



# OHIO DEPARTMENT OF TRANSPORTATION

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## What is Section 106?

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires federal agencies to take into account the effects of their actions on historic properties. The NHPA established the Advisory Council on Historic Preservation (ACHP) and authorized the ACHP to issue regulations governing its implementation. Section 106, as set forth in the *36 CFR Part 800*, are those implementing regulations.

In the Section 106 consultation process, ODOT must comply if the undertaking is of a type of activity that has the potential to affect a historic property. FHWA, ODOT, ACHP, and the Ohio State Historic Preservation Office (SHPO) have executed a Section 106 Programmatic Agreement which streamlines the Section 106 review process. ODOT uses this agreement to process approximately 90 percent of federal undertakings in Ohio.

Section 106 consists of the following steps:

- Determine whether the federal action has the potential to cause effects to historic properties if present.
- If a type of undertaking that has the potential to cause effects, initiate consultation and identify historic properties.
- Determine the effect of federal action upon historic properties.
- Resolve any adverse effects.

The results of these efforts are forwarded to SHPO for review either under the above referenced agreement for a 15 day review period or under the formal Section 106 review process as outlined by *36 CFR Part 800* for a 30 day review period. If historic properties are effected, ODOT consults with SHPO and other consulting parties to identify appropriate mitigation. Consultation usually results in a Memorandum of Agreement (MOA) which formally outlines the agreed-upon measures to mitigate the adverse effects. Resolution of adverse effects may include one or more of the following: recordation, aesthetic treatments, commemorative display or plaque, or reuse. Historic bridges are often made available for reuse on pedestrian facilities.

*The environmental review, consultation and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated 12/11/2015, and executed by FHWA and ODOT.*