



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223  
 JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

## OFFICE OF ENVIRONMENTAL SERVICES

August 22, 2012

Mr. Mark J. Epstein, Department Head  
 Resource Protection and Review  
 Ohio Historic Preservation Office  
 800 East 17<sup>th</sup> Avenue  
 Columbus, Ohio 43211



Subject: State Funded and State/Local Funded Project Agreement (Revised)  
 Agreement No. 17075

Dear Mr. Epstein:

In our continuing efforts to refine and streamline the environmental document preparation and review process within the Ohio Department of Transportation, Office of Environmental Services (ODOT-OES) and the Ohio Historic Preservation Office (OHPO), and in compliance with Section 149.53 of the Ohio Revised Code (ORC), ODOT proposes this revision to the May 7, 2007 letter agreement between our agencies.

As with the 2007 letter agreement, this letter documents the process by which 100% State funded and State/Local funded bridge replacement and rehabilitation projects, certain highway and highway related maintenance activities, and minor highway, bikeway, and pedestrian projects are processed in a manner consistent with the following agreement:

*Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The State Historic Preservation Office, And The State Of Ohio, Department Of Transportation Regarding Implementation Of The Federal-Aid Transportation Program In Ohio (Agreement No. 16734) executed November 30, 2011.*

In order for OHPO to delegate this authority, ODOT-OES will ensure each State funded and State/Local funded project is screened prior to approval against the conditions as set forth under this agreement.

OHPO and ODOT-OES have consulted and determined that certain 100% State funded and State/Local funded maintenance activities and minor highway, bridge, culvert, bikeway, and pedestrian projects do not have the potential to affect historic properties listed in or considered eligible for listing in the NRHP. Therefore, OHPO and ODOT-OES agree to carry out their respective responsibilities under Section 149.53 of the ORC in accordance with the stipulations in Appendix A and Appendix B of this letter.

Referencing Appendix A and Appendix B of this agreement, ODOT staff may make a determination that an undertaking is a type of activity which has a "minimal potential to cause effects" to historic properties. As such, the undertaking will require no coordination with the OHPO as long as the undertaking is limited to the activities specified in Appendix A and Appendix B, and is not part of a larger undertaking.

Appendix A lists project types that do not require coordination with either ODOT-OES or OHPO. For projects on this list, the ODOT district environmental staff may make the determination that the project will not impact historic properties.

Appendix B lists project types that require ODOT districts to coordinate those projects with ODOT-OES to determine that there will be no impacts to historic properties. However, no coordination with the OHPO is required for project types on this list.

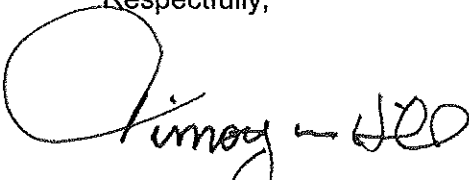
Documentation of these determinations shall be recorded and filed at ODOT-OES and/or the appropriate District Office for the undertaking. The finding will be documented in the appropriate environmental document which must cite this agreement. ODOT shall make this information available upon request.

ODOT-OES and OHPO may consult to identify other undertakings with minimal potential to affect historic properties, and may jointly agree in writing that those qualify for processing under this Stipulation. Upon making any revisions to Appendix A or Appendix B, ODOT-OES will transmit an updated copy of the appendix to the OHPO.

All project types and activities not subject to this agreement will follow the standard consultation process between ODOT and OHPO, with ODOT providing project information to OHPO pursuant with ORC 149.53.

Projects meeting the criteria and stipulations in this letter agreement and appendices can be approved by ODOT-OES or an ODOT district office. OHPO acceptance of this agreement will be noted by your concurrence below. Once signed, this agreement will supersede the May 7, 2007 agreement.

