

# Indiana's Proposed Historic Bridge Program

March 29, 2006  
Purdue Road School

Presented by: Larry Heil, FHWA

## Who's involved?

- Indiana Association of County Commissioners
- Indiana Association of County Highway Engineers and Supervisors
- INDOT
- SHPO
- Historic Spans Task Force
- Historic Landmarks Foundation of Indiana
- Advisory Council on Historic Preservation
- Senator Richard G. Lugar's Office
- FHWA (lead agency)

## Objectives

- Describe why a Historic Bridge Program is needed.
- Describe how the Historic Bridge Program will work.
- Describe how to provide feedback during development of the Historic Bridge Program.

## Why is a Historic Bridge Program needed?

- Reduce time and cost to deliver bridge projects
- Make project development process predictable and easy to understand
- Save important historic bridges in Indiana
- Program versus project approach

## How do we establish a Historic Bridge Program?

- Historic Bridge Programmatic Agreement
  - Alternative process for Section 106 consultation
  - Task Group has issued draft Programmatic Agreement for 30-day Comment Period
  - Please review and provide comments to Larry Heil of FHWA at [Larry.Heil@fhwa.dot.gov](mailto:Larry.Heil@fhwa.dot.gov) by COB May 12, 2006

## How will the Program work?

- Historic Bridge Survey to:
  - Identify all Register eligible historic bridges
  - Prioritize “Select” and “Non-Select” bridges
- Select Bridges – bridges that are excellent examples of their type in Indiana and are suitable candidates for preservation.
- Non-Select Bridges – bridges that may not be an excellent example of a bridge type or are not suitable candidates for preservation.

## How will the Program Work? (cont.)

- Develop Purpose & Need (P&N) and Alternatives Analysis: rehab, bypass, relocate, or demolish
- FHWA will identify the preferred alternative. SHPO concurrence will be sought for Select Bridges.
- Implement Standard Treatment Approaches for “Select” and “Non-Select” bridges and document/track/implement the NEPA mitigation commitments

## Select Bridges Must be Preserved

- If rehabilitation can meet the “standards for bridges on low volume roads”, then the rehabilitation option must be implemented.
- If rehabilitation is not feasible, then the by-pass alternative must be evaluated.
- If the by-pass alternative is not prudent, then the bridge must be preserved at an alternate location.

## Non-Select Bridge Project Development

- If rehabilitation can meet the “standards for bridges on low volume roads”, the rehabilitation option must be implemented.
- If no responsible party steps forward to own/preserve the bridge either at its existing location or an alternate location, then the non-select bridge can be demolished.

## How does this benefit Counties?

- Greatly reduces uncertainties associated with bridge development process
  - Which bridges are historic
  - Which bridges must be preserved
  - What mitigation is required for each bridge project
- Transportation Enhancement preference is given for Select Bridge preservation projects
- Bridge Funds are eligible to rehabilitate bridges that meet the “standards for bridges on low volume roads”

## How does this benefit the Preservation Community?

- Genuine commitment given to preserve Select Bridges.
- If a County destroys a Select Bridge in their County as part of a local bridge replacement project, then future Federal-aid bridge projects in that County must utilize the standard Section 106 Process until the Historic Bridge Inventory is updated.

## How may counties provide input?

- Formal Input Opportunities:
  - Comment now on the draft Historic Bridge Programmatic Agreement (May 12, 2006 deadline for comments)
  - Future 30-day comment period on the Evaluation Criteria for classifying historic bridges as “Select” or “Non-Select”
  - Future 60-day comment period on the draft list of “Select” and “Non-Select” Bridges

## When Will the Program Begin?

- Projection: 2008
- Tasks to Complete
  - Execute Historic Bridge Programmatic Agreement
  - Identify Register eligible bridges
  - Prioritize as “Select” or “Non-Select”
- Program may begin when these tasks are complete
- Consultant selected for Bridge Survey:
  - Mead & Hunt

## Is There Any More Money for This Program?

- No Additional Program Funding, But...
- Participating Counties Will Be Given Priority for TE Funding for Historic Bridge Projects

## Questions?

- For more information or to supply comments, contact:
  - Larry Heil  
Air Quality/Environmental Specialist  
Federal Highway Administration  
Larry.Heil@fhwa.dot.gov  
(317-226-7480)

