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| --- | --- | --- | --- | --- |
| Project: <Enter Project Name> | | | | |
| Limits: <Enter Project Limits> | | | | |
| County: <Enter Name of County> | | | | |
| District: <Enter Name of District> | | | | |
| Control Section Job Number (CSJ): <Enter CSJ Number> | | | | |
| Property Name: <Enter Property Name> | | | | |
| Owner with Jurisdiction: <Enter OWJ Name> | | | | |
|  | | | | |
| The Texas Department of Transportation (TxDOT) districts and Environmental Affairs Division (ENV) use this checklist and supporting documentation to make recommendations and determinations about compliance with Section 4(f) Programmatic Net Benefit ([23 CFR 774.3(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=72be9cc5ef837de9d61f38faaee962cd&mc=true&node=pt23.1.774&rgn=div5#se23.1.774_17)). Once completed, the checklist serves as the record of the determination of compliance with Section 4(f), and both the checklist and attached documentation are retained in the project file maintained in the Environmental Compliance Oversight System (ECOS). | | | | |
|  | | | | |
| **Size of Section 4(f) Property:** <Enter # of acres>acres | | | | |
| **ROW Required:** <Enter # of acres> acres | | | | |
| **Easement Required:** <Enter # of acres> acres | | | | |
| Describe the Section 4(f) impact | | | | |
| <Describe the impact to the property> | | | | |
|  | | | | |
| I. Description of Project Scope/Purpose and Need Statement | | | | |
| <Describe the project's scope/purpose and need> | | | | |
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| II. Determination of Applicability | | | | |
| *All boxes below must result in a Yes answer for this checklist to be used.* | | | | |
| Yes | No | |  | |
|  |  | | 1. Does the proposed transportation project use a Section 4(f) park, recreation area, wildlife or waterfowl refuge? | |
|  |  | | 1. Does the proposed project include all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection? | |
|  |  | | 1. Has the official(s) with jurisdiction (OWJ) over the Section 4(f) property agreed in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property? | |
|  |  | | 1. Has the department delegate determined that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation? | |
|  | | | | |
| III. Identify additional Section 4(f) properties in the project area | | | | |
| *Either exception, de minimis, or another programmatic* | | | | |
| <List additional Section 4(f) properties> | | | | |
| **Comments:** <Enter comments on additional Section 4(f) properties> | | | | |
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| IV. Alternatives Considered/Findings | | | | |
| 1. **No-Action or No-Build Alternative:** *(Verify that the following applies)*: | | | | |
| True | False | | | This alternative is not feasible and prudent because it would neither address nor correct the transportation need cited as the NEPA purpose and need, which necessitated the proposed project. |
|  |  | | | **Recommendation Statement (Mandatory)**  This alternative is determined to <fail/meet> the Section 4(f) prudent and feasible standard and <is/is not> recommended |
| 1. **Improvement without Using Adjacent Section 4(f) Lands:** It is not feasible and prudent to avoid Section 4(f) lands by roadway design or transportation system management because implementing such measures would result in *(Indicate all that apply)*: | | | | |
|  | | Substantial adverse community impacts to adjacent homes, businesses or other improved properties | | |
|  | | Substantially increased roadway or structure cost | | |
|  | | Unique engineering, traffic, maintenance, or safety problems | | |
|  | | Substantial adverse social, economic, or environmental impacts | | |
|  | | A substantial missed opportunity to benefit a Section 4(f) property | | |
|  | | The project not meeting identified transportation needs | | |
|  | | Impacts, costs, or problems would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands. | | |
|  | | **Recommendation Statement (Mandatory)**  This alternative is determined to <fail/meet> the Section 4(f) prudent and feasible standard and <is/is not> recommended. | | |
| 1. **Alternative on New Location:** It is not feasible and prudent to avoid Section 4(f) lands by constructing on new alignment because*(Indicate all that apply)*: | | | | |
|  | | The new location would not address or correct the problems cited as the NEPA purpose and need, which necessitated the proposed project | | |
|  | | The new location would result in substantial adverse social, economic, or environmental impacts. | | |
|  | | The new location would substantially increase costs or engineering. | | |
|  | | Such problems, impacts, costs, or difficulties would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands. | | |
|  | | **Recommendation Statement (Mandatory)**  This alternative is determined to <fail/meet> the Section 4(f) prudent and feasible standard and <is/is not> recommended. | | |
|  | | | | |
| V. Measures to Minimize Harm | | | | |
| *Indicate all that apply, but a minimum of one must be selected.* | | | | |
|  | | The proposed action includes all possible planning to minimize harm | | |
|  | | The proposed action includes all possible mitigation measures | | |
|  | | The official with jurisdiction has agreed to the proposed mitigation in writing | | |
|  | | | | |
| VI. Public Involvement | | | | |
|  | Public involvement to present the proposed use of the Section 4(f) property has been conducted.  Public Involvement was undertaken on: mm/dd/yy | | | |
|  | | | | |
| VII. Mitigation Commitment | | | | |
| *Describe mitigation agreed to in consultation with official with jurisdiction (if applicable):* | | | | |
| <describe details of the mitigation agreement> | | | | |
|  | | | | |
| VIII. Documentation | | | | |
| The following **MUST** be attached to this checklist to ensure proper documentation of the Net Benefit Programmatic Section 4(f): | | | | |
| 1. Copy of WPD I Screen from ECOS | | | | |
| 1. Explanation of how the property will be used | | | | |
| 1. A detailed map of the Section 4(f) property including: 2. Current and proposed ROW 3. Property boundaries 4. Access points for pedestrains and vehicles 5. Existing and planned facilities | | | | |
| 1. Comparative alternatives analysis chart | | | | |
| 1. Currence letter from OWJ | | | | |
| IX. Summary | | | | |
| 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 July 17, 2025, and executed by FHWA and TxDOT.  The proposed project meets all the applicability criteria set forth by the Federal Highway Administration’s (FHWA) guidance for Programmatic Evaluation for Transportation Projects that have a Net Benefit to a Section 4(f) Property. All alternatives set forth in the subject programmatic were fully evaluated and the findings made are clearly applicable to this project. There are **no feasible and prudent alternatives** to the use or take from the <enter the name and/or address of the Section 4(f) resource>.  The project includes all possible planning to minimize harm. The Texas Department of Transportation (TxDOT) will include the measures to minimize harm as environmental commitments in the applicable National Environmental Policy Act (NEPA) document and Environmental Compliance Oversight System (ECOS) for the proposed project. | | | | |