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource occurs. *Requires document of record.* No Applicability under 23 CFR 774.11(h) or (i)

**23 CFR 774.13 - Exceptions**

- 1. **Historic Transportation Facilities:** The project involves; common post-1945 concrete or steel bridges and culverts that are exempt from individual review under 54 U.S.C. 306108; improvement of railroad or rail transit lines that are in use or were historically used for the transportation of goods or passengers, including, but not limited to, maintenance, preservation, rehabilitation, operation, modernization, reconstruction, and replacement of railroad or rail transit line elements, except for certain bridges and stations; the maintenance, preservation, rehabilitation, operation, modernization, reconstruction, or replacement of historic transportation facilities that are on or eligible for the *National Register* and would not adversely affect the historic qualities of the facility that caused it to be on or eligible for listing and the official(s) with jurisdiction over the Section 4(f) resource have not objected to the Section 106 determination. (23 CFR 774.13(a))
  
- 2. **Archaeological Sites:** The project involves an archeological resource that is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and the official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the Administration finding in regard to the resource, data recovery and preservation in place. (23 CFR 774.13(b)) **Note:** Exception applied only when there is an adverse effect under Section 106
  
- 3. **Trails:** The project involves certain trails, paths, bikeways, and sidewalks where (1) the trail-related project is funded under the Recreational Trails Program (23 U.S.C. 206(h)(2)); (2) the trail is a national historic trail designated under the National Trails System Act (with the exception of segments that are historic sites) (16 U.S.C. 1241-1251); (3) the trail/path/bikeway/sidewalk occupies a transportation facility right-of-way and can be maintained somewhere within that right-of-way; or (4) the trail/path/bikeway/sidewalk is part of the local transportation system and functions primarily for transportation. (23 CFR 774.13(f))

- 4. **Enhancements:** The project involves transportation enhancement activities, transportation alternatives projects, or mitigation activities, where the use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection. (23 CFR 774.13(g))

- 5. **Temporary Occupancy:** Temporary occupancy of land that is so minimal as to not constitute a use within the meaning of Section 4(f). Requires OWJ concurrence. (23 CFR 774.13(d))

**Description of the Temporary Use:**

(Describe the temporary occupancy including size, location, activity, duration, etc. including temporary construction easements (TCEs) as per Chapter 6 of the *Section 4(f) Manual*.)

**Applicability Criteria for Temporary Occupancy:**

Based on adequate documentation, including mapping, verify that all of the following are true. (If any of the items below are not true, the project would result in an actual use, and this form cannot be used.) The OWJ must concur with the following for the project:

- Involves no permanent right-of-way acquisition or other change in ownership, and does not result in the retention of long-term or indefinite interests in the land for transportation purposes.
- Is of temporary duration; i.e. less than the time needed for construction of the project.
- Does not result in any permanent adverse physical impacts or interfere with the protected activities, features, or attributes which are important to the purposes or functions that qualify the property for protection under Section 4(f) on a temporary or permanent basis.
- Is minor in that the nature and magnitude of the changes to the Section 4(f) property will be minimal.
- Allows for full restoration of the Section 4(f) property to a condition at least as good as that which existed prior to the project.

**Concurrence** by official with jurisdiction over the Section 4(f) property (*if required*):

<hr/>	Date: _____
Name of Official with Jurisdiction: Signature of Official with Jurisdiction	
<i>(Optional: other documentation such as letters or emails may be used in replacement of signing this page) Check here if other documentation is included in the project file.</i> <input type="checkbox"/>	

**Approval of Section 4(f) Applicability or Exceptions:**

_____	Date: _____
Environmental Planner/HPT Lead: <b>(Delete staff position not used and this text)</b>	
_____	Date: _____
Approved By:	