**DRAFT PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE INDIANA DEPARTMENT OF TRANSPORTATION,  
THE INDIANA STATE HISTORIC PRESERVATION OFFICER,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING  
MANAGEMENT AND PRESERVATION OF INDIANA’S HISTORIC BRIDGES**

**WHEREAS**, the Federal Highway Administration (FHWA) has determined that the construction and improvement of highways and bridges with Federal Aid Highway funds (Federal-aid) may have an effect on bridges that are listed in the National Register of Historic Places (NRHP), or may be determined to be eligible for listing, hereafter referred to as “historic bridges”; and

**WHEREAS**, historic bridges may be rehabilitated through several Federal-aid programs, such as the Transportation Enhancement Program, the Surface Transportation Program, and the Highway Bridge Replacement and Rehabilitation Program provided the appropriate eligibility criteria are satisfied; and

**WHEREAS**, this Programmatic Agreement (Agreement) is applicable to Federal-aid projects that result in the rehabilitation or replacement of historic bridges in Indiana; and

**WHEREAS**, FHWA has consulted with the Advisory Council on Historic Preservation (Council) and the Indiana State Historic Preservation Officer (Indiana SHPO) pursuant to 36 CFR 800.14(b) of the regulations implementing Section 106 of the National Historic Preservation Act of 1966 (Section 106) (16 U.S.C. 470f); and

**WHEREAS**, FHWA formed a Historic Bridge Task Group (Task Group), including representatives from the Council, Indiana SHPO, Indiana Department of Transportation (INDOT), Indiana Local Technical Assistance Program (LTAP), Historic Landmarks Foundation of Indiana (HLFI), Historic Spans Task Force, Indiana Association of County Highway Engineers and Supervisors (IACHES), Indiana Association of County Commissioners (IACC), and Senator Richard Lugar’s Office, to assist in the development of this Agreement and monitor its success upon implementation of the Agreement; and

**WHEREAS**, this Agreement defines a process to identify historic bridges that are most suitable for preservation and are excellent examples of a given type of historic bridge, hereafter referred to as “Select Bridges” and also identify those historic bridges that are not considered excellent examples of a given type of historic bridge or are not suitable candidates for preservation, hereafter referred to as “Non-Select Bridges”; and

**WHEREAS**, FHWA will not consider demolition to be a “prudent” alternative for any Federal-aid project involving a Select Bridge and FHWA will not participate in a project that would result in the demolition of a Select Bridge; and

**WHEREAS**, FHWA may participate in the demolition of a Non-Select Bridge provided there are no feasible and prudent alternatives to demolition of the Non-Select Bridge; and

**WHEREAS**, the Task Group recognizes that historic bridges are an important part of the history, culture and surface transportation system of the State of Indiana and its local units of government; and

**WHEREAS**, economic development and tourism benefits have been recognized from preserving historic bridges; and

**WHEREAS**, the rehabilitation, reuse and preservation of historic bridges constructed of a wide variety of materials can be facilitated with good information and procedures that encourage consideration of context sensitive design solutions and address this public interest; and

**WHEREAS**, it is understood that new bridge construction and routes may ultimately be required to address local and state transportation needs; and

**WHEREAS**, FHWA, in consultation with the Council and the Indiana SHPO, have invited INDOT to be a signatory to this Agreement; and

**WHEREAS**, FHWA in consultation with the Council and the Indiana SHPO have invited the LTAP, HLF, Historic Spans Task Force, IACHES, IACC, and Senator Richard Lugar's Office to be concurring parties to this Agreement; and

**NOW, THEREFORE**, FHWA, INDOT, the Indiana SHPO, and the Council agree that the following stipulations will be implemented for FHWA undertakings in the State of Indiana that involve historic bridges.

## **STIPULATIONS**

FHWA shall ensure that the following stipulations are carried out:

- I.** INDOT will implement the following actions or program updates within one (1) year of executing this Agreement:
  - A.** INDOT will develop and include "Standards for Rehabilitation of Bridges on Low-Volume Roads" in the INDOT design manual, which will be utilized to evaluate if rehabilitation of a given historic bridge for vehicular use is feasible and prudent. Standards that define "feasibility" relate to the ability of an alternative to meet certain engineering requirements, such as structural capacity. Standards that define "prudent" relate to cost effectiveness of an alternative. The Task Group will be provided an opportunity to review and comment on the Standards before they are finalized and prior to any updates.

