

**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)**

(Supersedes Agreement No. 12642)

(Supersedes Agreement No. 10978)

WHEREAS, the Federal Highway Administration (FHWA) is the lead federal "Agency Official" responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470), and the implementing regulations 36 CFR Part 800 for the Federal-Aid Highway Program in Ohio; and

WHEREAS, the State of Ohio, Department of Transportation (ODOT) administers FHWA lead agency transportation projects throughout the State of Ohio as authorized by Title 23 U.S.C. 302 and Sections 5501.03, 5501.11 and Chapter 5531 of the Ohio Revised Code (ORC); and

WHEREAS, FHWA has consulted with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR § 800.14(b) of the regulations; and

WHEREAS, FHWA has determined that certain transportation projects constitute "undertakings" as defined in 36 CFR § 800.16(y) which may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, FHWA intends to integrate its historic and archaeological preservation planning and management decisions with other policy and program requirements to the maximum extent possible to be consistent with Section 110 of the NHPA; and

WHEREAS, FHWA has consulted with the following Indian tribes that may ascribe traditional religious and cultural significance to historic properties that may be affected by the undertakings covered by this PA: Absentee-Shawnee Tribe of Oklahoma, Citizen Potawatomi Nation, Delaware Tribe of Indians, The Delaware Nation, Eastern Shawnee Tribe of Oklahoma, Forest County Potawatomi, Miami Tribe of Oklahoma, Ottawa Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Prairie Band of Potawatomi Nation, Seneca-Cayuga Tribe of Oklahoma, Seneca Nation of Indians, The Shawnee Tribe, and Wyandotte Nation; and

WHEREAS, this amended programmatic agreement supersedes the *Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The Ohio Historical Society, State Historic Preservation Office, And The State of Ohio, Department of*

WHEREAS, this amended programmatic agreement supersedes the *Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The Ohio Historical Society, State Historic Preservation Office, And The State of Ohio, Department of Transportation Regarding Implementation Of The Federal-Aid Highway Program In Ohio (Agreement No. 12642, executed on June 23, 2006)* and the *Programmatic Agreement Among The Federal Highway Administration, Ohio Division, The Advisory Council On Historic Preservation, Ohio Department Of Transportation, Ohio State Historic Preservation Officer Regarding Federally Funded Or Approved Highway Bridge Projects (Agreement Number 10978, executed on April 3, 2002)*; and

WHEREAS, FHWA and ODOT are committed to the design of transportation systems that: (1) achieve a safe and efficient function in the State of Ohio; (2) avoid, minimize, and mitigate adverse effects on historic properties; (3) respond to the needs of Ohio's citizens and communities, including strategies that enhance the preservation of historic properties; and (4) are developed in collaboration with stakeholders to fit within the context of their settings; and

WHEREAS, FHWA, SHPO, and ODOT cooperate in meaningful, long-term planning for the protection of historic properties (in compliance with 36 CFR Part 800) and, toward that end, desire to: (1) devote a larger percentage of time and energy to identifying transportation-related concerns threatening historic properties; (2) create innovative programs to address those problems; (3) provide for long-term planning for and effective stewardship of historic bridges; (4) develop a comprehensive and efficient Section 106 process that would: (a) simplify procedural requirements, (b) eliminate unnecessary paperwork, and (c) reduce the project-by-project review role of SHPO by focusing the time and attention of the SHPO on projects that warrant their oversight and attention; and

WHEREAS, in compliance with The Federal Highway Administration's Surface Transportation and Uniform Relocation Assistance Act of 1987, Section 123(f), which required each state to complete an inventory of bridges on and off the Federal-aid system and determine their historic significance, FHWA, SHPO, and ODOT completed historic bridge inventories in 1983, 1990, 1994, 2004, and 2010; and

WHEREAS, FHWA, ACHP, SHPO, and ODOT agree that the goal of these inventories is to make a reasonable and good faith effort to identify and preserve bridges listed on or eligible for listing on the National Register; and

WHEREAS, SHPO and ODOT concurred via letter agreement dated July 11, 2001 that all continuous steel beam and continuous steel girder deck bridges constructed after the issuance of standardized plans in 1939 are not eligible for the NRHP; and

WHEREAS, all signatories of this agreement consider historic bridges an important component to Ohio's transportation engineering heritage and historic tourism; therefore, ODOT will ensure that rehabilitation or reuse is emphasized in the scoping phase of project development for federal

WHEREAS, flexibility in highway design standards recognized by the American Association of State Highway and Transportation Officials (AASHTO) and ODOT will be considered when a historic bridge is part of a federal undertaking or approval; and

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

WHEREAS, this Agreement sets forth the process by which FHWA, with the assistance of ODOT, will meet its responsibilities under Section 106 of the NHPA and the implementing regulations set forth in 36 CFR Part 800. For purposes of this Agreement, the definitions for terms appearing in 36 CFR § 800.16 (a) through (y) inclusive shall be employed whenever applicable.

NOW THEREFORE, FHWA, ACHP, SHPO, and ODOT hereby agree that the review of FHWA undertakings in the State of Ohio shall be administered according to the following stipulations in order to satisfy FHWA's Section 106 responsibilities as implemented by 36 CFR Part 800 and to integrate historic resource protection responsibilities with its other responsibilities under Federal and State statutes, regulations, and policies.

