



Guidance

Historical Studies Review Procedures

This guidance document provides instructions regarding reviewing and processing project activities in accordance with TxDOT's Section 106 of the National Historic Preservation Act Programmatic Agreement and other federal and state preservation laws.

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1.0 Introduction

This guidance document provides Texas Department of Transportation (TxDOT) District environmental staff with coordination and review procedures for meeting requirements under federal and state historic preservation laws. TxDOT's Environmental Affairs Division (ENV) ensures that projects comply with these environmental compliance laws. Some sections of this guidance apply only to FHWA-funded projects and some to state-funded projects.

This guidance provides information about which TxDOT group/staff member is responsible for various steps in the process—District environmental (District) or ENV-HIST—regardless of whether they are using support from a consultant on any or all the steps.

What is a Non-Archeological Historic Property?

Historic properties are cultural resources that are eligible for or already listed in the National Register of Historic Places (NRHP). In addition to archeological sites, such properties include buildings, structures, sites, districts, objects, cemeteries, aboveground components of properties of traditional religious and cultural importance to a federally recognized Tribe, and cultural landscapes.

Because proposed projects can affect archeological and non-archeological resources differently, both ENV's Cultural Resources Management Archeology Branch and the Historical Studies Branch (ENV-HIST) have specific project types listed separately in the first two categories.

For example, an in-kind bridge replacement with no new ground disturbance would be considered to have “minimal potential to cause effects” to archeological historic properties. That same project could be considered a “minimal potential or potential to cause effects” under ENV-HIST review, because the bridge could be a non-archeological historic property.

Purpose of this Guidance

This guidance covers ENV-HIST's procedures for reviewing projects for effects to non-archeological historic properties under state and federal cultural resource regulations. Because most projects ENV-HIST reviews include funds or other involvement from the Federal Highway Administration (FHWA), this guidance primarily covers the process to coordinate TxDOT projects under the Programmatic Agreement (PA) in place for FHWA projects in Texas to comply with and streamline Section 106 of the National Historic Preservation Act (NHPA) (Section 106).

Find a full copy of the Section 106 PA on the Historic Resources Toolkit. Other federal agencies have their own procedures for Section 106 compliance. FHWA will typically be the lead agency on TxDOT projects with other agencies, but some agencies may have different or additional requirements.

Section 106 PA

The Section 106 PA facilitates and expedites projects involving projects involving FHWA. Under the Section 106 PA, certain types of TxDOT's common projects are divided into three appendices. These appendices list various “undertakings” (aka, projects) and assign them to three categories:

- **Appendix 3: Unscreened project types and activities: minimal potential** to cause effects on historic properties.
- **Appendix 4: Screened project types and activities: low potential** to cause effects on historic properties.
- **Appendix 6: All other project types**

2.0 Area of Potential Effect

Under the Section 106 regulations, which only apply to projects with federal triggers, a Project's Area of Potential Effect (APE) is the area of possible direct and indirect (visual, auditory, vibratory, etc.). For projects on state or local public right-of-way (ROW) using no federal permits, licenses, approvals, or funds, the APE is limited to the footprint of the project. Under the Section 106 PA, TxDOT standardized the APEs for most of its projects. The project area used for determining the APE shall include temporary and permanent easements. Driveway license agreements for tie-ins to existing driveways are not included in the APE.

The standard Section 106 APEs that follow apply to both sides of the project activities, not just the side where there is new ROW:

1. 300 feet beyond the proposed edge of new ROW (including new permanent and temporary easements), for projects or portions of projects constructed on new location not involving an existing transportation corridor.
2. 150 feet beyond the proposed edge of new and existing ROW (including new permanent and temporary easements), for
 - trail projects on new location
 - projects or portions of projects constructed in existing transportation corridors, including abandoned railroad lines, where new ROW is going to be acquired.
3. Abutting features of adjacent parcels within 12 inches of the limits of construction for sidewalk or trail projects within existing ROW;
 - For purposes of this section, abutting features shall include, but are not limited to, building facades and landscape or streetscape features such as retaining walls, fencing, stairs, brick or other decorative pavement, or formal plantings.
 - Utilitarian elements alone, such as grass lawns, concrete curbing, storm drains, and parking lots, shall not be considered abutting features.
4. The existing right-of-way for project or portions of projects confined to existing ROW, excepting those projects with sidewalk components, as noted about abutting features (3, above);
5. TxDOT and SHPO may consult on the need for specialized APEs to address:
 - Elevated roadways and multi-level interchanges
 - Unusual design features and/or complexities
 - Early project planning
 - The potential for cultural landscapes
 - Consulting party comments

Note that the APE may vary within project limits and differ based on unique project components and/or in consultation with the State Historic Preservation Officer.

3.0 FHWA PA Appendix 3—Unscreened Project Types & Activities

The following activities, when funded by the Federal Highway Administration (FHWA), do not require ENV-HIST to screen; projects with only these activities do not need Section 106 review or consultation regarding project effects on non-archeological historic properties.^{1 2}