- B.** INDOT will inform the applicants for Federal-aid funds for any bridge project in the award letter that the scope of the bridge project (rehabilitation or replacement) will be determined by FHWA through the National Environmental Policy Act (NEPA) process. The award letter will state that laws, regulations and design standards may ultimately dictate that the bridge be rehabilitated if the bridge is determined to be historic and FHWA concludes that rehabilitation is feasible and prudent.
  
- C.** INDOT will classify and label all historic bridge projects as “Bridge Project – Scope Undetermined” until after FHWA has identified a preferred alternative for the project. The classification and labeling will apply to award letters to federal-aid applicants, the Indiana Statewide Transportation Improvement Program and in all electronic tracking systems maintained by INDOT. This generic classification for bridge projects will ensure that federal-aid applicants and the public do not have false expectations that the bridge will be replaced before the NEPA process is completed. The classification or label for the bridge project may be updated to reflect the scope identified in the approved NEPA document.
  
- D.** INDOT will work with the Transportation Enhancement Committee to develop and implement a scoring system that gives funding priority to Select Bridges within the historic projects category.

## **II. BRIDGE SURVEY**

INDOT will complete a statewide survey of bridges on public roads and on public right-of-way (Bridge Survey) that were built in or before 1965. INDOT will gather the appropriate data to develop a historic context for bridges in Indiana, make NRHP eligibility recommendations, and recommend preservation priorities for historic bridges in accordance with “Attachment A - Scope of Services” of this Agreement. INDOT will collect data on all types of bridges (metal truss, concrete, masonry and timber), and will ensure adequate opportunities for input are provided to the Task Group and the public in completing the requirements of Attachment A and Stipulations II.A and II.B. Key points where INDOT will seek public comment include: NRHP eligibility, draft Select and Non-Select prioritization criteria, and the draft list of Select and Non-Select Bridges. Each notice requesting public comment will be mailed directly to each County so bridge owners will be able to comment at each stage of the process.

### **A. NRHP Eligibility Determinations:**

- 1.** INDOT will provide NRHP eligibility recommendations to the Task Group and public for a 60 day comment period. . INDOT’s recommendations will include the NRHP criterion, or criteria, that qualify the bridge for listing in the NRHP. INDOT will also list the bridges that are determined not to be eligible for the NRHP. INDOT will forward their final recommendations, along with any Task Group and public comments to FHWA and the Indiana SHPO for an eligibility determination.

2. FHWA, in consultation with the Indiana SHPO, will issue NRHP eligibility determinations for each bridge surveyed by INDOT. Bridges determined not to be NRHP eligible require no further consideration by INDOT and FHWA.
3. INDOT will make available to the public the NRHP eligibility determinations made by FHWA. The list will also include those bridges that FHWA determines not to be eligible for the NRHP.

#### **B. Prioritization:**

1. INDOT will develop criteria to identify each historic bridge as either Select or Non-Select in accordance with the process outlined in “Attachment A - Scope of Services.”
2. INDOT will seek input from the Task Group and the public on the evaluation criteria for classifying historic bridges as Select and Non-Select. The Task Group and the public will have 30-days to provide comments to INDOT on the criteria.
3. FHWA, in consultation with the Indiana SHPO, will review the comments from the Task Group and the public, modify the criteria as appropriate, and approve the criteria in cooperation with INDOT.
4. INDOT will apply the Select and Non-Select Bridge criteria to each historic bridge identified in the Bridge Survey. INDOT will seek comments from the Task Group and the public on the draft list of Select and Non-Select Bridges. For each bridge, the rationale for concluding the bridge as Select or Non-Select will be described. The Task Group and the public will have 60-days to provide comments to INDOT on the Select and Non-Select Bridges list.
5. INDOT will provide FHWA and the Indiana SHPO with the list of Select and Non-Select Bridges and the comments received from the Task Group and the public. FHWA, in consultation with the Indiana SHPO, will review the comments received and make appropriate changes to the list, if any. FHWA, in consultation with the Indiana SHPO, will ultimately approve the list of Select and Non-Select Bridges when both parties are satisfied with the classification of each bridge.
6. INDOT will make available to the Task Group and the public the final list of Select and Non-Select Bridges, the final criteria used to evaluate bridges as Select or Non-Select, and the rationale for the classification of each bridge.