### STIPULATIONS

FHWA, with the assistance of ODOT, shall ensure that the following measures are carried out:

**1. Applicability.** This Agreement shall apply to all FHWA undertakings administered under its federal-aid transportation program in Ohio. The objective of this Agreement is to make more efficient the methods by which FHWA and ODOT review individual undertakings that may affect historic properties and to establish the process by which FHWA, ODOT, the SHPO, and the ACHP will be involved in any such review.

**2. General Requirements.** In compliance with its responsibilities under Section 106 of the NHPA and 36 CFR Part 800, and as a condition of its award of any assistance under the federal-aid transportation program to ODOT, FHWA shall require that ODOT carry out the requirements of this Agreement, all applicable FHWA and ACHP policies and guidelines, including the requirements set forth in 36 CFR Part 800, for all FHWA undertakings in the State of Ohio including, but not limited to, the following:

(A)(1) **Employment of Qualified Personnel at ODOT.** For the purpose of implementing this Agreement, ODOT's Office of Environmental Services (ODOT-OES) shall employ permanent professional staff in the fields of History, Archaeology, and Architectural History (or closely related field) who meet the requirements of the Secretary of Interior's Professional Qualifications Standards (36 CFR 61, Appendix A) and the Personnel Qualifications in the SHPO's Archaeology Guidelines (1994). Consultants working on ODOT projects in the fields of History, Archaeology, and Architectural History must be prequalified by ODOT for such work. As such, these employees must

meet the requirements of the Secretary of Interior's Professional Qualifications Standards (36 CFR 61, Appendix A) and the Personnel Qualifications in the SHPO's Archaeology Guidelines (1994).

(A)(2) **Employment of Personnel at SHPO.** For the purpose of implementing this Agreement and streamlining the Section 106 consultation process, ODOT will enter into an agreement with the Ohio Historical Society every two years, coinciding with the State of Ohio's biennium, to fund up to two (2) review positions at the SHPO, a division of the Ohio Historical Society, or to fund other initiatives agreed upon by SHPO and ODOT.

(B) **Delegation.** For this Agreement, FHWA has the responsibility for compliance with Section 106 of the NHPA and the requirements of this Agreement. ODOT-OES shall, however, carry out the following tasks, as prescribed in this Agreement (1) determination that an undertaking exists; (2) determination of the Area of Potential Effects (APE) of an undertaking; (3) determination of the eligibility of properties for listing in the NRHP within a project's APE; (4) determinations of effect; (5) interpretation of Archaeology and Historic Preservation: Secretary of the Interior's Standards Guidelines (48 FR 44716); (6) determination of boundaries for properties considered eligible for listing in the NRHP; and (7) conformance with the SHPO's *Archaeology Guidelines* (1994) (and any successors to those guidelines) and ODOT's *Cultural Resources Manual* (2004) (and any successors to those guidelines). This authority may not be delegated to project sponsors, other ODOT offices, or any other party. FHWA will ensure that ODOT-OES adequately makes appropriate findings based on periodic monitoring of their actions under this Agreement as defined in subsection (F) of this Stipulation.

FHWA does not delegate to the State its responsibility for government-to-government consultation with federally recognized Indian tribes. ODOT-OES will, however, assist FHWA with such consultation as detailed in Stipulation 3(C) below.

FHWA remains responsible for all findings and determinations made pursuant to this Agreement including the following actions: consultation with federally recognized Indian tribes when a tribe requests FHWA's involvement in consultation, notifications of adverse effects to the ACHP and the Secretary of the Interior pursuant to Stipulation 4(D) of this Agreement, and dispute resolution pursuant with Stipulation 6 of the Agreement.

(C) **ODOT Cultural Resources Manual.** ODOT-OES will coordinate with FHWA and SHPO on any proposed changes to ODOT's *Cultural Resources Manual* (2004), and on any successor(s) to the ODOT *Cultural Resources Manual* (2004).

(D) **Public Involvement and Education.** ODOT's *Public Involvement Guide: Path To Successful Projects* (2002) (and any successors to those guidelines) shall be used for reference and guidance in these endeavors. In addition, FHWA and ODOT, in collaboration with SHPO, will provide a public education and interpretation component in its undertakings whenever appropriate.

(E) **Training.** ODOT-OES, SHPO and FHWA partner to jointly conduct a Section 106/NRHP training class which includes a testing component for consultant prequalification. These

classes are a requirement for all ODOT cultural resource staff and ODOT District environmental staff to successfully complete. In addition, successful completion of these classes is a pre-qualification requirement for all cultural resources consultants intending to work on ODOT transportation program projects. ODOT also conducts a training class on the general National Environmental Policy Act (NEPA) process and a class specific to the Categorical Exclusion class of action. Both of these classes contain a Section 106 and NRHP training component. Both classes have testing components, are requirements for ODOT staff to take, and are pre-qualification requirements for consultants. These are ongoing training sessions and reflect ODOT's commitment to Section 106/NRHP training.