1. installation, repair, or replacement of fencing, signage, traffic signals, railroad warning devices, safety end treatments³, cameras and intelligent highway system equipment;
2. in-kind repair, replacement of lighting, signals, and non-native stone curbs and gutters;
3. maintenance, repair, or replacement of non-brick roadway surfacing, including crack seal, overlay, milling, grooving, resurfacing, and restriping⁴;
4. removing sediment, debris, and vegetation from drainage ditches and swales;
5. addition or removal of turn lanes, crossovers, shoulders within current paved ROW;
6. purchase, construction, replacement, or rehabilitation of ferry vehicles;
7. installation, repair, or replacement of ferry fenders on docks or fenders/dolphins near any bridge;
8. installation, repair, widening, or replacement of non-masonry culverts less than 45 years old at time of let date;
9. replacement, upgrade, and repair of safety barriers, non-irrigation ditches, and storm drains;
10. replacement of or repair/rehabilitation of buildings and structures at TxDOT facilities and picnic and rest areas that are less than 45 years old at time of let date or have been previously determined to be not eligible for listing in the NRHP;
11. installation of landscaping and cable barriers within current right-of-way;
12. relocation or new construction of turn lanes and exit ramps between existing main lanes and existing frontage roads within current right-of-way (ROW);
13. Electric Vehicle Supply Equipment (EVSE) Level 1, 2, or 3 charging stations if proposed for existing parking facilities and that meet the following conditions, as defined by the 2022 ACHP exemption (87 FR 66201):
 - a. use reversible, minimally invasive, non-permanent techniques to affix the infrastructure;
 - b. minimize ground disturbance to the maximum extent possible, and ensure that it does not exceed previous levels of documented ground disturbance;
 - c. use the lowest profile EVSE reasonably available that provides the necessary charging capacity;
 - d. place the EVSE in a minimally visibly intrusive area; and

¹ TxDOT's risk analysis, internal policies, and inventories conducted under Section 110 of the NHPA inventories shall reinforce any necessary exceptions for specific historic properties. Per the Section 106 PA, the SHPO or the Advisory Council on Historic Preservation may review project files.

² Refer to ENV guidance on Expedited (c)(22) Categorical Exclusions (CEs) for what projects might be eligible for that process.

³ Appendix 3 allows the extending of a culvert to apply the safety end treatments.

⁴ "Maintenance" in this instance refers to all work completed within the existing roadbed, as long as vertical changes are less than 5 feet. Restriping may include restriping to add turn lanes, as long as there is no new pavement added to the roadbed.

e. use colors complementary to surrounding environment, where possible.

14. Certain bridge projects that require no new ROW and are not within or adjacent to a historic district, as detailed in Section 5.0 of this guidance.

TxDOT District staff shall review project descriptions and other project information as necessary to evaluate whether all project's activities are included in the PA Appendix 3 list. The department delegate has authority to approve a finding that the project is an Appendix 3 type requiring no screening by ENV-HIST. The department delegate, as defined by TxDOT's Environmental Guide (Volume 1), shall retain documentation. This documentation is the project description in the ECOS Work Plan Development process, which establishes the basis of any such findings. Project types listed in Appendix 3 shall not be further reviewed under Section 106 of the NHPA. Districts do not need to complete a Project Coordination Request (PCR) for ENV-HIST for a project that only includes activities on the PA Appendix 3 list.

This list of activities is also "List 1" from the List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance," available as Appendix 3 of this guidance and as a standalone document in the online [Historic Resources Toolkit](#).

If a project includes activities that do not fit the PA Appendix 3 categories listed above, the department delegate shall determine if it is an Appendix 4 project.

4.0 FHWA PA Appendix 4—Screened Project Types & Activities

The following project types, when funded by FHWA, require the department delegate to contact the appropriate ENV-HIST staff member to discuss the project and ensure there are no sensitive property types in the APE (see 2.0 for information on APE). Sensitive property types (per the Section 106 PA) may include courthouse squares, historic downtown commercial areas, historic residential neighborhoods, farmsteads, historic road corridors (including masonry culverts or brick streets), historic parks or recreation areas, and bridges⁵. These property types are likely previously identified in local, state, or national registers of historic properties and can be found by checking existing records or through public involvement efforts.

These activities require minimal identification efforts to evaluate the project's potential to affect historic properties. The department delegate shall retain documentation that establishes the basis of any such findings.

1. routine structural maintenance and repair of highways, railroad crossings, picnic areas and rest areas;
2. maintenance, repair, reconfiguration, or correction of roadway geometrics, including intersection improvements and driveway and street connections;
3. maintenance, repair, installation or modification of pedestrian and cycling-related features, including Americans with Disabilities Act (ADA) ramps and landings, trails, sidewalks, and bicycle and pedestrian lanes;
4. maintenance, repair, relocation, addition, or minor widening of roadway, highway, or freeway features, including turn bays, center turn lanes, shoulders, U-turn bays, right turn lanes, travel lanes, interchanges, medians, and ramps; and/or

⁵ See Section 5.0 for specific bridge project guidance.

5. maintenance, repair, replacement, or relocation of features at crossings of irrigation canals, including bridges, new vehicle crossings, bank reshaping, pipeline and standpipe components, canal conversion to below-grade siphons, and utilities;
6. installation of new safety or mast lighting;
7. intersection improvements within existing ROW outside of historic districts;
8. Electric Vehicle Supply Equipment (EVSE) not included in 2022 ACHP exemption (87 FR 66201), as outlined in Appendix 3;
9. Certain bridge projects that require less than 2 acres of new ROW and are not within or adjacent to a historic district, as detailed in Section 5.0 of this guidance.

