



June 14, 2004

Dear Conferee:

As you prepare to reconcile the House and Senate bills reauthorizing the nation's surface transportation laws, we urge you to support a key provision in the Senate version of the bill - the modifications to Section 4(f) of the Department of Transportation Act of 1966.

Support for the Voinovich Amendment to S. 1072:

Our respective organizations reached unprecedented common ground on Section 4(f). The agreement addresses the need to preserve existing levels of protection for Section 4(f) properties, while providing additional flexibility and encouraging common sense in the application of this statute. Senator Voinovich amended S. 1072 to include the language that was agreed upon by our organizations. This language would permit the satisfaction of Section 4(f) in cases where a project has a de minimis impact on a Section 4(f)-protected property (a historic site or a publicly owned park, recreation area, or wildlife or waterfowl refuge). For purposes of historic sites, the finding of de minimis impact could be made if the consultation process under Section 106 of the National Historic Preservation Act resulted in a finding of no adverse effect to the historic site, even though a small part of the site is to be used in transportation projects. For other Section 4(f)-protected properties, the finding of de minimis impact could be made with the concurrence of the public official with jurisdiction over the protected resource and after an opportunity for public involvement.

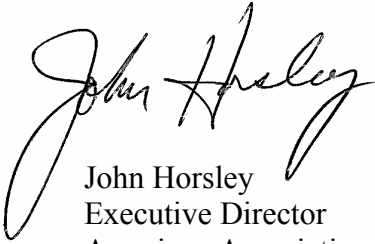
In addition to providing additional flexibility for projects with minor impacts, the agreed-upon Section 4(f) language calls for the U.S. Department of Transportation to clarify the legal standard that lies at the heart of Section 4(f) – the requirement to avoid Section 4(f) resources unless there is no “prudent and feasible” avoidance alternative. This rulemaking will promote consistency in the application of Section 4(f), while preserving the existing legal standards of protection for Section 4(f) resources.

We unequivocally support the Senate language regarding Section 4(f). It will encourage all agencies involved in the process to work together - with strong public involvement - by eliminating bureaucratic paperwork for projects with truly minimal impacts on historic places and by ensuring that Section 4(f) works effectively for all projects that would have the potential

to harm Section 4(f)-protected properties. Our members are pleased at the outcome reflected in the Senate bill.

Section 4(f) has been one of our major reauthorization concerns and our respective organizations respectfully request that you include the Senate language in the final bill. The consensus reflected therein will go a long way toward improving the functioning of Section 4(f) while maintaining existing levels of protection for Section 4(f)-protected resources.

Sincerely,



John Horsley
Executive Director
American Association
of State Highway and
Transportation Officials



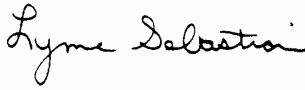
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