(F) **Monitoring.** ODOT-OES, FHWA, and SHPO shall meet annually under this Agreement to evaluate the agencies' joint functioning under the Agreement. Prior to any such meetings, the ACHP will be notified and may participate at its discretion. Prior to the annual evaluation, ODOT-OES shall submit a report of the current review year's activities under this Agreement to FHWA, SHPO, and ACHP. This report shall include, but is not limited to, summaries in table form identifying all undertakings and specifying project names (i.e. county, route, section and project identification numbers), towns, any other pertinent information, and all findings pursuant to 36 CFR Part 800 that were processed by ODOT-OES for the year under review pursuant to this Agreement. Following the annual review meeting ODOT-OES will prepare a report that will contain a narrative description of accomplishments, trends, concerns, recommendations, etc., regarding any aspect of this Agreement and be submitted to FHWA, ACHP, and SHPO along with the final table of project information.

(G) **Ongoing Information Reporting.** ODOT-OES shall provide to SHPO copies of all identification, evaluation, and survey documentation, including but not limited to the following: All Phase I reports, all Phase II reports, all Phase III reports (including management summaries), Historic American Buildings Survey reports, Historic American Engineering Record reports, Ohio Archaeological Inventory and Ohio Historic Inventory forms, survey forms, digital survey information, and all other relevant resource and evaluative information as they are approved by ODOT-OES.

(H) **Innovative Programs.** To facilitate historic preservation planning and actions, FHWA, SHPO, and ODOT will work collaboratively to establish and promote programs and activities of mutual interest to FHWA, ACHP, SHPO, and ODOT. In its annual reports and at any other time, FHWA, SHPO, and ODOT will identify special needs that could be addressed through such programs and activities. Examples of programs envisioned may include but not be limited to: (1) analysis and synthesis of past data accumulated through FHWA/ODOT projects for planning and research purposes; (2) statewide thematic or other surveys of historic properties; (3) statewide and/or regional predictive models; (4) improved data management and access; (5) development of historic contexts and preservation priorities; (6) identification and survey of properties considered eligible for the National Register of Historic Places; (7) enhance consultation with federally recognized Indian tribes, (8) preparation and implementation of relevant preservation or management plans; (9) curation issues and needs; (10) development of resource preservation plans; (11) identification of

innovative field methods that promote reduction in costs and time, and promote improvements in the quality and appropriateness of data gathered; (12) project information internet site(s); (13) preparation and implementation of Section 106 and/or NRHP topics for update/instruction for ODOT personnel; and (14) develop web based training, toolkits, or other applications for training ODOT and consultant personnel.

**3. Requirements for Project Review by ODOT.** For all FHWA undertakings reviewed pursuant to this Agreement, ODOT-OES shall observe the following requirements:

(A) **Initiation of Section 106 Process:** On behalf of the FHWA, ODOT shall follow the procedures in 36 CFR § 800.3 inclusive to (1) establish the undertaking, (2) develop planning to involve the public, (3) identify the appropriate SHPO, and (4) identify consulting parties (including federally recognized Indian tribes), as appropriate, during the early stages of Section 106 review.

(B) **Consultation Process Protocol.** Prior to completion of any of the actions under Stipulation 3 of this Agreement, ODOT-OES may consult **formally** with SHPO via letter pursuant with 36 CFR Part 800.

ODOT-OES may consult **informally** with SHPO (e.g., via fax, telephone, email, meeting, or other means) regarding application of the criteria contained in 36 CFR Part 63 and/or prior to completion of any of the actions under Stipulation 3 of this Agreement. Copies of these findings with supporting documentation shall be forwarded to SHPO for their records as they are approved by ODOT-OES.

When ODOT must notify SHPO of FHWA's intent to apply Section 4(f) *de minimis* to a historic property pursuant with 23 CFR 774.5(b)(1), that notification shall be done in a formal project effect consultation letter to SHPO.

Regarding consultation process protocol related to Appendices A and B of this agreement:

- Appendix A of this Agreement is a list of exempt project types that will not require coordination with and review by ODOT-OES.
- Appendix B of this Agreement is a list of project types that require coordination with and review by ODOT-OES, but do not require coordination with or review by SHPO.
- ODOT, FHWA, ACHP and SHPO may consult to identify other project types with minimal potential to cause effect to historic properties, and may jointly agree in writing that those qualify for processing under Appendix A or Appendix B.

(C) **Public Participation and Notification.** ODOT shall continue, through opportunities afforded by the ODOT project development process under NEPA and ODOT's *Public Involvement Guide: Path To Successful Projects* (2002) (and any successors to those guidelines), to seek and consider the views of the public in a manner that remains consistent with 36 CFR Section 800.8, provided documents developed under NEPA include sufficient information on historic properties that may be affected. As appropriate, additional public involvement may be warranted to consult

with the public and/or consulting parties (including federally recognized Indian tribes) to resolve project effects on historic properties.

The AASHTO publication *Consulting Under Section 106 Of The National Historic Preservation Act* (Practitioner's Handbook 06; 2007) (and any related successors to those guidelines) shall be used for reference and guidance in developing consultation materials for use with both the public and Section 106 consulting parties.