4.1 The following steps are required for FHWA PA Appendix 4 projects:

1. Department delegate shall complete and upload a Project Coordination Request (PCR) for the project.
 - Note that depending on the answer to the Funding & Activities Question, the PCR form will be longer or shorter, sometimes referred to as “full” or “modified,” or “long form” and “short form.”
2. If the project activities appear on the PA Appendix 4 list above and the District does NOT know of sensitive property types within the project APE, the District should answer YES on the PCR Funding & Activities question before answering any additional questions on the form.
 - If the District does know of sensitive property types in the project’s APE, the District may either answer NO to the Funding & Activities question or discuss with the ENV-HIST team member to determine how to proceed. Depending on the nature of the activities, types of sensitive properties, and location of work relative to them, ENV-HIST may be able to determine there is or is not potential to affect the sensitive property types, which would indicate the appropriate answer for the Funding & Activities question.
3. Ensure ENV-HIST has access to the following in ECOS:
 - a. Detailed project description (in Work Plan Development Tool)
 - b. Amount of any new ROW, temporary, and permanent easements (in Work Plan Development Tool)
 - c. Aerial project location map
 - d. Photographs, if necessary for project

Note that the ENV-HIST team member may request additional information.

4. ENV-HIST shall review the project and supporting documentation to determine if the APE contains sensitive project types:
 - a. If there are sensitive properties in the APE, then ENV-HIST will determine the next steps, which may include requesting a “full” PCR (answering NO to the Funding & Activities question), proceeding to a historic resources survey, performing an in-house desktop review, requesting protection notes added to the project plans, and/or proceeding with appropriate level of coordination and documentation required given with nature of project and potentially affected properties.

- b. If there are no sensitive properties in the APE, then ENV-HIST shall document their findings as appropriate in ECOS.

If the project activities do not fall under Appendix 3 or 4 lists of project types, the District must answer NO on the Funding & Activities question and complete a full PCR.

5.0 Bridge Projects

5.1 FHWA PA Appendix 3 (Unscreened) and Appendix 4 (Screened) Project Types

For bridge projects funded by FHWA, TxDOT Districts shall determine whether a project fits under Appendix 3 or Appendix 4 of the PA based on the following list of activities. For additional guidance, use the questions in Section 5.2 to determine if a bridge project falls under Appendix 3 or Appendix 4, and contact ENV-HIST with any questions.

Use this list only for bridges that fall under one of the following groups:

- a. Bridges less than 45 years old at the time of construction letting;
- b. Bridges on the interstate system not previously listed in the NRHP or exempted from Section 106 as part of the Interstate Highway System (cannot be one of the bridges listed in Appendix A of this guidance);
- c. Concrete or steel bridges constructed after 1945 and part of the Program Comment for Common Post-1945 Concrete or Steel bridges listed in Appendix B of this guidance);
- d. Concrete bridge-class culverts; and
- e. Timber stringer bridges.

For bridges that fit under groups listed in i. through v. above, Districts and ENV-HIST shall document a project per the information in Sections 3.0 and 4.0 of this guidance. Projects that include activities beyond the bridge should also make sure to consider all activities before determining whether a project fits under Appendix 3.

- ENV-HIST does not need to screen an FHWA-funded bridge project limited to the following activities (a. through e. below). The District shall review and document the project as fitting under **Appendix 3** (Unscreened by ENV-HIST), **as long as the project requires no new ROW/easements and the bridge is not within or adjacent to a historic district**, and the project does not include other activities not on the Appendix 3 list.
- The District must have ENV-HIST screen an FHWA-funded bridge project limited to the following activities (a. through e. below) as **Appendix 4** (Screened by ENV-HIST) if the project **requires new ROW/easements up to two acres and/or is within or adjacent to a historic district**.
 - a. Routine maintenance, such as asphalt overlays, cleaning deck drains and vegetation, sealing concrete, installing rip rap and other scour protection, and bridge cleaning;
 - b. Widening;
 - c. Upgrades, including rail/guardrail repair and/or replacement;
 - d. Repair;
 - e. Replacement.

For bridges that do not fit into the types listed as i. through v. above, or for projects on those bridge types that require more than two acres new ROW/easements and/or are within or adjacent to a historic district and/or have activities not listed in a. through e. above, District staff shall answer NO to the Funding & Activities question on the PCR form, and ENV-HIST will determine the next steps needed for review and coordination under Section 106.

5.2 Guidance for Determining Appropriate Level of Review for Bridge Projects

Use the Bridge question-and-answer tool located in Appendix D to determine how to proceed on bridge projects. The guidance is also available as a standalone tool on the Historic Resources Toolkit.

6.0 Local-Government-Sponsored Projects

For FHWA-funded projects that have a local government sponsor, TxDOT shall coordinate the project under the Section 106 of the National Historic Preservation Act as stipulated in the Section 106 PA. If a project has FHWA funds and the local government is a sponsor, the following tasks shall be completed:

1. Local government completes the Work Plan Development process (or similar) and provides it to the District for review.
2. The District makes a determination of the appropriate appendix for the project based on the information provided by the local government.
3. The appropriate documentation for Appendix 3, Appendix 4, or other project types must follow this guidance document. The local government may complete the appropriate PCRs or further historical studies technical documents for the project. All technical documents for an FHWA-funded project shall meet TxDOT's published Documentation Standards and shall be conducted by a TxDOT-approved Principal Investigator.

For non-FHWA-funded projects that have a local government sponsor, the local government shall coordinate any necessary historic preservation reviews with the appropriate federal and state agencies. The local government shall provide evidence of this coordination to TxDOT for the project file, and ENV-HIST will confirm its completion as appropriate.

7.0 Re-coordination of Projects with HIST

Certain circumstances require the District to contact the ENV historians to determine if a project is still in compliance with the Section 106 determination. The following process **must** be followed when changes are made to:

1. Funding source (federal to state, or state to federal funds)
2. Letting date⁶
3. Amount of ROW, temporary, or permanent easements⁷
4. Scope of work changes⁸

⁶ Notify CRM HIST if the letting date changes by at least 5 years AFTER HIST clearance but BEFORE overall NEPA clearance. Once NEPA clearance is issued, HIST is less concerned with the letting date change.