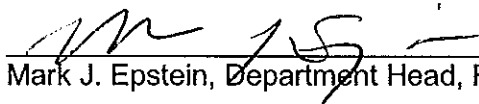
Respectfully,



Timothy M. Hill  
Administrator

TMH:ELS:pg

OHIO STATE HISTORIC PRESERVATION OFFICE:



Mark J. Epstein, Department Head, Resource Protection and Review

8 29.12  
(Date)

## **APPENDIX A**

Agreement No. 17075

### **Undertakings with Minimal Potential to Cause Effects to Historic Properties That May be Processed by ODOT District Environmental Staff**

ODOT-OES and OHPO have concurred that the following list is comprised of project types that have minimal potential to cause effects to properties eligible for or listed on the NRHP. These projects are stand-alone transportation activities that, based on the signatories' past experience with similar actions, will not result in any significant impacts to the human or natural environment.

In accordance with this agreement, an ODOT district office may determine that an undertaking will not require coordination with ODOT-OES or the OHPO if the undertaking only involves activities as defined in Appendix A. To be applicable, an undertaking must be limited entirely to any one or a combination of the actions specified below.

These undertakings do not have to be coordinated with or reviewed by ODOT-OES. **These projects must occur within existing right-of-way or easement and cannot involve impacts to historic properties or historic districts.**

- (1) Guardrail installation and replacement (including median cable barriers) where roadway ditches and back slopes will not be relocated.
- (2) Replacement of existing or installation of new traffic signals, flashing beacons, railroad warning devices and the installation of ITS system components.
- (3) General pavement marking or "line painting" projects.
- (4) Herbicidal spraying.
- (5) Mowing or brush removal/trimming projects.
- (6) The installation or maintenance of signs, pavement markings/raised pavement markers/sensors, traffic calming activities, and/or new or replacement fencing (right-of-way, vandal, etc.).
- (7) Study type projects (i.e. feasibility studies, etc.).
- (8) Bridge deck overlays, bridge deck replacements, superstructure replacement and other maintenance activities, including bridge painting projects.
- (9) General highway, bicycle lane, pedestrian walkway, sidewalk, and shared-use path maintenance, including filling potholes, crack sealing, mill and resurfacing, full pavement rehabilitation, joint grinding/milling, shoulder reconstruction, minor slide stabilization/repair, minor erosion control, grading, parking lot pavement/repair, and access roadway pavement.
- (10) Disposal of excess ROW parcels.
- (11) Improvements to existing ODOT/County maintenance facilities.
- (12) Improvements to existing rest areas and weigh stations for minor maintenance (i.e. mill and resurfacing of existing parking areas).
- (13) Beautification or facility improvement projects (i.e. landscaping, in-kind curb and gutter replacement, installation of park benches, decorative lighting, etc.).
- (14) ODOT culvert maintenance (e.g. culvert lining) or replacement (up to 60" diameter) of steel, concrete, or plastic culverts and highway maintenance ditching activities.
- (15) Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths, and facilities, small passenger shelters, alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons (i.e. construction of a bike path on an existing railroad bed, designations of certain highways as bike routes, painting of existing paved shoulders as bike lanes, ADA ramps, etc.) provided that no new disturbance will occur.
- (16) Upgrade of existing tower lighting to new technologies that ensure a lesser impact than the current system.

- (17) Approval of utility installations along or across a transportation facility.
- (18) Acquisition of scenic easements.
- (19) Transportation corridor fringe parking facilities, bus pull-ins and pull-outs, park-and-ride lots and ridesharing activities.
- (20) Maintenance and/or replacement of existing noise wall panels and/or posts.
- (21) Track and rail-bed maintenance activities and rail improvements.
- (22) Maintenance and repair of buses and rail cars.
- (23) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (24) Purchase and installation of operating or maintenance equipment to be located within the transit facility.
- (25) Purchase or conversion of vehicles to alternative fuel uses (CNG, E-85, etc.).

## **APPENDIX B**

Agreement No. 17075

### **Undertakings with Minimal Potential to Cause Effects to Historic Properties That Must be Coordinated with ODOT-OES**

ODOT-OES and OHPO have concurred that the following list is comprised of project types that have minimal potential to cause effects to properties eligible for or listed on the NRHP. In accordance with this agreement, ODOT-OES may determine that an undertaking will require no coordination with the OHPO if the undertaking only involves activities as defined in Appendix B.

