



# OHIO DEPARTMENT OF TRANSPORTATION

1980 West Broad Street, Columbus, Ohio 43223

May 2, 2007

Mr. Mark J. Epstein, Department Head  
Resource Protection and Review  
Ohio State Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211



Subject: State Funded and State/Local Funded Project Agreement (Revised)  
Agreement No. 12295

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 State Historic Preservation Office (OSHPO), and in compliance with Section 149.53 of the Ohio Revised Code (ORC), ODOT proposes that 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 be processed in a manner consistent with the following agreements:

1) *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 The Implementation Of The Federal-Aid Highway Program In Ohio (Agreement No. 12642) executed July 17, 2006.*

2) *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 No. 10978) executed April 3, 2002.*

In order to delegate this authority, ODOT/OES will assure each project is screened against the conditions as set forth under this agreement prior to approval.

## PROCESS AND DOCUMENTATION

### A: BRIDGE AND CULVERT PROJECTS

Under this agreement OSHPO and ODOT will carry out their respective responsibilities under Section 149.53 of the ORC in accordance with the following criteria for processing 100% State funded and State/Local funded bridge and culvert replacement and rehabilitation projects:

Rehabilitation or replacement of bridges, determined not eligible for inclusion in the National Register of Historic Places as a result of previous historic bridge inventories, are not subject to review by the OSHPO if the improvement will not affect other known cultural resources. The exempted bridge types include: culverts made of concrete, steel, or aluminum; concrete slab; frame type structures; steel beam simple;

steel girder simple and through; concrete girder (excluding girder truss); continuous steel beam and continuous steel girder bridges constructed after 1938; bridges and structures within the Interstate Highway System; concrete stringers and beams (excluding the 10 Select bridges identified in *The Third Ohio Historic Bridge Inventory, Evaluation, and Management Plan for Bridges Built 1951-1960 and The Development of Ohio's Interstate Highway System* (2004)).

Routine maintenance, roadway repair, deck replacement, resurfacing, and attachment of approach guardrails to an existing historic structure are not subject to review by the OSHPO under this statute.

The following 100% State funded and State/Local funded bridge projects will require review by the OSHPO and are not covered by this agreement:

All bridges not included in previous historic bridge inventories and of a nonexempt type, require evaluation of National Register eligibility and are subject to review by the OSHPO. Improvements involving bridges included in or eligible for inclusion in the National Register of Historic Places, considered a contributing element within a listed or eligible historic district, a National Historic Landmark, or identified as Selected or Reserve Pool in historic bridge inventories, are subject to review by the OSHPO.

#### B: MAINTENANCE ACTIVITIES AND MINOR HIGHWAY PROJECTS

OSHPO and ODOT have consulted and determined that certain 100% State funded and State/Local funded maintenance activities and minor highway, bikeway, and pedestrian projects do not have the potential to affect historic properties listed in or considered eligible for listing in the National Register of Historic Places. Therefore, OSHPO and ODOT agree to carry out their respective responsibilities under Section 149.53 of the ORC in accordance with the following stipulations:

##### I. Project Types and Activities

If ODOT determines that a project type or activity only involves (a) properties that are less than 50 years old, or (b) those activities and project types as defined below, then the project type or activity will be deemed exempt and require no further review under this agreement because these activities generally do not affect properties listed in or considered eligible for listing in the National Register of Historic Places, as long as the undertaking is limited to the activities specified and is not part of a larger undertaking.

1. Guardrail replacement where no new bank stabilization is required, and where roadway ditches and back slopes will not be relocated outside existing disturbed areas.
2. General pavement marking or "line painting" projects.
3. The installation or maintenance of highway signs, pavement markings, raised pavement markers, sensors and/or replacement fencing within existing highway right-of-way.
4. General highway maintenance within existing highway right-of-way, including but not limited to, filling potholes, crack sealing, mill and resurfacing, joint grinding/milling, shoulder reconstruction, and minimal bank stabilization.
5. Construction of bicycle and pedestrian lanes, paths, and facilities (specifically, for ADA ramps, designation of certain highways as bicycle routes, painting of existing paved shoulders as bicycle lanes, and construction of bikeway/pedestrian ways on existing former railroad corridors),

provided that no new disturbance will occur below ground in undisturbed areas or areas appearing to be undisturbed that would require archaeological investigation and no buildings will be removed.

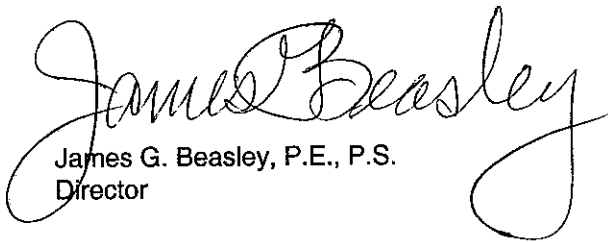
6. Acquisition of scenic easements.
7. Track and rail bed improvements, including maintenance activities and installation of railroad warning devices within existing right-of-way.
8. Improvements to existing maintenance facilities, rest areas, and truck weigh stations. (This does not apply to disposal of state property, major rehabilitation, reconstruction, and/or expansion of existing maintenance facilities, rest areas, and truck weigh stations requiring land modification.)
9. Grants for training and research programs which do not involve construction.
10. Modernization of a highway within the existing highway right-of-way by resurfacing, restoration, rehabilitation and reconstruction, and including, but not limited to, new bank stabilization, addition of shoulders, and berm stabilization.
11. Highway improvement construction areas that are disturbed by previous mining and quarrying activities.
12. Modernization of an existing highway by widening less than the width of a full travel lane provided such widening does not expand beyond the limits of the existing highway right-of-way.
13. Minor strip right-of-way takes, either permanent or temporary and 10 feet or less in width, where no previously known historic properties exist except historic bridges.
14. Earthen slip/landslide repair within existing highway right-of-way.
15. Providing an access break in limited access or other right-of-way.
16. Areas of temporary right-of-way, work agreement, and/or easement, provided that the action is an in-kind replacement of modern facilities, including driveway reconstruction; replacement of curbs, gutters, and sidewalks; re-installation of utilities; grading to re-establish slopes; re-seeding; and ditch enclosure.
17. Replacement of drainage structures made of metal, concrete, or plastic which are not included in the ODOT Bridge Management System, as well as associated stream modifications in existing right-of-way.
18. Installation of non-permanent amenities for bicyclists and pedestrians, including, but not limited to, bicycle racks, benches, and trash receptacles.
19. Ride sharing activities and facilities, transportation corridor fringe parking facilities and park-and-ride lots that are established within existing highway right-of-way.

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All project types and activities not subject to this agreement will follow the standard consultation process between ODOT and OSHPO, and will require review by the OSHPO.

Projects meeting the criteria and stipulations in this letter agreement can be approved by the ODOT Office of Environmental Services. This approval authority resides solely in the ODOT Office of Environmental Services and cannot be delegated to an ODOT District Office. OSHPO acceptance of this agreement will be noted by your concurrence below.

Respectfully,



James G. Beasley, P.E., P.S.  
Director

JGB:TMH:pg

OHIO STATE HISTORIC PRESERVATION OFFICE:



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

5/7/07  
(Date)