⁷ Changes in ROW may affect the Area of Potential Effect (APE) for the project.

⁸ Changes in project location may affect the APE for the project.

5. Project location expanding or contracting⁹

Assign the district's CRM historian a "Historical Studies SME Consultation" Activity in ECOS with a description of the proposed changes, including appropriate maps and photographs. The historian shall:

1. Review the changes to ensure that previous Areas of Potential Effect (APEs) and documentation methods remain sound.
2. Request a new PCR that covers the changes, as appropriate.
3. Document findings for re-coordination within the Historical Studies SME Consultation Activity (if no PCR necessary) or on the Obtain Historical Studies Section 106/Antiquities Code of Texas (ACT) Approval (if PCR or revised Section 106 findings are necessary).

8.0 Non-FHWA Projects & Antiquities Code of Texas Documentation

For projects with no FHWA involvement, TxDOT must still consider the effects of the projects under the Antiquities Code of Texas (ACT) and possibly to notify or meet requirements for other federal agencies.¹⁰

For non-FHWA projects, the project needs a Historical Studies PCR¹¹ if any of the following statements are true:

Statement A. The department delegate anticipates that the project will use non-FHWA federal funds or will require any federal approvals, permits, licenses, or properties; or

Statement B. There are previously recorded historic properties or county courthouses within the project location; or¹²

Statement C. All project activities do not appear on List 2 of the List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance, available as Appendix C of this guidance or as a standalone document on the Historic Resources Toolkit.

Walking through the decision process a different way:

1. If either or both Statement A and Statement B above are true for the project, the District shall look at List 2 mentioned in statement C. Are all project activities listed on List 2?
 - a. If yes, the District shall complete a PCR and answer YES to the PCR Funding & Activities question. Proceed to Step 3 below.
 - b. If no, the District shall complete a PCR and answer NO to the PCR Funding & Activities question. Proceed to Step 3 below.
2. **If neither Statement A nor Statement B are true for the project**, the District shall look at List 2 mentioned in Statement C. Are all project activities listed on List 2?

⁹ Changes in project location (expanding or contracting) may affect the APE for the project.

¹⁰ Other federal agencies are also subject to Section 106 and may have their own requirements and procedures. If the department delegate anticipates that the project will use non-FHWA federal funds or will require any federal approvals, permits, licenses, or properties, ENV-HIST may look for potential effects to historic properties protected under Section 106. ENV-HIST will also work with district to determine if extra steps are needed to notify the other federal agency(ies) of results of TxDOT review of project.

¹¹ If the District believes that the project does not require Historical Studies PCR, contact the ENV-HIST reviewer who can confirm and help close out ECOS activities created in error.

¹² Check the following historic resources maps (Texas Historic Sites Atlas, TxDOT Historic Resources Aggregator for previously recorded historic properties or county courthouses within the project location.

- a. If yes, then the department delegate shall retain documentation, which is the project description in ECOS and the Work Plan Development process, which establishes the basis of any such findings. The District does not need to complete a PCR.
 - b. If no, the District shall complete a PCR and answer NO to the PCR Funding & Activities Question. Proceed to Step 3 below.
3. The District shall complete a PCR following the instructions found in *Guidance: Completing Project Coordination Request (PCR) for Historical Studies*, which available on the *Historic Resources Toolkit*.
- a. The District shall follow the PCR Activity Instructions found in the *Environmental Guide, Vol. 2*, and assign a Review PCR activity to the appropriate ENV-HIST team member.
 - i. The District shall ensure ENV-HIST has access to the following in ECOS:
 - (1) Detailed project description (in Work Plan Development Tool)
 - (2) Amount of any new ROW, temporary, and permanent easements (in Work Plan Development Tool)
 - (3) Aerial project location map
 - (4) Photographs, of the project, if necessary
 - b. By assigning a Review PCR activity to ENV-HIST, the District environmental team is confirming that the PCR has accurate information based on project details in the WPD. As of 2024 revisions, ENV-HIST will no longer require districts to “sign” the PCR electronically.
 - c. ENV-HIST shall review maps to confirm whether there are properties that meet the requirements for designation as State Antiquities Landmarks (or are already designated as SALs) within the existing or proposed ROW or easements for the project.
 - d. ENV-HIST shall document their findings as appropriate in ECOS and inform the District of any additional steps needed.

9.0 Glossary (see also definitions from agreements below)

Advisory Council on Historic Preservation (ACHP) – The ACHP is an entity established by the National Historic Preservation Act (NHPA) to monitor its implementation and to comment on undertakings of federal agencies.

Antiquities Code of Texas (ACT) – This state historic preservation law mandates the identification, protection, and preservation of locations of historical, archeological, educational, or scientific interest.

Area of Potential Effects (APE) – The geographic area within which an undertaking may cause alterations in the character or use of historic properties, if any such properties exist, is called the APE.

Determination of Effects – This is the determination made regarding impacts on historic properties from proposed project activities, as made by TxDOT historians in consultation with SHPO/THC.

1. **Determination of Eligibility** – This is the determination is made regarding the presence or absence of significance and integrity of historic properties rendering them eligible for listing on the NRHP, as made by TxDOT historians in **Does the Section 106 PA apply to non-federal projects?**

No, the Section 106 PA **only** applies to those projects that require **FHWA** approval, funding or permitting. The PA **does not apply** to state-funded projects or any other federally funded or

permitted projects; other federal agencies have their own Section 106 processes and requirements. This is why knowledge of the type of funding or type of permits necessary to complete a project is important to ENV-HIST. State- or locally funded projects with non-FHWA permits still trigger Section 106 but do not fall under TxDOT's Section 106 PA.

