

Department of Transportation Act

DECLARATION OF PURPOSE AND SECTION 4(F), AS AMENDED

This Act became law on October 15, 1966 (Public Law 89-670), 49 U.S.C. 303 (formerly 49 U.S.C. 1651(b)(2) and 49 U.S.C. 1653f). Public Law 90-495 (August 23, 1968) amended section 4(f) to its most commonly known form which is presented here. Public Law 97-449 (January 12, 1983) re-codified the Act from 49 U.S.C. 1651 to 49 U.S.C. 303. Congress has amended this Act three other times. The description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act as amended) rather than to the "subchapter" or the "title" of the Code.

49 U.S.C. 303,
Policy on lands,
wildlife and water-
fowl refuges, and
historic sites.

Section 4(f)

It is hereby declared to be the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

49 U.S.C. 303(b)

The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities.

49 U.S.C. 303(c)

The Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) [of the United States Code, "Federal Lands Highways Program"] requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if—

(1) there is no prudent and feasible alternative to using that land; and

(2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.