(D) **Tribal Consultation.** In accordance with 36 CFR § 800.3(f)(2), FHWA and ODOT-OES will consult with federally recognized Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. Consultation with Indian tribes will follow procedures that are established with individual tribes. As a result of a tribal consultation workshop held in Tulsa, Oklahoma on April 12, 2005, FHWA and ODOT-OES have developed the following consultation process with federally recognized tribes with identified historic and/or cultural ties to Ohio:

1. FHWA and ODOT-OES will consult with the Indian tribes on all Environmental Assessment (EA) and Environmental Impact Statement (EIS) level major projects.
2. FHWA and ODOT-OES will consult with the Indian tribes on Categorical Exclusion level minor projects where the roadway is on new location, and when archaeological sites have been identified and found eligible for the NRHP.
3. ODOT-OES will send project information directly to the Indian tribes and will always provide tribes with both FHWA and ODOT contact information in all project correspondence.
4. ODOT-OES' handling of administrative, project specific tasks on behalf of FHWA in no way assumes or replaces FHWA's government to government relationship with the tribes.

It is understood that ongoing consultation with federally recognized tribes may lead to modifications of the consultation process with Indian tribes over time. Any such modifications may be implemented upon the mutual agreement of FHWA, ODOT-OES and the affected Indian tribe. Additionally, for any undertaking, if any Indian tribe or officially designated representative of an Indian tribe requests in writing to consult with FHWA in lieu of, or in addition to ODOT-OES, ODOT-OES shall forward the request to FHWA. When an Indian tribe makes such a request, FHWA will consult with that Indian tribe in coordination with ODOT-OES.

(E) **Determine Area of Potential Effects.** On behalf of the FHWA, ODOT shall follow the procedures in 36 CFR § 800.4(a) to determine and document an undertaking's Area of Potential Effects (APE) (as defined at 36 CFR § 800.16(d)).

(F) **Identifying Historic Properties.** Pursuant to 36 CFR § 800.4(b), ODOT shall ensure the identification of historic properties that may be affected by an undertaking and gather information to evaluate the eligibility and integrity of these properties for the NRHP. Information shall be obtained through cultural resource surveys or other appropriate methods. Identification of historic and archaeological properties shall follow Archaeology and Historic Preservation: Secretary of Interior's Standards and Guidelines (48 FR 44716), as well as applicable SHPO and ODOT guidelines and manuals.

(G) **Interstate Highway System Exemption.** The Interstate Highway System is exempt from consideration as a historic property under Section 106 by the "Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System," approved by the ACHP and published in the Federal Register on March 10, 2005 (Vol. 70, No. 46). The Interstate Highway System is also exempt from review under Section 4(f) of the Department of Transportation Act, pursuant with 23 U.S.C. 103 (c)(5). All components of the Interstate System in Ohio (including but not limited to pavement, bridges, signage, lighting, interchange connected overpass structures, guardrail, walls, fencing and rest areas) are not considered to be a historic property for the purposes of Section 106, with the exception of those individual elements of the Interstate System formally identified by FHWA, ODOT, and SHPO for Section 106 consideration on the basis of national and exceptional significance. In Ohio, only three individual elements on the Interstate System are subject to Section 106 consideration: The 'Welcome To Ohio' arch structure over I-70 in Preble County at the Ohio/Indiana state line (Structure File Number (SFN) 6800087) and the I-80 twin bridges on the Ohio Turnpike over the Cuyahoga River in Summit County (SFN 7729642 and SFN 7729618). All other overpass structures over the Interstate Highway System are exempt from Section 106 review based on the determinations from the 2004 and 2010 FHWA/ODOT/SHPO historic bridge updates that such structures are not eligible for inclusion on the NRHP.

(H) **ODOT's Historic Bridge Database.** Bridges in ODOT's Historic Bridge Database that have been evaluated as eligible for the NRHP or which are listed in the NRHP, either individually or as a contributing resource to a historic district, are herein referred to as "historic bridges". Appendix C of this Agreement documents how historic bridges will be managed under the Federal-aid transportation program in Ohio.

(I) **Evaluating Historic Significance.** Except for properties already determined eligible for listing or already listed in the NRHP, ODOT-OES shall ensure the application of the National Register Criteria (36 CFR Part 63) is done, and shall make an appropriate finding regarding eligibility pursuant to 36 CFR § 800.4(c). For properties that are determined by ODOT-OES to be not eligible for inclusion in the NRHP, no further review shall be required provided that any objection to ODOT-OES' determination raised by either SHPO or the ACHP is resolved in accordance with 36 CFR § 800.4(c)(2).

**4. Requirements for Effect Determinations.** For all FHWA undertakings reviewed pursuant to this Agreement, ODOT shall observe the following requirements:

(A) **Application of Appendices A and B.** Referencing Appendices A and B of this Agreement, ODOT may make a determination that an undertaking is a type of activity(ies) which has a “minimal potential to cause effects” to historic properties. As such, the undertaking will require no coordination with the SHPO as long as the undertaking is limited to the activities specified in Appendix A and B and is not part of a larger undertaking.

- Appendix A lists project types that do not require coordination with either ODOT-OES or SHPO. For projects on this list, the district environmental staff may make the determination that the project will not impact historic properties.
- Appendix B lists project types that require coordination with ODOT-OES to determine that there will be no impacts to historic properties. However, no coordination with the SHPO 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 stipulation of this Agreement [Stipulation 4A]. ODOT shall make this information available upon request.

ODOT, FHWA, SHPO, and ACHP may consult to identify other undertakings with minimal potential to cause effects to 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 parties to this Agreement.