2. Under the standard Section 106 process, does each step require a separate 30-day review period?

Yes, but the PA provides a significant streamlining opportunity to complete the review process in-house or to consult with the THC/SHPO in a condensed 20-day review period. Some complex or controversial projects still follow the standard process to accommodate integration of comments of consulting parties, but approximately 95% of project coordination under the PA takes advantage of its significant streamlining opportunities.

3. What do we do for emergency projects?

Contact your assigned ENV-HIST team member as soon as you know you have an emergency undertaking. Under the Section 106 PA, TxDOT can proceed with emergency projects with the potential to affect historic properties prior to notifying the THC/SHPO. Emergency projects are those where the governor issued an official disaster declaration. TxDOT must initiate the projects within 30 days of the disaster declaration.

4. Why are sidewalk projects under Appendix 4?

Sidewalk projects have the potential to affect historic properties, especially if they are on county courthouse squares or within historic commercial or residential districts. While most sidewalk projects will not affect historic properties, the ones that do warrant special consideration, and need screening by ENV-HIST under Appendix 4 of our Section 106 PA. Some sidewalk projects require protection notes for work adjacent to historic buildings. Some projects, especially those on county courthouse squares, require additional review steps with the THC/SHPO, including the potential for an Antiquities permit required for work at a State Antiquities Landmark (SAL).

5. When do we have to contact County Historical Commissions?

TxDOT should contact CHCs, Certified Local Governments (CLGs), or Main Street Communities as appropriate, for any large, complex, or controversial projects.¹³ Developing a relationship with CHCs, CLGs, and other local professional preservation staff helps TxDOT determine when and for what project types certain consulting parties prefer to be contacted.

- Districts should contact CHCs when a project proposes to replace, widen, upgrade, or repair a certain historic-age bridges, using the BRIDGE guidance to determine when; Districts do not have to contact them for routine bridge maintenance. ENV-HIST has a letter template that Districts may use for contacting CHCs.

6. When must we re-coordinate a project with ENV-HIST?

Contact ENV-HIST when the following occurs on a project:

- Amount of ROW, temporary, or permanent easement(s) increases or decreases
- Project location is expanded or contracted
- Scope change

¹³ You can find lists of these on THC's website; contact ENV-HIST with any questions about when to contact these groups.

- Funding sources change (state to federal and federal to state)
- Letting date change

Changes in amount of ROW or project location, either increasing or decreasing, will affect the project's Area of Potential Effect (APE). Letting date changes may affect the validity of a historic resources survey and its findings. It is most important to notify ENV-HIST about letting date changes **after** HIST clearance, but before overall NEPA clearance. If you are not sure ENV-HIST needs to review a letting date change, contact the assigned ENV-HIST team member and ask. ENV-HIST will confirm that the original finding is still valid or will request additional information.

7. My project is only acquiring ROW from one side of the existing roadway. Why does the APE need to cover 150 feet on both sides of the proposed ROW?

Because projects plans can change for many reasons during the planning process, and because there may be a Section 4(f) historic property¹⁴ where the ROW is proposed, TxDOT needs to know what is on both sides of an existing roadway when plans call for additional ROW. If we do not have that information during the initial Section 106 coordination and plans change to the other side of the roadway OR if we need to demonstrate why we cannot avoid an effect to a 4(f) property, we will need the information about what is on the other side. Project plans also change after environmental clearance, and having the survey complete for both sides of the roadway ensures ENV-HIST has information about what may be affected due to those changes and whether TxDOT will need to do additional Section 106 consultation with SHPO/THC.

Federal Undertakings – activities funded, licensed, or permitted through an agency of the Federal Government.

Historic-Age Resource – Any building, structure, object, or non-archeological site (in accordance with 36 CFR 60) that is at least 45 years old at the time of a transportation project's letting is classified as a historic-age resource.

Historic Property – A historic property is any district, building, structure, object, or non-archeological site with characteristics meriting formal inclusion on federal and/or state registers.

Intensive Survey – This level of historic survey, typically completed after a reconnaissance survey, consists of detailed survey efforts to compile additional documentation on a historic property in support of finalized determinations of NRHP eligibility and adverse effects.

Mitigation – Mitigation is the result of the process to resolve adverse effects to a historic property, and mitigation is developed in consultation with appropriate resource agencies and the interested public.

National Register of Historic Places (NRHP) – The NRHP is an honorary list of historic properties maintained by the Keeper at the Department of Interior authorized by the NHPA.

Project Area – The geographic area in which construction activities are undertaken for a project is called the project area.

Property – A property is any parcel of land including of buildings, structures, and objects located on a single parcel of land.

¹⁴ For more information on TxDOT's Section 4(f) procedures, refer to the Section 4(f) section of the Environmental Compliance Toolkit on txdot.gov.

Reconnaissance Survey – This initial survey effort provides project decision-makers with contextual information, photo-documentation, locational data, and preliminary assessments of significance and integrity for all historic-age resources in the project APE.

Scoping – This is the process of determining what actions to identify, evaluate, and document potential impacts to historic properties in the project’s APE are required and who will conduct those actions.

Section 106 of the National Historic Preservation Act – This federal regulation requires the consideration of project effects on historic properties to be made in consultation with resource agencies and the interested public prior to the finalized decision-making conducted in compliance with the NEPA process.

Study Area – The TxDOT standard definition of a study area is the geographic area within 1300’ of the project area that will be evaluated to foster development of appropriate contextual analysis.

