

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

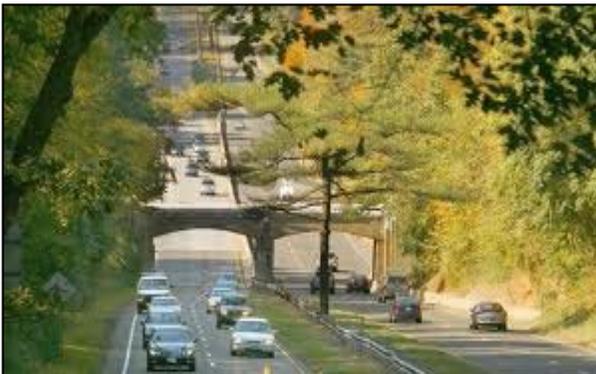


National Trust *for*  
Historic Preservation  
*Save the past. Enrich the future.*

**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: Merritt Parkway - Connecticut**



**Saved by 4(f): Historic Merritt Parkway in Norwalk, CT**

The 38-mile long Merritt Parkway was built in the 1930s in Connecticut, and is recognized today as one of the most significant and intact historic parkways in the nation, with almost 70 historic bridges. From the outset, Parkway planners secured a 300-foot wide right-of-way in order to protect the carefully designed landscape on both sides of the route.

The Merritt Parkway was threatened by a proposed interchange expansion project in Norwalk, which would have destroyed four historic bridges and nearly a mile of mature landscaping in order to construct massive, elevated ramps. Review under Section 106 of the National Historic

Preservation Act achieved nothing more than a promise to document one of the historic bridges before destroying it, and to allow an advisory committee to comment on the plans.

The Section 4(f) mandate to incorporate “all possible planning to minimize harm” was the substantive standard that ultimately caused the state and federal transportation agencies to revise their plans and significantly downsize the interchange. Because of Section 4(f), the Merritt Parkway was saved from this destructive project.