(B) **Finding of No Historic Properties Affected.** If the project does not meet the criteria of Appendix A or B and if ODOT-OES finds that either there are no historic properties present or there are historic properties present within the APE, but the undertaking will have no effect on them as defined in 36 CFR § 800.16(i), ODOT-OES shall make a formal finding of “no historic properties affected” (36 CFR § 800.4(d)(1)), and specify those conditions, if any, that shall be imposed to secure that finding. ODOT-OES may consult at any time, either formally or informally, with SHPO regarding application of the criteria. ODOT-OES shall ensure the preparation of documentation as set forth in 36 CFR § 800.11(d) to support that finding is completed and included in the project file. The SHPO and consulting parties, if any, will be copied on each “no historic properties affected” finding with the appropriate documentation as it is made by ODOT-OES. A record of that finding shall also be included in the annual report prepared pursuant to Stipulation 2(F) of this Agreement.

If the SHPO objects or comments within 15 days of receipt of an ODOT-OES finding of “no historic properties affected,” ODOT-OES and SHPO will consult to resolve the objection or comment. If ODOT-OES and SHPO are unable to reach resolution, the parties will follow the procedures in Stipulation 6A of this Agreement. If SHPO does not respond to notice of this finding, ODOT-OES may assume SHPO concurrence.

(C) **Finding of No Adverse Effect.** For any undertaking that includes within the APE, NRHP listed or eligible properties that will not be adversely affected by the undertaking, as defined

by the Criteria of Adverse Effect set forth in 36 CFR § 800.5(a), ODOT-OES shall make a formal finding of “no adverse effect” and specify those conditions, if any, that shall be imposed to secure that finding. ODOT-OES may consult at any time, either formally or informally, with SHPO regarding application of the criteria. ODOT-OES shall notify FHWA, SHPO, consulting parties (including federally recognized Indian tribes), and interested members of the public that this finding of no adverse effect has been made. ODOT-OES shall ensure the preparation of documentation as set forth in 36 CFR § 800.11(e) to support that finding is completed. The SHPO and all consulting parties will be copied on each no adverse effect finding with the appropriate documentation as it is made by ODOT-OES. A record of that finding shall be included in the annual report prepared pursuant to Stipulation 2(F) of this Agreement. If neither SHPO nor a consulting party objects within the time frames stated above, ODOT-OES may proceed with the undertaking as proposed.

If the SHPO objects or comments within 15 days of receipt of an ODOT-OES finding of “no adverse effect,” or if there are additional consulting parties and any such consulting party objects or comments within 30 days of receipt of a finding of “no adverse effect,” ODOT-OES and SHPO will consult to resolve the objection or comment. If ODOT-OES and SHPO are unable to reach resolution, the parties will follow the procedures in Stipulation 6A of this Agreement.

**(D) Finding of Adverse Effect.** For any undertaking that includes within the APE, NRHP listed or eligible properties that will or may be adversely affected by the undertaking, as defined by the Criteria of Adverse Effect set forth in 36 CFR § 800.5(a), ODOT-OES shall make a formal finding of “adverse effect” and notify SHPO via formal consultation letter. Prior to any finding of adverse effect, ODOT-OES shall identify and consult with federally recognized Indian tribes that ascribe traditional cultural and religious significance to affected historic properties, and may consult either formally or informally with SHPO regarding application of the criteria of adverse effect in accordance with 36 CFR § 800.5(a).

ODOT-OES shall notify FHWA, SHPO, consulting parties (including federally recognized Indian tribes), and interested members of the public that a finding of adverse effect has been made. FHWA shall notify ACHP in accordance with 36 CFR § 800.6(a)(1), shall forward to ACHP copies of documentation (pursuant to 36 CFR § 800.11(e)) to support that finding, and copy ODOT-OES and SHPO. A record of that finding shall also be included in the annual report prepared pursuant to Stipulation 2(F) of this Agreement.

ODOT-OES will consult with SHPO, FHWA, ACHP (if participating in consultation), and consulting parties (including federally recognized Indian tribes) on measures to avoid, minimize, or mitigate the adverse effect. If FHWA, ODOT-OES and SHPO agree on measures to resolve the adverse effects, they shall execute the Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(c). When ACHP chooses not to participate in consultation, ODOT-OES will forward a copy of the executed MOA with supporting documentation to ACHP pursuant to 36 CFR § 800.6(c) and copy FHWA. ODOT-OES will ensure that FHWA staff contact information is included on all materials forwarded to the ACHP. When ACHP chooses to participate in consultation, FHWA or ODOT-OES will forward all consultation materials directly to ACHP and the ACHP will be a

signatory to the MOA. All such consultation will be included in the documentation required under 36 CFR § 800.11(e).

If ODOT-OES determines that an undertaking may adversely affect a National Historic Landmark, ODOT-OES shall coordinate with FHWA to request the SHPO, the ACHP and the Secretary of the Interior to participate in consultation to resolve any adverse effects, as outlined in 36 CFR § 800.10.

If there is a failure to resolve adverse effects or FHWA is unable to execute an MOA pursuant to 36 CFR § 800.6(c), FHWA will request ACHP comment in accordance with 36 CFR § 800.7.

## **5. Additional Provisions**

(A) **Emergency Situations:** For the purpose of this Agreement, emergencies are defined as occurrences which require emergency transportation system/facility repairs that are necessary to:

1. Protect the life, safety or health of the public;
2. Minimize the extent of damage to the transportation system/facilities;
3. Protect remaining transportation facilities;
4. Restore essential traffic.