Technical Studies – Technical studies include studies, research, surveys, and other activities compiled to support decision-making in association with an environmental document.

9.1 Definitions from agreements:

Both the Section 106 PA for FHWA projects in Texas and the Memorandum of Understanding between TxDOT and the THC for the Antiquities Code of Texas include definitions relevant to cultural resource regulations.

Here are key terms as defined in the Section 106 PA:

- A. Historic properties – cultural resources that meet the definition outlined per 36 CFR 800.16(l) and that may include the following categories and examples:
 - 1. Archeological – artifacts, archeological sites (including archeological components of properties of traditional religious and cultural importance to a federally recognized Tribe), and cemeteries; or
 - 2. Non-archeological – buildings, structures, sites, districts, objects, cemeteries, above-ground components of properties of traditional religious and cultural importance to a federally recognized Tribe, and cultural landscapes.
- B. Area of potential effects (APE) – the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist (36 CFR 800.16(d)) as defined below or identified through the consulting party process.
 - 1. Archeological – The APE for archeological properties will be confined to the limits of the proposed project right-of-way (including permanent and temporary easements), utility relocations designated by TxDOT, and project-specific locations designated by TxDOT. The APE also extends to the depth of impacts caused by the undertaking.
 - 2. Non-archeological – The APE for non-archeological properties shall be defined as follows and may vary within project limits based on proposed activities:
 - a) 300 feet beyond the proposed edge of new right-of-way (including new permanent and temporary easements), for projects or portions of projects constructed on new location not involving an existing transportation corridor;
 - b) 150 feet beyond the proposed edge of new and existing right-of-way (including new permanent and temporary easements), for
 - (1) trail projects on new location, and

- (2) projects or portions of projects constructed in existing transportation corridors, including abandoned railroad lines, where new ROW is going to be acquired; or
 - c) Abutting features of adjacent parcels within 12 inches of the limits of construction for sidewalk or trail projects within existing ROW;
 - (1) For purposes of this section, abutting features shall include, but are not limited to, building facades and landscape or streetscape features such as retaining walls, fencing, stairs, brick or other decorative pavement, or formal plantings;
 - (2) Utilitarian elements alone, such as grass lawns, concrete curbing, storm drains, and parking lots, shall not be considered abutting features;
 - d) The existing right-of-way for project or portions of projects confined to existing right-of-way, excepting those projects with sidewalk components, as noted in letter c above;
 - e) TxDOT and SHPO may consult on the need for specialized APEs to address:
 - (1) Elevated roadways and multi-level interchanges;
 - (2) Unusual design features and/or complexities;
 - (3) Early project planning;
 - (4) The potential for cultural landscapes; or
 - (5) Consulting party comments.
- C. Department delegate – the TxDOT organizational unit delegated responsibility for approval of environmental work and documents by the Executive Director as defined in TxDOT’s rules at 43 TAC 2.8.
- D. Minor widening – roadway projects resulting in pavement profile widened to less than double their original width within existing right-of-way, resulting from adding travel/center-turn lanes or paved shoulders.
- E. New right-of-way – includes land incorporated into transportation uses, including through permanent easements, as well as temporary easements for the purposes of constructing the project.
- F. Environmental Compliance toolkits – TxDOT’s online guidance that will be updated as needed to clarify procedures and maintain compliance with state and federal environmental regulations.

10.0 Abbreviations and Acronyms

ACHP	Advisory Council on Historic Preservation
ACT	Antiquities Code of Texas
ADA	Americans with Disability Act
APE	Area of Potential Effects
CHC	County Historical Commission
CLG	Certified Local Governments
CRM	Cultural Resources Management
ECOS	Texas Environmental Compliance Oversight System
HIST	Historical Studies Branch, Cultural Resources Management, Environmental Affairs Division
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
PA	Programmatic Agreement
PCR	Project Coordination Request
ROW	Right-of-Way
SHPO	State Historic Preservation Officer (in Texas, the THC)
THC	Texas Historical Commission (Texas SHPO)



Appendix A: Interstate Bridges

Interstate Bridges that Must Undergo Section 106 Consultation Due to Historical Significance:

Interstate Number	District	Resource Name	Year Construction Completed	NRHP Listed/Eligible
I-40	AMA	NBI: 252420027513001	1932	Listed
I-20	BWD	NBI: 230680031405018	1934	Eligible
I-20	BWD	NBI: 230680031405020	1934	Eligible
I-20	FTW	NBI: 021840031401006	1934	Listed
I-35	LAR	NBI: 221420001708030	1929	Eligible
I-10	ODA	NBI: 061860014003021	1933	Eligible
I-10	SAT	NBI: 150150002502011	1933	Listed
I-10	SJT	NBI: 071340014201035	1938	Listed



Appendix B: Post-1945 Bridges

Post-1945 Historic Bridges that Must Undergo Section 106 Consultation Due to Historical Significance

