

SECTION 4(F) IN FOCUS: A NATIONAL SAFEGUARD FOR HISTORIC PRESERVATION



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Historic Preservation
Save the past. Enrich the future.

What is Section 4(f)? Section 4(f) of the Department of Transportation Act, the law that established the U.S. Department of Transportation, is intended to protect significant parks, recreation areas, wildlife refuges, and historic sites from the effects of transportation projects. Under Section 4(f), historic sites and other protected resources **must** be avoided, unless there is “no feasible and prudent alternative” and all “possible planning to minimize harm” has been utilized. This legal requirement has become an indispensable safeguard to protect our historic and cultural resources.

How is Section 106 Different? Section 106 of the National Historic Preservation Act requires consultation between agencies and the federal Advisory Council on Historic Preservation (ACHP). However, a process that requires only **considering** the impacts of the project, but no mandate to avoid or minimize those impacts, provides much weaker protection for historic resources. Fortunately, the evaluation process under section 106 is fortified by the substantive protections of section 4(f) for transportation projects.

Case Study: Fort McHenry - Baltimore, MD



Saved by 4(f): Historic Fort McHenry, Baltimore Harbor

Fort McHenry in Baltimore is one of the best-known and earliest beneficiaries of Section 4(f)’s protections. Fort McHenry, the site that inspired the National Anthem, was originally slated to be overshadowed by an elevated interstate highway bridge. It was near this fort that Francis Scott Key saw “proof through the night that the flag was still there” after a night of heavy fighting during a siege by the British in 1814.

In the early 1970s, transportation planners had drawn up plans for a massive Interstate bridge to arch over the fort, leaving the stars and stripes in the shadows. In addition, hundreds of homes were planned to be bulldozed to make room for the highway. When the public raised objections to the project, Section 4(f) led the highway officials to change their plans.

In the end, they chose to build a tunnel under the Baltimore harbor in order to avoid harm to Fort McHenry — a project that ultimately came in on time and under budget.

In this case, Section 4(f) was instrumental in leading to a better transportation solution and saving an iconic historic resource with enduring value to the nation.