



Protecting Our National Treasures

Safeguarding America’s Precious Natural, Cultural and Historic Resources from Bulldozers

In 1966, in the midst of the Interstate era, Congress enacted a measure to protect unique natural and historical areas from being destroyed by roadbuilding projects. The measure, known as 4(f) because of its section heading in the law, has been critically important to protecting our national treasures. Today, the measure continues to apply to the approximately 16,000 lane-miles built every year in the U.S., requiring engineers to plan around priceless historic, cultural, and natural sites. Recent proposals call for this law to be dismantled, disregarding the danger to our national treasures.

4(f) Success Stories: Ensuring that the “Flag Was Still There”

The 4(f) Protections have worked to save countless national treasures. As a legal bulwark 4(f) is often the last defense in the face of ill-formed roadway expansion plans that fail to take community landmarks into account.

Fort McHenry in Baltimore is one of the best-known beneficiaries of the 4(f) Protections. Fort McHenry, the site that inspired the National Anthem, was originally slated to be overshadowed by an Interstate bridge. It was near this fort that Francis Scott Key saw "proof through the night that the flag was still there" after a night of heavy fighting during a siege by the British in 1814. In the early 1970s, transportation planners had drawn plans for an Interstate bridge to arch over the fort, leaving the stars and stripes in the shadows. In fact, hundreds of homes were bulldozed to make room for the highway. When citizens raised concerns about the project, planners revisited the alternatives and in the end chose to build a tunnel under the Baltimore harbor instead – a project which in the end came in on time and under budget.

More recently, the sacred lands on the Flathead Indian Reservation in Montana were threatened by expansion of U.S. 93 in the 1990s. The local Confederated Salish and Kootenai Tribes opposed the widening of the roadway. The Federal Highway Administration agreed with the Tribes that the proposal had not adequately considered the impacts to historic and natural resources, and withheld federal funding. After over a decade of controversy, the Montana Department of Transportation began a cooperative process with the local tribes to create a new highway design, minimizing impacts to the area. The new plan is now widely hailed as a hallmark of



Aerial view of Fort McHenry
Baltimore, Maryland



Confederated Salish and Kootenai Tribes
Montana

sensitive highway design. Without the 4(f) Protections, the tribes would not have been able to protect their cultural and historic resources, nor would the U.S. 93 expansion project receive the praise that it does today.

The historic downtown area of Fort Worth, Texas – the city known as "Where the West Begins" – was also saved by the 4(f) Protections. In the 1980s the Texas Department of Transportation revealed plans to expand I-30 – which already isolated several historic buildings including the T&P railroad station – right up to their façades. I-CARE, a coalition of local business leaders and historic preservationists, was able to use the legal standing provided by the 4(f) Protections to force the Department of Transportation to fully consider alternatives. Eventually they chose an alternative to their original plan, and relocated the elevated portion of I-30 outside the downtown area. In 2002, the old segment of I-30 was torn down, reuniting the train station and other structures with Lancaster Avenue, reconnecting them once again to Fort Worth's vibrant downtown. Lancaster Avenue is now slated for redevelopment as a pedestrian-friendly boulevard to connect the rest of downtown with the new Trinity Railway Express commuter rail service at the railroad station.



Lancaster Avenue, with I-30 Overpass and in an artist's rendering of construction plans Fort Worth, Texas

4(f) Protections Imperiled

In spite of the tremendous successes of the 4(f) Protections in bringing valuable perspectives to transportation planning decisions, the law as it stands is currently under attack. If these attacks are successful, the 4(f) Protections would be severely weakened in the new surface transportation bill to be completed this year. The proposed softening of the law would increase the number of highway projects that are exempt from the Protections, while at the same time weakening the statute that requires highway builders to consider every "prudent and feasible" alternative to a disruptive project. The requirement to actively protect valuable landmarks would drop away, to be replaced by the request that the transportation secretary merely *think* about protecting those landmarks. This essentially converts what was a strong legal protection into a matter up to the personal discretion of the transportation secretary.

The opponents of 4(f) Protections claim that the provision is outdated because historic and natural sites are no longer threatened on a large scale. However, even today many significant historic places are threatened by ill-formed plans for transportation expansion.

Selected Historic Places Still Threatened by Road Projects:

- **Ocmulgee Old Fields**, Macon, Georgia
- **Amelia Earhart Memorial Bridge**, Atchison, Kansas
- **Chancellorsville Battlefield**, Fredericksburg, Virginia
- **Country Estates of River Road**, Louisville, Kentucky
- **Pasadena, South Pasadena and El Sereno**, California
- **Mobile**, Alabama
- **Historic Bridges**, Nationwide

For further information, see:

<http://www.transact.org>
<http://www.tea3.org>
<http://www.antc.net>

Historic Sites that could be Destroyed under a Weakened 4(f)

The National Trust for Historic Preservation profiles national treasures still endangered by road building. The Ocmulgee Old Fields near Macon, Georgia, is one such area currently under threat. The Old Fields, located adjacent to pristine wetlands along the Ocmulgee river, are home to 12,000-year-old Ice Age artifacts and embellished pottery left behind by the Muscogee Creek Nation. The site was named a National Monument in 1936, and it recently qualified to be listed on the National Register of Historic Places – the first National Register site east of the Mississippi River to be recognized as a Traditional Cultural Property. The Georgia Department of Transportation currently has plans to construct a multi-lane highway bisecting the Old Fields area. More than two dozen Native American tribes have joined environmental and preservation organizations in opposing the highway. The 4(f) Protections are the only legal tool these groups possess to make their voices heard in the process, giving them a chance to protect the irreplaceable resources at the site.



Ocmulgee National Monument
Macon, Georgia

Sources:

11 Most Endangered Places annual list, National Trust for Historic Preservation.
<<http://www.nationaltrust.org/11Most/2003/index.html>>

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Federal Highway Administration. *Highway Statistics Series, 1991-2001*.

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