

Section 4(f) and Chapter 26

Section 4(f) and Chapter 26 are federal and state regulations, respectively, set up to protect the use of public lands in projects. These regulations require TxDOT to inform and gather input from the public.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 stipulates that TxDOT cannot approve the use of land from:

- **Publicly owned parks or recreational areas**
- **Wildlife and waterfowl refuges**
- **Public and private historic sites**

Unless the following conditions apply: There is no feasible and prudent avoidance alternative to the use of that land; and the action includes all possible planning to minimize harm to the property resulting from such use; or TxDOT determines that the use of the property will have a de minimis, minimal impact.

Chapter 26

Chapter 26 is a state regulation in the Texas Parks and Wildlife Code (PWC) established to protect parks, recreational and scientific areas, wildlife refuges and historic sites from being used or taken by the state or local agencies for public projects. Similar to Section 4(f) of the U.S. Department of Transportation Act of 1966 in its requirements, except that Texas law requires a public hearing for any use or taking of protected land.