#### **C. Re-Evaluation of Historic Bridges**

1. In unusual circumstances, a Select Bridge may no longer meet the Select Bridge criteria. Examples of unusual circumstances may include, but is not limited to, the bridge collapsing due to a flood or an overweight vehicle. A bridge owner may request that FHWA and the Indiana SHPO re-evaluate the Select Bridge

determination if an unusual circumstance occurs. The following process will be followed to determine if re-classification of the Select Bridge is appropriate:

- a. The bridge owner must submit the request in writing to INDOT. The bridge owner should describe the unusual circumstance that has occurred and explain why the Select Bridge criteria no longer apply to the bridge.
  - b. If INDOT determines the request has merit, then INDOT will notify FHWA, the Indiana SHPO, the Task Group, and the public of the request to re-classify the Select Bridge. INDOT will accept comments from the Task Group and the public for 30-days.
  - c. INDOT will provide a copy of all comments received to FHWA and the Indiana SHPO. FHWA and the Indiana SHPO will consult to evaluate the request and consider the comments received from the Task Group and the public.
  - d. If FHWA and the Indiana SHPO agree on the classification of the bridge, then FHWA will notify INDOT of the decision. INDOT will notify the bridge owner, the Task Group and all individuals that provided comments on the bridge of the decision. If necessary, INDOT will update the Select/Non-Select list.
  - e. FHWA will respond to the request within 30-days after the public comment period has closed.
2. At least every ten (10) years, FHWA, INDOT, and the Indiana SHPO will consult to determine if conditions have changed that would require updating the list of bridges eligible for the NRHP, the criteria for identifying Select and Non-Select Bridges and the list of Select and Non-Select Bridges. Any signatory may request that an update be completed more frequently if there have been substantial changes to the population of bridges identified in the Bridge Survey. If FHWA, INDOT and the Indiana SHPO agree that conditions have changed and an update is required, then the survey will be completed as described in Stipulation II of this Agreement. The FHWA, INDOT and the Indiana SHPO will consult to determine if the survey should be expanded to include bridges built after 1965. If FHWA, INDOT and the Indiana SHPO determine the existing survey is still valid, then INDOT will notify the Task Group, the bridge owners, and the public of the decision.

### **III. PROJECT DEVELOPMENT PROCESS FOR HISTORIC BRIDGES**

FHWA will satisfy its Section 106 responsibilities for undertakings involving Select and Non-Select Bridges by completing the following processes. FHWA recognizes that additional historic properties, other than the historic bridge, may exist within the project's Area of Potential Effect (APE). To satisfy FHWA's Section 106 responsibilities for other historic resources that may be in the APE, FHWA will comply with the requirements of 36 CFR Parts 800.3-800.6.

Consulting parties shall be invited to consult pursuant to 36 CFR Part 800.3 and be notified that consultation with respect to the historic bridge will be completed in accordance with the Programmatic Agreement for the Management and Preservation of Indiana's Historic Bridges.

#### **A. Project Development Process for Select Bridges**

1. FHWA will work with INDOT, and the bridge owner if the historic bridge does not belong to INDOT, to develop a draft purpose and need statement (P&N) and alternatives analysis. Rehabilitation for vehicular use must be thoroughly evaluated before other alternatives are considered. Rehabilitation alternatives must include a one-way pair alternative that involves rehabilitating the existing bridge and constructing a new parallel bridge. If rehabilitation is not feasible and prudent, then the Select Bridge must be bypassed or relocated for another use. FHWA will not participate in a project that involves the demolition of a Select Bridge.
2. If the bypass alternative is not feasible and prudent, relocation of the bridge will be required. INDOT will work with the bridge owner, if the bridge does not belong to INDOT, to identify a new location for the Select Bridge. Preference will be given to locations closest to the original location of the bridge. The NEPA document must include the proposed new location, description of how the new bridge will be utilized, and evaluate the associated impacts, in addition to those resulting from the bridge replacement.
3. Upon completion of the draft P&N and alternatives analysis, INDOT will ensure the consulting parties receive a copy of the draft P&N and alternatives analysis (including relocation proposal, if applicable) and are given at least 30 days to provide comments before the P&N and alternatives analysis are finalized.
4. FHWA will work with INDOT, and the bridge owner if the historic bridge does not belong to INDOT, to revise the P&N and alternatives analysis based on comments received. FHWA will identify a preferred alternative based on the P&N and alternatives analysis. INDOT will ensure the revised P&N, alternatives analysis (including updated relocation proposal, if applicable), and preferred alternative is provided to all consulting parties. The submittal to the Indiana SHPO will request concurrence with the FHWA preferred alternative.
5. If the Indiana SHPO objects to the preferred alternative within 30-days of receiving the request for concurrence, FHWA will continue to consult with the Indiana SHPO, INDOT, the bridge owner if the historic bridge does not belong to INDOT, and the consulting parties. If the Indiana SHPO and FHWA cannot reach agreement with respect to the preferred alternative, then FHWA will comply with the dispute resolution stipulation of this Agreement.
6. If the Indiana SHPO concurs with FHWA's preferred alternative, then the standard treatment approach, described in Attachment B (Standard Treatment Approach for Historic Bridges) will be initiated. The Indiana SHPO, the Council, and FHWA agree