The FHWA emergency program allows for the state to react quickly to damaged roadway locations on the federally-aided system. This program allows the state to use its own or contract forces without following the traditional FHWA requirements for project development. For a state to qualify, there must be an established event declared by the Governor and FHWA. For individual sites to qualify as emergency projects, each site must be related to the declared event. Each site must be visited by the FHWA Emergency Engineer and a detailed Damage Survey Report (DSR) must be written and approved by FHWA.

After a DSR has been approved by FHWA, the State is authorized to proceed with any necessary design, right-of-way acquisition or construction. The work necessary to restore the facility to its original condition may proceed once the DSR is approved by FHWA. Any necessary agency coordination may occur after the repair work has been completed. If possible, ODOT will conduct agency coordination prior to construction; however, because of the nature of this program, this may not be possible.

The work required to restore the damaged facility to its original condition that is beyond the scope of emergency repair will comply with the procedures in Stipulation 3 and Stipulation 4 of this Agreement. In these situations, ODOT-OES or FHWA may request expedited review by SHPO, consulting parties (including federally recognized Indian tribes), and the public.

**(B) Post-review Discoveries.**

1. Discoveries Made Prior to Project Construction: If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered after ODOT-OES has completed its review under this Agreement and prior to commencement of project construction, ODOT-OES, in consultation with SHPO, shall carry out the applicable requirements of 36 CFR § 800.13 on behalf of FHWA and the ACHP need not be notified unless they participated in the project originally or at the request of federally recognized Indian tribes or consulting parties.

2. Discoveries Made After Project Construction Begins: If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered after project construction begins, that portion of the project will stop immediately pursuant with Section 203.04 of ODOT's Construction and Material Specifications (and any successors to those specifications). The project engineer will immediately contact ODOT-OES and/or the appropriate ODOT District Environmental Coordinator who will notify FHWA within 24 hours. No further construction in the area of discovery will proceed until the requirements of 36 CFR § 800.13 have been satisfied, including consultation with federally recognized Indian tribes that may attach traditional cultural and religious significance to the discovered property. ODOT will consult with FHWA, SHPO and Indian tribes, as appropriate, to record, document and evaluate NRHP eligibility of the property and the project's effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property. If neither the SHPO nor a federally recognized Indian tribe files a timely objection to ODOT-OES' plan for addressing the discovery, ODOT-OES may carry out the applicable requirements of 36 CFR § 800.13 on behalf of FHWA and the ACHP need not be notified.

Should a post-review discovery be made, a NEPA re-evaluation of the environmental document will be required based on the post review discovery information.

(C) Treatment of Human Remains. Historic and prehistoric human remains are subject to protection under ORC Sections 2909.05 and 2927.11. As such, if previously unidentified human remains are discovered during construction, work in that portion of the project will stop immediately. The remains will be covered and/or protected in place in such a way that minimizes further exposure of and damage to the remains. The ODOT project engineer will immediately consult with the ODOT District Environmental Coordinator and the ODOT-OES Cultural Resources Section, and immediately notify local law enforcement and/or the County Coroner and FHWA. If the project has a US Army Corps of Engineers (USACOE) permit issued, the ODOT District Environmental Coordinator must notify the ODOT-OES Permits Section and the USACOE.

If the remains are found to be of American Indian origin, a treatment plan will be developed by ODOT-OES and SHPO in consultation with FHWA and appropriate federally recognized Indian tribes. FHWA and ODOT-OES will ensure that any treatment and reburial plan is fully implemented. If the remains are not American Indian, the appropriate local authority will be consulted to determine final disposition of the remains. Avoidance and preservation in place is the

preferred option for treating human remains.

For human remains of American Indian origin discovered on federal lands, the federal land managing agency will be responsible for consultation under the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601). For skeletal remains discovered on property owned by the State of Ohio, ODOT will comply with Section 149.53 of the ORC. Under this section, the Director of the Ohio Historical Society shall determine final disposition of any discovered skeletal remains.

## **6. Administrative Provisions.**

(A) **Dispute Resolution**. Should any party to this agreement, or a consulting party on an individual FHWA undertaking covered by this agreement, object within 30 days to any actions proposed or findings submitted for review, ODOT shall consult with the objecting party(ies) to resolve the objection. If ODOT determines that such objection(s) cannot be resolved, it shall request FHWA's assistance in resolving the objection. If FHWA determines that the objection remains unresolved, FHWA will:

1. Forward all documentation relevant to the dispute to the ACHP in accordance with 36 CFR § 800.2(b)(2). Upon receipt of adequate documentation, the ACHP shall review and advise FHWA on the resolution of the objection within 30 days. Any comment provided by the ACHP, and all comments from the parties to this Agreement, will be taken into account by FHWA in reaching a final decision regarding the dispute.
2. If the ACHP 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 its decision, FHWA will take into account all comments regarding the dispute from the parties to this Agreement.
3. FHWA's and ODOT's responsibility to carry out all other actions subject to the terms of this Agreement that are not 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.

(B) **Amendment**. This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

(C) **Right to Terminate**. Any party to this Agreement may terminate it by providing thirty (30) days written notice to the other parties, provided that the parties will consult during the period before termination to seek agreement on amendments or other action that would avoid termination. In the event of termination, the FHWA shall comply with 36 CFR Part 800 with regard to the individual undertakings covered by this Agreement.