To be applicable, an undertaking must be limited entirely to any one or a combination of the actions specified below. *A records check of known historic properties and historic districts must be conducted prior to application of Appendix B.*

### **These undertakings MUST be coordinated with and reviewed by ODOT-OES.**

#### **Highway & Roadway Improvement Project Types**

1. Modernization and general highway maintenance **that requires additional highway right-of-way or easement**, and which is **not within the boundaries of a historic property or district**, including:
  - a. Areas where the work is an in-kind replacement of modern facilities including driveway reconstruction, re-installation of utilities, grading to re-establish slopes, seeding and ditch enclosure.
  - b. Widening less than the width of a full travel lane.
  - c. Providing driveway and street connections.
  - d. Improvements to interchanges and divided highways.
  - e. Enhancement/beautification projects, including but not limited to, landscaping, street tree planting, decorative pavers, decorative street lighting, and traffic calming measures.
  - f. Installation of noise barriers.
  - g. Installation of solar or alternative energy devices.
  - h. Placement of riprap and/or other erosion control measures to prevent erosion of waterway banks and bridge piers provided no excavation is required.
  - i. Installation of erosion, drainage or flood control measures requiring new right-of-way from areas no more than 15 feet wide immediately adjacent to the feature to be improved provided no deep excavation is required.
  - j. Slip repair projects, rural widening projects, and relocation projects where the proposed right-of-way will be taken from former strip mine areas; reclaimed strip mine lands; borrow areas where natural soil deposits have been removed, or vacant ground in failed slope and/or in slope greater than 15 degrees.
2. In-kind replacement, restoration, and/or rehabilitation of historic lighting in areas within the boundaries of a historic property or district.

#### **Bridge and Culvert Improvement Project Types**

3. Non-historic bridge and culvert maintenance, renovation, or total replacement **that requires minor adjacent areas of additional highway right-of-way or easement** and which is **not within the boundaries of a historic property or district**, including:

- a. Replacement or maintenance of drainage pipes and culverts made of steel, plastic and concrete that are less than 10 feet in span, do not have a structure file number, and have no stone or timber segments or features.
  - b. Replacement of or maintenance on non-historic bridges.
  - c. The installation of vandal fencing, vandal protection lighting and/or cameras, suicide fencing, and/or suicide netting.
4. Historic bridge maintenance activities within existing right-of-way, including:
- a. Installation of load and height restriction barriers.
  - b. Concrete patching with compatible materials and concrete sealing.
  - c. Placement of rip rap and channel work.
  - d. Drainage improvements including but not limited to scupper installation and repair.
  - e. Replacing or repair of expansion joints and sealing deck joints.
  - f. In-kind railing replacement or repair.
  - g. Electrical/mechanical upgrades.
  - h. Installing fire prevention systems on covered bridges.
  - i. Surface preparation and painting to preserve critical members in the salt zone.

### **Bicycle and Pedestrian Project Types**

- 5. Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths and facilities, small passenger shelters, and alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.

### **Railroad Project Types**

- 6. Modernization, maintenance, and safety improvements of railroad facilities within existing railroad or highway right-of-way, **not within the boundaries of a historic property or district**, including:
  - a. Closure of existing railroad crossings; and
  - b. Construction of railroad spurs and sidings.

### **Other Project Types**

The following undertakings involve facility modernization and property acquisition projects that are **not within the boundaries of a historic property or district**:

- 7. Modernization of a port facility within its existing property boundaries by roadway resurfacing, dock/facility/equipment restoration, rehabilitation and reconstruction.
- 8. Modernization of a transit or intermodal facility within its existing property boundaries by roadway resurfacing, facility/equipment restoration, rehabilitation and reconstruction.
- 9. Sustainability initiatives in areas of previously disturbed state owned property or within previously disturbed existing highway right-of-way, including but not limited to installation of rain gardens/vegetated bio-filters/bio-cells, Truck Stop Electrification, electric vehicle charging systems, and pavement based kinetic energy collectors.
- 10. Acquisition of scenic, conservation or other habitat or land preservation easements where no construction activities will occur.