that implementation of the standard treatment approach includes all possible planning to minimize harm to historic bridges and fulfills all consultation requirements under Section 106.

7. INDOT will ensure that a public hearing is held for the project, prior to completion of NEPA. INDOT will ensure consulting parties are notified by letter or e-mail (if available) of the public hearing and the availability of the environmental documentation. The environmental document, Section 106 documentation for other resources in the APE, and preliminary Section 4(f) evaluation, if one is required, will be made available prior to and at the public hearing for public review and comment.
8. If the preferred alternative includes transferring ownership of the historic bridge, then INDOT will ensure an agreement is executed between INDOT, the bridge owner if the bridge does not belong to INDOT, the Indiana SHPO, and the proposed new bridge owner. The agreement shall include all applicable commitments required in Attachment B. INDOT will ensure the agreement is executed prior to NEPA approval.
9. FHWA and INDOT will work jointly to ensure all measures to minimize harm to the historic bridge are incorporated into the project as part of the environmental commitments made in documentation required pursuant to NEPA. If there is no agreement ultimately regarding the preferred alternative, FHWA will comply with the dispute resolution stipulation of the Agreement.

## **B. Project Development Process for Non-Select Bridges**

1. FHWA will work with INDOT, and the bridge owner if the bridge does not belong to INDOT, to develop a draft P&N and alternatives analysis. Rehabilitation for vehicular use must be thoroughly evaluated before other alternatives are considered. Rehabilitation alternatives must include a one-way pair alternative that involves rehabilitating the existing bridge and constructing a new parallel bridge.
2. If the rehabilitation alternative is not feasible and prudent, INDOT will ensure the bridge owner markets the historic bridge for re-use, and at a minimum, completes the following activities:
  - a. The bridge owner shall place a legal notice in a local newspaper and a statewide newspaper at a minimum 6 months in advance of the public hearing to notify interested parties of the historic bridge availability for re-use. The advertisement should describe, at a minimum, the historic bridge length, width, height, condition, and availability.
  - b. The bridge owner shall place signs at both approaches to the historic bridge at a minimum 6 months in advance of the public hearing to notify users that the historic bridge will be replaced. The signs will remain in place until completion of NEPA.

- c. The bridge owner shall provide INDOT with the information needed to post the historic bridge on INDOT's historic bridge marketing website at a minimum 6 months prior to the public hearing.
3. If no responsible party steps forward either prior to or during the public hearing to assume ownership of the Non-Select Bridge, then the bypass and relocation alternatives are not prudent and, therefore Indiana SHPO, the Council, and FHWA agree that the bridge may be demolished.
4. FHWA will identify a preferred alternative based on the P&N and alternatives analysis. The standard treatment approach, described in Attachment B (Standard Treatment Approach for Historic Bridges) will be initiated. The Indiana SHPO, the Council, and FHWA agree that implementation of the standard treatment approach includes all possible planning to minimize harm to historic bridges and fulfills all consultation requirements under Section 106.
5. INDOT will ensure that a public hearing is held for the project, prior to completion of NEPA. INDOT will ensure consulting parties are notified by letter or e-mail (if available) of the public hearing and the availability of the environmental documentation. The environmental document, Section 106 documentation for other resources in the APE, and preliminary Section 4(f) evaluation, if one is required, will be made available prior to and at the public hearing for public review and comment.
6. If the preferred alternative includes transferring ownership of the historic bridge, then INDOT will ensure an agreement is executed between INDOT, the bridge owner if the bridge does not belong to INDOT, the Indiana SHPO, and the proposed new bridge owner. The agreement shall include all applicable commitments required in Attachment B. INDOT will ensure the agreement is executed prior to NEPA approval.
7. FHWA will ensure all measures to minimize harm to the historic bridge are incorporated into the project as part of the environmental commitments made in documentation required pursuant to NEPA.

