**Project name:** <enter name>

**Main CSJ:** <enter CSJ>

**District:** <enter district>

**County(ies):** <enter county or counties>

**Name of person filling-out this form:** <enter name>

**Date on which this form was filled-out:** <enter name>

**Is this project assigned to TxDOT under the NEPA Assignment MOU?**

Yes  
The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

No

**Section 4(f) property name:** <enter name>

**Section 4(f) property ID (if applicable):** <enter ID>

**Briefly describe the Section 4(f) property**: <enter description>

**What type of Section 4(f) property is it?**

Park, recreation area, or wildlife or waterfowl refuge

Non-archeological historic site

Archeological historic site

**Describe how the project will use the Section 4(f) property**: <enter description>

**Which exception applies to the project’s use of the Section 4(f) property? (check only one box)**

A. Improvement of certain railroad or rail transit lines

B. Historic transportation facilities

C. Archeological sites

D. Temporary occupancy

E. Recreational trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way

F. Trails, paths, bikeways, and sidewalks that function primarily for transportation

G. Transportation enhancement activities, transportation alternatives projects, and mitigation activities

Complete the appropriate section below based on which exception applies. There is no need to complete the sections for any of the other exceptions.

**A. Improvement of certain railroad or rail transit lines (23 CFR 774.13(a)(2))**

This exception can be used for 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:

1. Stations;
2. Bridges or tunnels on railroad lines that have been abandoned, or transit lines not in use, over which regular service has never operated, and that have not be railbanked or otherwise reserved for the transportation of goods or passengers; and
3. Historic sites unrelated to the railroad or rail transit lines.

Does the above-described use of the Section 4(f) resource meet all requirements of this exception?

Yes

(Note: This exception does not require consultation with the official with jurisdiction.)

**B. Historic transportation facilities (23 CFR 774.13(a)(3))**

This exception can be used for maintenance, preservation, rehabilitation, operation, modernization, reconstruction, or replacement of historic transportation facilities, if:

(1) TxDOT concludes, as a result of the consultation under [36 CFR 800.5](https://www.ecfr.gov/current/title-36/section-800.5), that such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or this work achieves compliance with Section 106 through a program alternative under [36 CFR 800.14](https://www.ecfr.gov/current/title-36/section-800.14); and

(2) The official(s) with jurisdiction over the Section 4(f) resource have not objected to the Administration conclusion that the proposed work does not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or the Administration concludes this work achieves compliance with [54 U.S.C. 306108](https://www.govinfo.gov/link/uscode/54/306108) (Section 106) through a program alternative under [36 CFR 800.14](https://www.ecfr.gov/current/title-36/section-800.14).

Does the above-described use of the Section 4(f) resource meet all requirements of this exception, including no objection from the SHPO?

Yes

**C. Archeological sites (23 CFR 774.13(b))**

This exception can be used for impacts to archeological sites that are on or eligible for the National Register if:

(1) TxDOT concludes that the archeological resource 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

(2) The official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the Administration finding in [paragraph (b)(1)](https://www.ecfr.gov/current/title-23/section-774.13#p-774.13(b)(1)) of this section.

Does the above-described use of the Section 4(f) resource meet all requirements of this exception, including no objection from the SHPO?

Yes

**D. Temporary occupancy (23 CFR 774.13(d))**

This exception can be used for temporary occupancies of land that are so minimal as to not constitute a use with the meaning of Section 4(f) if all of the following conditions are met:

(1) Duration must be temporary, *i.e.*, less than the time needed for construction of the project, and there should be no change in ownership of the land;

(2) Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;

(3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;

(4) The land being used must be fully restored, *i.e.*, the property must be returned to a condition which is at least as good as that which existed prior to the project; and

(5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Does the above-described use of the Section 4(f) resource meet all requirements of this exception, including documented agreement of the official(s) with jurisdiction?

Yes

**E. Recreational trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way (23 CFR 774.13(f)(3))**

This exception can be used for impacts to trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way without limitation to any specific location within that right-of-way, so long as the continuity of the trail, path, bikeway, or sidewalk is maintained.

Does the above-described use of the Section 4(f) resource meet all requirements of this exception?

Yes

(Note: This exception does not require consultation with the official with jurisdiction.)

**F. Trails, paths, bikeways, and sidewalks that function primarily for transportation (23 CFR 774.13(f)(4))**

This exception can be used for impacts to trails, paths, bikeways, and sidewalks that are part of the local transportation system and which function primarily for transportation.

Does the above-described use of the Section 4(f) resource meet all requirements of this exception?

Yes

(Note: This exception does not require consultation with the official with jurisdiction.)

**G. Transportation enhancement activities, transportation alternatives projects, and mitigation activities (23 CFR 774.13(g))**

This exception can be used for transportation enhancement activities, transportation alternatives projects, and mitigation activities if all of the following conditions are met:

(1) 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; and

(2) The official(s) with jurisdiction over the Section 4(f) resource agrees in writing to [the](https://www.ecfr.gov/current/title-23/section-774.13#p-774.13(g)(1)) above.

Does the above-described use of the Section 4(f) resource meet all requirements of this exception, including written agreement from the official(s) with jurisdiction?

Yes

**H. Attachments**

The following must be attached to this checklist (check each item to verify attachment):

Detailed aerial photograph or design showing boundaries of the Section 4(f) property, current and proposed right-of-way lines, and any other relevant details such as impacted trails, proposed temporary occupancy area, etc.

Written agreement from the official(s) with jurisdiction (if applicable)

The following are optional attachments to this checklist:

Street level photograph(s)