Integrating Section 106, Section 4 (f), and the Secretary of Interior’s Standards for the Treatment of Historic Properties in a Bridge Project

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Historic Bridges in Minnesota

• Roughly 4% of Minnesota’s bridges are listed, or eligible for listing, in the National Register of Historic Bridges (NRHP).
• 2008 Section 106 Programmatic Agreement among MnDOT, FHWA, and SHPO
• Sets aside 24 MnDOT-owned bridges for the highest level of maintenance and preservation.
• Also covers another 200+ bridges on state and local roadways that are listed or eligible to the National Register.
All bridge projects begin with the following two steps:

Step 1: Submit Early Project Notification Memo (EPN) to MnDOT

- EPN Memo available at: http://www.dot.state.mn.us/planning/hpdp/scoping.html
- Send to: joseph.hudak@state.mn.us.
- Include bridge number, county, and crossing.
- Be clear about sources of funding.
- Describe all project related road work under the State Project (SP) number.
Step 2: Cultural Resources Unit Checks Programmatic Agreement Bridge Lists

• A Cultural Resources Unit project manager will notify you of your bridge status.
• The status of your bridge, funding, proposed work will determine your environmental path.
• **Path 1.** Your project involves one of the 24 MnDOT-owned bridges designated for preservation/rehabilitation.
• **Path 2.** Your project involves one of the 200 +/- bridges that are listed on, or eligible for listing on, the National Register of Historic Places and **you are using FHWA funds.**
• **Path 3.** Your project involves a bridge that is one of the 200 +/- that are listed on, or eligible for listing on, the National Register of Historic Places and **you are using non-federal MnDOT State Aid funds and no federal permits or licenses are required. THIS PROCESS IS NOT YET DETERMINED.**
Path 1

The goal of Path 1 (one of the 24 bridges) is to meet the requirements and guidelines of each of the following in an integrated process:

• The National Historic Preservation Act of 1966 as amended, Section 106 (CFR 36 part 800).
• Secretary of Interior’s Standards for the Treatment of Historic Properties
• Individual Bridge Preservation Plan (on line or located in CRU)
• Path I requires that the bridge be rehabilitated rather than replaced.
Additional Cultural Resource Identification may be needed.

• Contact CRU.
Section 106 Consultation

• Consultation is required under Section 106 and must be initiated *early* in the project and *must* include the following parties:
  • The State Historic Preservation Office (SHPO)
  • Federal Highway Administration (FHWA) Representative
  • Notification of Local Preservation Organizations
  • Interested Tribal Representative(s): *Only* the CRU will contact tribal representatives.
  • Project Historian or Engineer
SHPO Consultation and Review Process

• Provide an initial package of the following to CRU for early coordination with SHPO including:
  • Your current statement of purpose and need.
  • Your Public Involvement Plan and preliminary identification of consulting parties.
• The SHPO reviews this package and comments in 30 days. (SHPO may call for meeting to discuss.)
• CRU sends your draft rehabilitation study to SHPO for written comment.
• SHPO must see 30% and 60% rehab plans and in many cases, may sign off at the 60% stage.
• If there are outstanding controversial issues at the 60% stage, SHPO will need to see the 95% plans.
Developing Rehabilitation Plans

• Rehabilitation plans must meet the Secretary of Interior’s Standards for the Treatment of Historic Properties.

• Each of the 24 bridges has an individual Bridge Management Plan which identifies character-defining features of the bridge. These features or characteristics should be maintained by the rehabilitation plan.

• Failure to retain defining features could result in an adverse effect to the bridge.

• Unavoidable adverse effects result in mitigation.