County	Bridge Number	Facility	Bridge Type	Year Built
Bee	160130073805012	FM 2441 over Medio Creek	I-beam cantilevered with suspended span	1946
Bexar	150150B24750003	Nogalitos St ML over San Pedro Creek	Prestressed concrete girder multiple/I-beam	1959
Bexar	150150B07510004	W Commerce St over RRs, Medina, Comal, Etc.	Prestressed concrete girder-multiple/I-beam	1959
Bexar	150150B21985011	W Martin St over Alazan Creek	Continuous prestressed concrete slab-full depth	1964
Bosque	090180051903001	SH 174 over Steele Creek	I-beam cantilevered with suspended span	1948
Bosque	090180042201025	FM 927 over Bosque River	Prestressed concrete girder-multiple/cantilevered	1962
Brazoria	120200AA0862004	CR 210 over Austin Bayou	Tee beam	1959
Brazos	170210031505051	SH 105 over Brazos River	Continuous plate girder	1954
Brazos	170210223601001	FM 2038 over Bowman Creek	Prestressed concrete girder	1957
Calhoun	130290017910061	SH 35 over Lavaca Bay	Continuous plate girder	1961
Cameron	210310063002003	FM 106 Lift over Arroyo Colorado	Vertical lift	1953
Coke	070410040701057	SH 70 NB over US 277 SB	Prestressed concrete girder-multiple/I-beam	1959
Colorado	130450026608043	BU 71 F over Colorado River	Parker through truss	1949
Dallas	180570K01415002	Cedar Hill Rd over Ten Mile Creek	Box girder-multiple	1950
Dallas	1805709I5100009	Inwood Rd over Freeman Branch	Variable depth rigid frame concrete slab	1953
Dallas	180570009510123	Big Town Blvd over US 80	Prestressed concrete girder-multiple/I-beam	1959
Dallas	180570058101038	Loop 12 over Lawther Drive	Prestressed concrete girder-multiple/I-beam	1959
Dallas	180570009201048	S.H. 310 over T&NO RR	Continuous I-beam	1953
Dallas	180570009201327	US 175 SB over Metropolitan	Variable depth rigid frame concrete tee beam	1956



County	Bridge Number	Facility	Bridge Type	Year Built
Dallas	180570009201076	US 175 NB over Metropolitan	Variable depth rigid frame concrete tee beam	1956
Dallas	180570009201075	US 175 WB over Pennsylvania Ave	Variable depth rigid frame concrete slab	1956
Dallas	180570009201326	US 175 SB over Pennsylvania Ave	Variable depth rigid frame concrete slab	1956
Dallas	180570009201325	SB US 175 over Hatcher St	Variable depth rigid frame concrete slab	1956
Dallas	180570009201054	NB US 175 over Hatcher St	Variable depth rigid frame concrete slab	1956
Dallas	180570009201074	MLK JR Blvd over US 175	Variable depth rigid frame concrete tee beam	1956
Dallas	1805709H7350001	Santa Fe Ave over Ervay St	Variable depth rigid frame concrete slab	1950
Dallas	180570K01740001	Joe Wilson Rd over Bentle Branch	Box girder-multiple	1950
DeWitt	130620234601001	FM 884 over Smith Creek	Prestressed concrete girder-multiple/I-beam	1958
El Paso	240720000212079	SH 20 EB over US 62	Continuous I-beam	1949
Goliad	160890288501001	FM 2441 over Sarco Creek	Prestressed concrete box girder-multiple	1955
Grayson	010920C02620001	W Pecan St over Post Oak Creek	Continuous I-beam	1949
Grayson	010920AA0109002	Craft Rd over Draw	Half-through Camelback truss	1950
Hall	250970031102006	SH 70 over Mulberry Creek	Continuous I-beam	1949
Hamilton	090980025101054	US 281 over Leon River	Prestressed concrete girder-multiple/I-beam	1958
Hamilton	090980012001011	SH 22 over Pecan Creek	I-beam cantilevered with suspended span	1948
Hamilton	090980012001012	SH 22 over Leon River	Steel I-beam	1948
Hamilton	090980018303051	SH 36 over Pecan Creek	Continuous I-beam	1948
Harris	121020B53960647	Reseda Rd over HCFCD Ditch	Box girder-multiple	1965
Harris	121020B57009003	San Felipe Rd over Bering Ditch	Prestressed concrete box girder-multiple	1962
Harris	121020B44185016	Ped Crossing over Memorial Dr	Prestressed concrete box girder-single, spread	1955
Harris	121020002710063	US 90A SB over Buffalo Bayou & St	Continuous plate girder	1956
Harris	121020002710062	US 90A NB over Buffalo Bayou & St	Continuous plate girder	1956



County	Bridge Number	Facility	Bridge Type	Year Built
Harris	121020B44185009	Waugh Dr over Memorial Dr	Post-tensioned concrete slab	1955
Hays	141060028503003	RM 12 over Blanco River	Prestressed concrete girder-multiple/I-beam	1959
Hidalgo	211090G00090001	SB US 281 over Rio Grande River	Other prestressed concrete	1965
Hill	091100001405083	US 81 over Island Creek	Continuous I-beam	1948
Hill	091100051902005	SH 174 over Brazos River	Continuous truss-deck	1950
Jack	021200039107056	FM 4 over Keechi Creek	Prestressed concrete girder-multiple/I-beam	1958
Johnson	021270159904015	FM 916 over Nolan River	Prestressed concrete girder-multiple/I-beam	1959
Kaufman	181300009504108	CR 217 over US 80 ML	Rigid frame	1958
Kaufman	181300009504109	FR Crossover over US 80 ML	Rigid frame	1958
Lampasas	231410103201016	FM 580 over Lampasas River	I-beam cantilevered with suspended span	1965
Lavaca	131430044601007	US 90A over Navidad River	Steel I-beam	1949
Leon	171450064301027	FM 39 over BNSF RR	Prestressed concrete girder-multiple/I-beam	1958
Marion	191550056903017	SH 43 over Big Cypress Bayou	Plate girder	1965
Maverick	221590B00290001	Garrison St over Rio Grande River	Continuous I-beam	1954
McCulloch	231600007101065	US 87 NB over Brady Creek	Variable depth continuous concrete slab	1960
McCulloch	231600007101072	US 87 SB over Brady Creek	Variable depth continuous concrete slab	1960
McLennan	091610004901141	Spur 484 SB over US 77 BUS NB	Continuous plate girder	1958
McLennan	091610004901124	US 77 BUS NB over SP 484 SB CONN	Continuous I-beam	1958
McLennan	091610005515001	US 77 (BUS) SB over US 84 FR	Continuous I-beam	1955
McLennan	091610005515380	US 84 over US 77 BUS	Continuous I-beam	1955
McLennan	091610005515006	US 77 (BUS) NB over US 84 FR	Continuous I-beam	1955
Menard	071640039605025	US 190 over Dry Creek	Prestressed concrete girder-multiple/I-beam	1958



