



Section 4(f) and Section 6(f)

Federal approval of a transportation project that will impact a park or historic property triggers requirements under Section 4(f) of the Department of Transportation Act. Similarly, under Section 6(f) of the Land and Water Conservation Fund (LWCF) Act, when property acquired or developed with LWCF grant money is converted to a non-recreational purpose, other specific requirements must be addressed.

Kaplan Kirsch & Rockwell successfully navigates the statutory and regulatory requirements to secure these projects' approval and use the Section 4(f) and 6(f) protections as a tool to avoid project impacts.

Representative Projects

- Successfully used Section 4(f) protections to forestall construction of an airport runway that could have seriously damaged the historic commercial district of a small Texas town.
- Successfully litigated over Section 4(f) protections and secured additional mitigation measures for a Missouri city in which the principal golf course, park, and city center facilities were to be taken for an airport expansion.
- Successfully used Section 4(f) designations to stop highway concepts that were detrimental to Colorado municipality in favor of more compatible projects.
- Represented the Seattle transit agency in preparing Section 4(f) and 6(f) documentation and successfully defended subsequent federal court challenge to Federal Transit Administration approvals of a project to build a new light rail line in suburban Seattle.
- Advised clients and undertook litigation regarding the application of Section 4(f) to highway projects that affect historic sites, open space, and other resources.
- Developed a strategy for a proponent of a large theme park complex in the eastern United States that would have allowed the construction of a new interstate highway interchange near a prominent Civil War battlefield park.