

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: Michigan Street Bridge - Sturgeon Bay, WI



Saved by 4(f): Michigan Street Bridge

The historic 1930 Michigan Street Bridge in Sturgeon Bay, Wisconsin, is an unusual rolling-lift, bascule-type bridge, with two counterweighted spans that pivot upward to allow boat traffic to pass underneath. In the late 1990s, the Wisconsin Department of Transportation wanted to demolish and replace the bridge. Section 106 was **not** successful in protecting this historic bridge. In early 1997, the ACHP signed an agreement that authorized demolition of the bridge over the objection of local citizens. In 1998, the National Trust for Historic Preservation began collaborating with local preservation advocates to protect and preserve the bridge. Because of Section 4(f) the federal and state transportation agencies changed their plans, with the support of city and county officials. The historic Michigan Street Bridge was rehabilitated and an additional two-lane bridge was constructed nearby. Section 4(f) was

instrumental – where Section 106 had failed – in leading to a better transportation solution and saving a historic resource with enduring value to the community.