• The standards can allow for some change to the bridge.
What You Need to Let Your Project

- 1. Completed environmental document
- 2. Completed rehabilitation plans
- 3. SHPO letter of concurrence that the plans meet the Standards.
Path 2

The goal of Path 2 is to meet the requirements and guidelines of each of the following in an integrated process:

• The National Historic Preservation Act of 1966 as amended, Section 106 (CFR 36 part 800).
• Secretary of Interior’s Standards for the Treatment of Historic Properties
• Statement of Purpose and Need (NEPA)
• Department of Transportation Act of 1966, 49 U.S.C., section 303. (referred to as Section 4(f)).
• Unlike Path 1, this process is not predetermined. You may propose to replace the bridge, but not without a detailed analysis of your project purpose and need and an analysis of alternatives under 4(f).
• 4(f) and Purpose and Need are the crux of this process.
Statement of Purpose and Need

- The Purpose and Need statement drives the process for alternatives consideration.
- Hone down to the elements of the purpose and need which are critical to the project rather than those which may be desirable or simply support it.
- P and N can evolve as information is developed.
- FHWA will scrutinize your purpose and need, so it must be thorough.
- Jennie Ross in OES will handle your Purpose and Need statement with input from CRU.
4(f) Analysis

• **4(f)** A Section 4(f) programmatic agreement between FHWA and MnDOT was signed in 1983

• *Developed exclusively for FHWA-funded projects contemplating the replacement or the rehabilitation* of a National Register-listed or eligible bridge.

• The intent of the agreement is to find ways to preserve historic bridges while also ensuring public safety.
Rehabilitation Alternatives Study

• An evaluation of rehabilitation alternatives is necessary when it is uncertain whether a historic bridge will be rehabbed or replaced and you are using FHWA funds.

• The purpose of this step is to explore alternatives for bridge preservation in order to fairly analyze the alternatives under 4(f) for prudent and feasible.
Expectations for a Historic Bridge Rehabilitation

• The rehabilitation alternatives considered should result in a "serviceable bridge at a reasonable cost".
• It is not intended, nor expected, that the rehabilitated bridge be brought up to a near new condition.
• Sometimes this will require variances to MnDOT or ASHTO guidelines.
The final rehab alternatives report should include:

- Purpose and need statement for this bridge project and date of approval from Federal Highway Administration
- Historical background of bridge
- List of the character-defining features of the bridge
- Discussion of bridge condition
- Discussion of rehabilitation alternatives investigated
- Bridge life expectancy for each alternative
- Address how each alternative meets purpose and need
- Address how each alternative affects the character-defining features of the historic bridge
- Address how each alternative affects other historic properties
- Cost comparisons for each alternative
SHPO Consultation and Review Process in Path 2

- Follow Path 1 process of providing CRU with initial project information and identification of consulting parties.
- As project alternatives develop, meet with SHPO, to review range of each alternative’s impacts.
- After identification of Preferred Alternative, CRU will consult with SHPO on effects and discuss any mitigation (if needed).
- SHPO will provide, in writing, an assessment of the rehabilitation alternatives and an opinion of the impacts of those alternatives to the historic bridge.
- Written correspondence between CRU and SHPO will document the alternatives considered and their effects on the bridge and any other affected historic properties.
- Include correspondence and signed MOA for any mitigation in environmental document.
In Summary, Your Integrated Environmental Document Must Show:

- You have consulted with FHWA, SHPO and any other interested parties under Section 106 of the National Historic Preservation Act.
- All plausible alternatives for the rehabilitation of the bridge have been fairly explored.
- Your preferred alternative can be substantiated by your information.
- Your rehabilitation solution has been reviewed by the SHPO and meets the Secretary of Interior’s Standards for the Treatment of Historic Properties.
- If rehabilitation is not feasible or prudent, your 4(f) documentation must substantiate this finding.
- If no rehabilitation alternative can make the bridge safe while maintaining the historic integrity of the bridge, and replacement is proposed, the bridge must be made available for an alternative use.
- FHWA must approve the final 4(f) analysis of explored alternatives and what alternative is prudent and feasible.
- The loss of the historic bridge must be mitigated via a signed Section 106 Memorandum of Agreement (MOA) agreement with the SHPO and FHWA.