2.D  COMPLIANCE WITH SECTION 6(F) AND SECTION 110

Interim Project Environmental Guidelines

Last Issuance: As IPDG #29 in December 1980

Planned Revision: To be incorporated into a planned PEG entitled “Section 6(f) and Section 110" to address compliance with both Section 6(f) of the Land and Water Conservation Fund Act and Section 110 of the Urban Park and Recovery Act.

Expected Revision Date: April 2002

Responsible EAB Section: Cultural Resources/Socio-Economic/Process Section

This interim guidance is to provide information on complying with both Section 6(f) of the Land and Water Conservation Fund Act and Section 110 of the Urban Park and Recovery Act in transportation project development activities. Section 4(f) of the Department of Transportation Act.

2.D.1.B FHWA 1/15/62 BRIEF GUIDANCE DOCUMENT ON COMPLIANCE WITH SECTION 6(F) FOR HIGHWAY PROJECTS;

Any questions regarding materials contained in this section can be directed to Mary Ivey, Environmental Analysis Bureau (518/457-5672).
Date December 3, 1980

MEMORANDUM
DEPARTMENT OF TRANSPORTATION

SUBJECT
1. COMPLIANCE WITH SECTION 6(f) OF THE U.S. LAND
   AND WATER CONSERVATION FUND ACT
2. COMPLIANCE WITH SECTION 1010 OF THE URBAN PARK
   AND RECREATION RECOVERY ACT
   INTERIM PROJECT DEVELOPMENT GUIDELINE IPDG TRANSMITTAL 29

From K. Q. Smith, Environmental Analysis Bureau, 5-524

To All Regional Directors
J. Marino, Office of New York City Affairs

cc: D. W. Harp, Office of Legal Affairs, 5-509
M. D. Graham, Office of Engineering, 5-504
G. M. Briggs, Office of Operations, 5-503
J. K. Mladinov, Office of Public Transportation, 5-502
J. E. Collison, Real Estate Division, 5-203
J. D. Egan, Program Planning and Management Group, 5-524A
R. H. Edwards, Facilities Design Division, 5-405
E. V. Hourigan, Structures Design and Construction Division, 5-6th Flr.
J. Stellato, Waterways Maintenance Division, 5-216
J. H. Shafer, Traffic and Safety Division, 5-312
E. W. Campbell, Planning Division, 4-115
K. W. Shiatte, Transit Division, 4-115
L. P. Rossi, Rail Division, 7A-306
H. B. Clarkson, Highways, Aviation and Ports Division, 4-115
R. K. Radliff, Preliminary Plan Review Bureau, 5-408
D. Fasser, Landscape Bureau, 5-407
J. M. Yorno, Design Bureau, 5-308
T. Smith, Project Development Bureau, 4-111
C. M. Cook, Aviation Bureau, 4-119
W. Mac Tiernan, Office of Legal Affairs, 5-509
All Regional Planning Engineers
All Regional Design Engineers
V. E. Taylor, Federal Highway Administration, Albany, N.Y.
J. Tomkowski, Office of Parks and Recreation, Albany, N.Y.
File 5251

Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) has a
provision that: "No property acquired or developed under this Section
shall, without approval of the Secretary (of Interior) be converted to
other than public outdoor recreation uses. The Secretary shall approve
such conversion only if he finds it to be in accord with the existing
comprehensive outdoor recreation plan and only upon such condition as
he deems necessary to assure the substitutions of other recreation
properties of at least equal market value and of reasonably equivalent
usefulness and location."

Another more recent federal grant program, the Urban Park and Recreation
Recovery Program (UPARR), authorized by the 1978 Urban Park and Recreation
Act, Title 10 of P.L. 95-625 (codified as 16 USC Sections 2501 through
2514), carries with it a provision in Section 1010 substantially the same
as 6(f).
Each of these provisions applies to any project proposed to use land from a park where the Land and Water Conservation Fund Act (LWCFA) or Urban Park and Recreation Recovery Program (UPARR) funds, respectively, have been used, whether or not the transportation project is federally aided.

The attached Interim Project Development Guideline (IPDG) provides information on compliance with Section 6(f) of the LWCFA and compliance with Section 1010 of the UPARR.

KQS:s
Attachments
The intent of this guideline is to provide information on complying with Section 6(f) of the U.S. Land and Water Conservation Fund Act (LWCF Act) and complying with Section 1010 of the Urban Park and Recreation Recovery Act in transportation project development activities.

**FEDERAL LAWS**

Section 6(f) of the Land and Water Conservation Fund Act is codified as 16 USC Section 460 L-8f (a copy of Section 460 L-8f is included as ATTACHMENT 1). This law states in part:

"No property acquired or developed with assistance under this section shall, without approval of the Secretary (of Interior), be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such condition as he deems necessary to assure the substitution of other recreation properties of at least equal market value and of reasonably equivalent usefulness and location."

Another more recent federal grant program, the Urban Park and Recovery Program (UPARR), authorized by the Urban Park and Recreation Recovery Act of 1978, Title 10 of P.L. 95–625 (codified as 16 USC Sections 2501 through 2514), carries with it a provision in Section 1010 substantially the same as 6(f).

ATTACHMENT 1 is a copy of this law; Section 2509 is Section 1010 of the Act.

**GUIDANCE FOR COMPLIANCE WITH SECTION 6(f) AND SECTION 1010**

On June 16, 1980 FHWA Region 1 prepared a brief document including Discussions and Procedures for compliance with Section 6(f) on highway projects. This guidance with some annotations is applicable to projects other than highways and is included as ATTACHMENT 2. The guidance also would apply to Section 1010 situations.
Section 6(f) or Section 1010 apply to any of our transportation projects that propose to use land from a park in which LWCF\(^A\) funds or UPARR\(^A\) funds respectively have been used whether or not the transportation project is to be federally aided.

One point to note is that in federal aid situations a Section 4(f) statement will probably always be required when there is Section 6(f) or Section 1010 involvement.

PROVISION OF REPLACEMENT LANDS

At this time, DOT does not have the authority to appropriate or acquire property for the express purpose of providing replacement parklands. The Section 6(f) requirement or the Section 1010 requirement may be met by Memorandum of Agreement with the public entity with jurisdiction over the park committing that entity to replace the parklands.

PARKS THAT HAVE USED LWCF\(^A\) OR UPARR\(^A\) FUNDS

ATTACHMENT 3 Computer Listing of projects that have received LWCF\(^A\) funds since 1965.