#### **IV. ADMINISTRATIVE STIPULATIONS**

- A. Review – The Council and Indiana SHPO may monitor activities carried out pursuant to this Agreement and will review such activities, if so requested. FHWA and INDOT will cooperate with the Council and the Indiana SHPO in carrying out their review responsibilities.
- B. Dispute Resolution – Should any signatory or invited signatory to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with the objecting party(ies) to resolve the objection. If FHWA determines that such objection(s) cannot be resolved, FHWA will:

1. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise FHWA on the resolution of the objection within 30-days. Any comment provided by the Council, and all comments from the parties to the Agreement, will be taken into account by FHWA in reaching a final decision regarding the dispute.
  2. If the Council does not provide comments regarding the dispute within 30-days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. In reaching the decision, FHWA will take into account all comments regarding the dispute from the parties to the Agreement.
  3. FHWA's responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged. FHWA will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. FHWA's decision will be final.
- C. Annual Reporting – INDOT will maintain the list of bridges evaluated under Stipulation II and include at least the current status of eligibility, priority (Select or Non-Select), current owner, and scope of Federal-aid projects processed under this Agreement. INDOT will prepare an annual report that will include a list of Select and Non-Select Bridges that have been processed during the previous calendar year pursuant to this Agreement and the scope of each project. INDOT will submit this report on or before January 31 of each year to the Task Group.
- D. Amendments and Noncompliance – If any signatory to this Agreement, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment. The amendment will be effective on the date a copy is signed by all of the original signatories. If the signatories cannot agree to appropriate terms to amend the Agreement, any signatory may terminate the Agreement in accordance with the Termination stipulation.
- E. Termination –The Council, Indiana SHPO, INDOT, or FHWA may propose to terminate this Agreement by providing thirty (30) calendar days notice to the other parties and explaining the reason(s) for the proposed termination. The Council, Indiana SHPO, FHWA, and INDOT will consult during this period to seek agreement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800 with regard to individual undertakings covered by this Agreement.
- F. Applicability – National Historic Landmarks shall be treated in accordance with 36 CFR 800.3 – 800.6, rather than the terms of this agreement.

If FHWA or Indiana SHPO determine a bridge owner intentionally demolishes or otherwise diminishes the historic integrity of a Select Bridge under the bridge owner's

jurisdiction with non-Federal-aid funds, then FHWA will comply with 36 CFR Part 800 for any future federal-aid bridge project proposed by that bridge owner. After the next Bridge Survey update is completed in accordance with Stipulation II.C.2, FHWA may process federal-aid projects in accordance with this Agreement for that bridge owner.

Section 110(k) of the National Historic Preservation Act prohibits FHWA from providing Federal-aid funds for a given project, where the bridge owner, with the intent to avoid the requirements of Section 106, has intentionally adversely affected the historic bridge prior to completion of NEPA. See 36 CFR 800.9(c),

In the event FHWA does not carry out the terms of this Agreement, FHWA will comply with 36 CFR Part 800 with regard to individual undertakings covered by this Agreement.

- G. Transition of existing projects** – Until such time as the initial survey and prioritization of historic bridges called for in Stipulation II.B has been carried out, or for those projects that fall outside the scope of this agreement, projects must comply with the requirements of 36 CFR Part 800. Projects that have completed compliance with 36 CFR Part 800 shall not need to be reevaluated under the terms of this Agreement, provided the scope of work of the project and the mitigation measures, if any, are fully implemented as they were identified during the NEPA evaluation.
- H. Duration** – This Agreement shall become effective upon execution by FHWA, Indiana SHPO, INDOT, and the Council and shall remain in effect until December 31, 2030.
- I. Option to Renew** – No later than December 31, 2029, FHWA will consult with the Indiana SHPO, INDOT and the Council to determine interest in renewing this Agreement. The Agreement may be extended for an additional term upon the written agreement of the signatories.

Execution of this Agreement and implementation of its terms evidences that FHWA has considered the effects of its Federal-aid program on Indiana’s historic bridges and afforded the Council a reasonable opportunity to comment.