(D) **Duration.** This Agreement will be reviewed by all parties every five (5) years from the date of execution for modifications or termination. If no changes are proposed and no party objects, the term of the agreement will be extended automatically for another five (5) years without re-execution.

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)

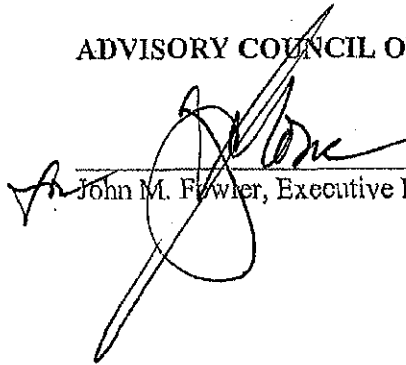
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Execution and implementation of this Agreement (No. 16734) is evidence that the FHWA meets its Section 106 responsibilities for all undertakings in Ohio where FHWA is lead federal agency and has afforded the ACHP an opportunity to comment.

The parties hereby acknowledge and reaffirm their commitment to perform all duties set forth in this Agreement.

\*\*\*\*\*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

  
John M. Fowler, Executive Director

*November 30, 2011*  
(Date)

**PROGRAMMATIC AGREEMENT  
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE STATE HISTORIC PRESERVATION OFFICE,  
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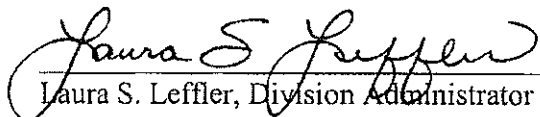
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The parties hereby acknowledge and reaffirm their commitment to perform all duties set forth in this Agreement.

\*\*\*\*\*

**FEDERAL HIGHWAY ADMINISTRATION**

  
\_\_\_\_\_  
Laura S. Leffler, Division Administrator

*11/29/2011*  
\_\_\_\_\_  
(Date)

**PROGRAMMATIC AGREEMENT  
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
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**The parties hereby acknowledge and reaffirm their commitment to perform all duties set forth in this Agreement.**

\*\*\*\*\*

**STATE HISTORIC PRESERVATION OFFICE**



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

11.29.11

(Date)

**PROGRAMMATIC AGREEMENT  
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
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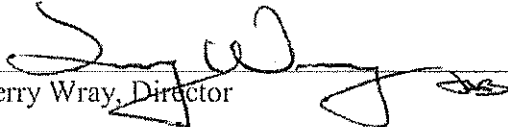
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The parties hereby acknowledge and reaffirm their commitment to perform all duties set forth in this Agreement.

\*\*\*\*\*

**OHIO DEPARTMENT OF TRANSPORTATION**

  
Jerry Wray, Director

11/28/2011  
(Date)

## APPENDIX A

### Agreement No. 16734

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

ODOT-OES, SHPO, and FHWA have jointly 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. These actions (project types) meet the criteria for CEs in the CEQ regulation (Section 1508.4) and 23 CFR 771.117 (a) and under 23 CFR 771.117(c) and do not normally require any further NEPA approvals by the Administration.

In accordance with Stipulation 4(A) of this Agreement, an ODOT district office may determine that an undertaking will not require coordination with ODOT-OES or the SHPO 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 backslopes 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) Determination of payback under 23 USC 156 [United State Code – Title 23 Highways; 23 U.S.C. § (156) (Proceeds from the sale or lease of real property)] for property previously acquired with federal-aid participation.
- (24) Transfer of federal lands pursuant to 23 USC 317 [United State Code-- Title 23 Highways; 23 U.S.C. § (317) (Appropriation for highway purposes of lands or interests in lands owned by the United States)] when the subsequent action is not an FHWA action.
- (25) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (26) Purchase and installation of operating or maintenance equipment to be located within the transit facility.
- (27) Purchase or conversion of vehicles to alternative fuel uses (CNG, E-85, etc.).

## APPENDIX B

Agreement No. 16734

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

ODOT-OES, SHPO, and FHWA have jointly 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 Stipulation 4(A) of this Agreement, ODOT-OES may determine that an undertaking will require no coordination with the SHPO 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 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 biofilters/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.

## APPENDIX C

### Agreement No. 16734

#### Undertakings\* Involving Bridges per Stipulation 3(F) of This Agreement:

1. Historic bridges (i.e., bridges eligible for listed in or eligible for listing in the NRHP) are subject to the Section 106 Consultation Process when part of a federal undertaking or approval, except for items listed in Appendix B of this agreement. FHWA and ODOT will ensure that through ODOT's Project Development Process (PDP), all feasible and prudent alternatives to replacement of a historic bridge are explored in the project scoping phase of the undertaking. Rehabilitation is preferred until proven infeasible or not a prudent use of public funding. Rehabilitation for vehicular use must be thoroughly evaluated before other alternatives are considered. Rehabilitation alternatives must consider a one-way pair alternative that involves rehabilitating the existing bridge and constructing a new parallel bridge, when applicable. If rehabilitation is not feasible and prudent, then bypassing it with an agreement to maintain the bridge, or relocation for another use must also be considered. Please refer to AASHTO's *Guidelines for Historic Bridge Rehabilitation and Replacement* (2008) and ODOT's *Ohio Historic Bridge Maintenance and Preservation Guidance* (2010).