County	Bridge Number	Facility	Bridge Type	Year Built
Nolan	081770026401043	E First St over BUS 70	I-beam	1954
Nueces	161780226302004	SH 361 over Gulf Intra-Coastal W-Way	Continuous plate girder	1959
Nueces	161780010106041	US 181 over CC Ship Channel	Continuous cantilever tied arch steel truss	1959
Nueces	161780010106044	US 181 over BURLESON ST	Prestressed concrete girder-multiple/I-beam	1958
Nueces	161780010106043	US 181 NBFR CONN over US 181	Prestressed concrete girder-multiple/I-beam	1958
Nueces	161780007406050	US 181 southbound over Belden Street	Prestressed concrete girder-multiple/I-beam	1959
Nueces	161780007406171	US 181 southbound off-ramp over BU 44 D	Prestressed concrete girder-multiple/I-beam	1959
Nueces	161780007406170	US 181 northbound over BU 44 D	Prestressed concrete girder-multiple/I-beam	1959
Nueces	161780007406169	US 181 northbound over BU 44 D	Prestressed concrete girder-multiple/I-beam	1959
Orange	201810AA2690006	E Round over Cow Bayou	Horizontal swing	1960
Palo Pinto	021820039108057	FM 4 over Keechi Creek	Prestressed concrete girder-multiple/I-beam	1958
Palo Pinto	021820000710057	US 180 over Brazos River	Multiple plate girder	1948
Presidio	241890AA0107001	Pinto Canyon Rd over Arroyo Escondido	steel multi-plate arch bridge	1960
Red River	011940018901034	SH 37 over Red River	Continuous plate girder	1954
Refugio	161960044704029	SH 202 over Blanco Creek	I-beam cantilevered with suspended span	1947
Robertson	171980020409061	US 79 / US 190 over Brazos River	Continuous plate girder	1956
Robertson	171980026203045	FM 485 over Brazos River	Continuous plate girder	1957
Smith	102120042401030	Saunders Ave over SH 31	Rigid frame	1960
Smith	102120042401031	Fleishel Ave over SH 31	Rigid frame	1960
Somervell	022130077801001	FM 199 over Georges Creek	Prestressed concrete girder-multiple/I-beam	1958
Somervell	022130025903046	US 67 over Brazos River	Continuous truss-through	1947
Stephens	232150103101022	FM 578 over Hubbard Creek	Continuous I-beam	1949



County	Bridge Number	Facility	Bridge Type	Year Built
Tarrant	022200009405030	SH183 WBL over Carswell Access Rd	Variable depth concrete flat slab	1954
Tarrant	022200009405029	SH183 EBL over Carswell Access Rd	Variable depth concrete flat slab	1954
Tarrant	022200106803020	White Settlement Rd over Spur 341	Rigid frame	1953
Travis	142270015106031	Loop 111 over MKT RR	Steel I-beam	1947
Travis	142270B00022001	E 7TH ST EB over Tillery St and Austin NWRR	Steel I-beam	1948
Travis	142270B00022003	E 7TH ST WB over Tillery St and Austin NWRR	Steel I-beam	1948
Travis	142270B01381001	Speedway over West Waller Creek	Reinforced concrete closed-spandrel arch	1946
Travis	142270B00099013	E 38th St over Waller Creek	Variable depth concrete tee beam	1951
Travis	142270070003004	SH 71 WB over Pedernales River	Continuous truss-deck	1949
Val Verde	222330002209070	US 90 over Devils Riv/Amistad Resv	Plate girder-cantilever with suspended span,	1965
Val Verde	222330002206068	US 90 over Pecos River	Continuous deck truss	1957
Washington	172390018606043	Old Mill Creek Rd over US 290	Prestressed concrete girder-multiple/I-beam	1958
Webb	222400B00250001	Convent Ave over Rio Grande River	Prestressed concrete girder-multiple/cantilever	1956
Young	032520AA0237001	CR 237/ Hot Wells over Clear Fork of Brazos R.	T beam	1954

Appendix C: Document Revision History

The following table shows the revision history for this guidance document.

Revision History	
Effective Date Month, Year	Reason for and Description of Change
May 2024	Version 4 was released. Updated with execution of 2023 PA. Text updated for clarity and for inclusion of additional activities included in Appendices. Added supporting documents previously featured on Toolkit as standalone guidance as appendices. Added Glossary.
January 2020	Version 3 was released. <ul style="list-style-type: none"> • New ECOS procedures reflected in document; • Clarified funding sources for use of Appendix 3 and Appendix 4 project descriptions; • Updated Appendix B with correct list of bridges.
May 2019	Version 2 was released. <ul style="list-style-type: none"> • Added new Section 2.0 on Area of Potential Effect, changing section numbers throughout remainder of document; • Updated information on bridge projects; • Clarified and corrected language; • Removal of GIS link that changed; • Updated district decision-making processes for bridges and non-federally funded projects; • Added new appendix on projects that do not require review.
June 2016	Version 1 was released.