## **SIGNATORIES**

### **FEDERAL HIGHWAY ADMINISTRATION**

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Robert F. Tally, Jr., P.E.  
Division Administrator

Date

### **INDIANA HISTORIC PRESERVATION OFFICER**

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Jon C. Smith  
Programmatic Agreement Regarding Management and  
Preservation of Indiana’s Historic Bridges (DRAFT)

Date

March 29, 2006  
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Deputy State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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John M. Fowler  
Executive Director

Date

**INVITED SIGNATORY**

INDIANA DEPARTMENT OF TRANSPORTATION

---

Thomas O. Sharp  
Commissioner

Date

**CONCURRING PARTIES**

INDIANA ASSOCIATION OF COUNTY COMMISSIONERS

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Bill Haan  
Executive Director

Date

HISTORIC LANDMARKS FOUNDATION OF INDIANA

---

President  
President

Date

HISTORIC SPANS TASK FORCE

---

Paul Brandenburg  
Chair

Date

INDIANA ASSOCIATION OF COUNTY HIGHWAY ENGINEERS AND SUPERVISORS

---

Walt Wilson

Date

Fountain County Supervisor

---

Larry Smith Date  
Morgan County Highway Engineer

---

Bill Williams Date  
Monroe County Highway Engineer  
LOCAL TECHNICAL ASSISTANCE PROGRAM

---

Tom Martin Date  
Program Manager

SENATOR RICHARD LUGAR'S OFFICE

---

Lane Ralph Date  
Deputy State Director

# **ATTACHMENT A**

## **Scope of Services for the Development of a Historic Bridge Inventory**

[To be inserted after contract executed with consultant.]

## ATTACHMENT B

### Standard Treatment Approach for Historic Bridges (DRAFT)

#### REHABILITATION

The following standard treatment approach apply to all Select Bridges and when the selected alternative includes preservation of a Non-Select Bridge:

1. The bridge owner will develop plans to rehabilitate the bridge in accordance with the Secretary of the Interior's Standards for Rehabilitation, or as close to the Standards as is practicable.
2. INDOT will ensure the bridge owner provides rehabilitation plans to the Indiana SHPO when the design is approximately 30% complete, 60% complete, and when final design plans are complete. If the project involves a bypass of the historic bridge, then the plan submittals will include a site plan of the new bridge and the historic bridge. The purpose of these reviews is to evaluate the proximity of the new bridge to the historic bridge (if historic bridge is bypassed), ensure compliance with the Secretary of Interior's Standards for Rehabilitation and to incorporate context sensitive design features, where practicable.
3. The Indiana SHPO will have 30-days to review and provide comments to the bridge owner and notify them of any photo documentation requirements. If comments are not received within 30-days, the bridge owner may assume agreement from the Indiana SHPO on the plans submitted.
4. INDOT will ensure the bridge owner provides a written response to Indiana SHPO comments before the design is advanced to the next phase. The Indiana SHPO comments must be addressed.
5. INDOT will ensure that the historic bridge will be maintained for a minimum period of 25 years.
6. If the bridge is currently listed on the NRHP, then INDOT will seek approval of the Department of Interior to keep it on the Register.
7. INDOT will ensure the bridge owner completes any photo documentation in accordance with the specifications provided by the Indiana SHPO.
8. INDOT will ensure that the above requirements are implemented before INDOT requests construction authorization from FHWA.

9. If there is any disagreement between the Indiana SHPO and the bridge owner in carrying out this standard approach, then FHWA will consult with the Indiana SHPO and the bridge owner to resolve the disagreement. If the disagreement cannot be resolved by FHWA, then FHWA will comply with dispute resolution stipulation of the Agreement.

## DEMOLITION

The following standard treatment approach apply to Non-Select Bridges when the selected alternative includes demolition of the Non-Select Bridge:

1. INDOT will ensure that the bridge owner consults with the Indiana SHPO to determine if photo-documentation of the bridge is needed. If needed, the Indiana SHPO will specify the photo documentation standards and distribution requirements. If the Indiana SHPO does not respond within 30-days, the bridge owner may assume the Indiana SHPO does not require any photo documentation.
2. INDOT will ensure the bridge owner completes any required photo documentation in accordance with the specifications provided by the Indiana SHPO.
3. INDOT will ensure that the above requirements are implemented before INDOT requests construction authorization from FHWA.
4. If there is any disagreement between the Indiana SHPO and the bridge owner in carrying out this standard approach, then FHWA will consult with the Indiana SHPO and the bridge owner to resolve the disagreement. If the disagreement cannot be resolved by FHWA, then the dispute resolution process identified in the Agreement will be followed.