(\* as defined at 36 CFR § 800.16(y))

#### Historic Bridge Inventory:

2. ODOT will maintain the *Ohio-DOT Historic Bridge Inventory Database* (originated in 1981 and updated in 2010). A copy of the database will be forwarded to SHPO and FHWA on a semiannual basis; and also made available to the public through ODOT's website. The database will be forwarded to ODOT-IT and Office of Structural Engineering for inclusion in NBIS, BMS and ODOT's buckeyeassets.org website (or their successors); on a semiannual schedule.
3. Surveys to identify significant bridges that meet or are approaching the 50 year threshold for NRHP consideration, will be completed at the discretion of the signatories of this agreement. New bridge research may be conducted on an individual, regional, and national basis. Efforts to identify patterns in history within the national context of transportation development will focus on bridge design trends within the last 50 years; e.g., technological breakthroughs (integral abutments); materials (composite decks); aesthetics (concrete forms and neo classical/postmodern detailing); context sensitive design (update on older styles, replication of arches and deck trusses, new covered bridges); and signature bridges (metro center and high level, cable stay variations). The scope, objectives, and format of any future studies will be established by the signatories, and will include provisions for public involvement in the identification process.

4. FHWA, ODOT and SHPO agree that the historic status of a bridge may change based on significant new information; e.g., elevated preservation potential; updated historical data; historic contexts; or demolition.

**System Preservation and Environmental Stewardship:**

5. ODOT, FHWA, and SHPO will complete management plans for historic bridges with a high level of significance; e.g., endangered; one of a kind; associated with a regional or national historic context, engineering trend, or prolific designer. The completed management plans will developed in consultation with the interested public, if any, and be forwarded to their respective bridge owners to be used in local and regional transportation plans.
6. ODOT, FHWA will promote routine maintenance, proper treatments of materials, and rehabilitation and reuse, of historic bridges based on guidance established by AASHTO, the National Park Service (NPS), and ODOT's *Ohio Historic Bridge Maintenance and Preservation Guidance*, and recommendations outlined in ODOT's Historic Bridge Management Plans.
7. ODOT will encourage the use of ODOT's *Ohio Historic Bridge Maintenance and Preservation Guidance* (and its amended or updated successors) for undertakings affecting historic types of bridges, even if they are not eligible for, or listed on the NRHP.
8. ODOT will maintain a website that advertises bridges and salvaged bridge components for reuse on roads, multiuse trails, parks, or other applications that will preserve and maintain them.
9. ODOT and SHPO will contact parties that may have an interest in reusing historic bridges; e.g., state and local parks; golf courses; multipurpose trails; and municipal and regional planners. Information will be provided on sources of funding and structures that are currently available for reuse.
10. When ODOT or SHPO are notified of a bridge owner's intent to replace a historic bridge using local government funds and no federal approvals are required, ODOT and OHPO will encourage rehabilitation in accordance with numbers 6 and 12 of Appendix C, and AASHTO's guidelines, which encourage the use of design exceptions, where applicable; or encourage relocation and/or reuse of the structure if it's not feasible to remain in place. ODOT may offer to advertise the bridge for reuse on its website and recommend documentation before a structure is demolished.
11. ODOT and FHWA will explore opportunities to incorporate sustainable practices in bridge design based on Leadership in Energy and Environmental Design (LEED) principles, by reusing existing bridges, structural elements, and materials.
12. FHWA, SHPO, and ODOT will present awards for rehabilitation, preservation, and reuse of historic bridges each year. The recipients of the awards will be selected by a panel of reviewers

from each agency and presented at the County Engineers Association of Ohio (CEAO) Ohio Bridge Conference and Trade Show or other annual event. A copy of the bridge awards document will be provided to the ACHP.

**Funding:**

13. Working in partnership with ODOT's Office of Local Projects, ODOT District staff, FHWA, and SHPO, ODOT-OES will assist in the facilitation of historic bridge project funds, and encourage local agencies and bridge owners to apply for available funding to preserve historic bridges; e.g., federal enhancement; covered bridge programs; municipal bridge programs; and general bridge funds.
14. ODOT and FHWA will explore funding sources to apply toward maintenance and preservation of historic bridges, historic bridge research, and bridge update studies in accordance with number 3 of Appendix C.

**Marketing and Education:**

15. ODOT will explore appropriate events and organizations to share data and promote the Ohio-ODOT Historic Bridge Inventory's research findings, program objectives, and publicize Ohio's extensive bridge-engineering heritage; e.g., the Ohio Transportation & Engineering Conference (OTEC); the CEAO Ohio Bridge Conference & Trade Show; Professional Engineers' meetings; ODOT District Environmental Coordinator meetings; ODOT training courses; and historical organizations.
16. ODOT will update all counties, municipalities, local and regional planning authorities, and historical organizations through direct notification or email, and through ODOT's web site, of the bridges in their respective areas listed in or eligible for listing in the NRHP, as they are represented in the ODOT Historic Bridge Inventory Database.

**Monitoring:**

17. ODOT will provide FHWA and SHPO with an annual report by October 31, which documents actions that have taken place under stipulations of this agreement, along with an update of the current Historic Bridge Inventory numbers. The FHWA, Ohio Division Office will forward the report to the FHWA Headquarters & Resource Center as appropriate.