

VIRGINIA DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

<p>DIRECTED TO: Central Office Environmental Staff District Environmental Staff Regional Cultural Resources Practitioners NEPA Practitioners Water Resources Practitioners</p>	<p>AUTHORITY: Sections 106 and 110 of the National Historic Preservation Act; 36 CFR Part 79; State Collections Management Standards (DHR, 2011)</p>
<p>GENERAL SUBJECT: Cultural Resources</p>	<p>NUMBER: IIM-ED-504.1</p>
<p>SPECIFIC SUBJECT: Program Comment for Common Post-1945 Concrete and Steel Bridges</p>	<p>DATE: 03/29/2023</p>
	<p>SUPERSEDES: EM-CR-504</p>
<p>APPROVED: Christopher J Swanson For Public Distribution 2023.03.31 07:21:32-04'00'</p>	

Changes are shaded.

DEFINITIONS

TERM	MEANING
Common Bridge Type	Any one of 13 types defined in Section V of the Program Comment “well documented standardized designs that lack individual distinction”
Program Comment	An action of the Advisory Council on Historic Preservation pursuant to 36 CFR 800.14(e) by which a federal agency can request that the ACHP comment on a category of undertakings in lieu of conducting individual reviews under Sections 800.4 through 800.6 of the regulations (36 CFR 800).

BACKGROUND

On November 16, 2012, the federal Advisory Council on Historic Preservation (ACHP) issued a Program Comment for Common Post-1945 Concrete and Steel Bridges in the Federal Register (77:68790-68795). The Program Comment, requested by the Federal Highway Administration (FHWA), relieves FHWA and other federal agencies from the statutory requirement to consider the effects of undertakings on defined common bridge types constructed of concrete and steel, and built after 1945. In 2015, Section 1303 of the Fixing

America's Surface Transportation (FAST) Act (Public Law 114-94) also exempted those same common bridge types from Section 4(f) review. The Program Comment can be utilized by FHWA, other federal agencies, and its state DOT partner only after a process has been completed to determine if any post-1945 bridges, of the types specified in the Program Comment, exist which would not be considered "common." That process, defined in Section IV.C of the Program Comment, was completed by FHWA in cooperation with VDOT, the Virginia State Historic Preservation Officer (SHPO), and the Virginia Transportation Research Council (VTRC) during spring 2016. On June 28, 2016, FHWA's Virginia Division informed FHWA's Federal Preservation Officer that the process required by Section IV.C of the Program Comment had been completed, that no exceptional bridges of the types covered by the Program Comment exist in VDOT's system, and that FHWA will be applying the provisions of the Program Comment to its undertakings in Virginia.

SCOPE & APPLICABILITY

The geographic scope of the Program Comment is statewide, applicable to all post-1945 bridges of the types identified in Section V of the Program Comment. The effects of federal undertakings on any such bridges shall not need to be considered in Section 106 consultation. Further, Fast Act Section 1303, exempts from Section 4(f) review the use of any bridges subject to the Program Comment.

The following bridge types are subject to Program Comment if built after 1945:

- A. Reinforced concrete slab bridges
 - i. Reinforced concrete cast-in-place slabs
 - ii. Reinforced concrete pre-cast slabs
 - iii. Pre-stressed concrete slabs
- B. Reinforced concrete beam and girder bridges
 - i. Reinforced concrete Tee Beams
 - ii. Reinforced concrete channel beams
 - iii. Pre-stressed concrete I-Beams and Bulb Tees
 - iv. Pre-stressed concrete box beams
- C. Steel Multi-Beam or Multi-Girder bridges
 - i. Steel-rolled multi-beams
 - ii. Steel fabricated (built up) girders
- D. Culverts and reinforced concrete boxes
 - i. Reinforced concrete boxes
 - ii. Concrete box culverts
 - iii. Concrete pipe culverts
 - iv. Steel pipe culverts

REQUIREMENTS

Application of the Program Comment relies on two items of information: 1) date of construction, and 2) type – information not consistently included in project Early Notification (EQ-429) documentation or Comprehensive Environmental Data and Reporting system (CEDAR) Project Definition forms. All of the following steps **shall** be carried out by regional cultural resources practitioners unless otherwise specified below.

- If a project involves a bridge, check the date of construction to determine if it was built after 1945.
- If the bridge was built after 1945, consult with the appropriate district structure and bridge section to determine if it is among the 13 types of Program Comment bridges.
- While Program Comment bridges are excluded from Section 106 consideration, the effects of the undertaking as a whole on other historic properties **shall** still be considered.
- If the subject bridge is among the 13 types of Program Comment bridges, determine if it is “located adjacent to or within a National Register listed or eligible historic district.” Such bridges are not excluded from Section 106 consideration (Program Comment, Section IV(A)). This may involve consultation with the Department of Historic Resources.
- If the subject Program Comment bridge is not “located adjacent to or within a National Register listed or eligible historic district,” proceed to review the project and determine effect, understanding that the subject Program Comment bridge does not need to be considered in the effect determination.
- If the subject Program Comment bridge is “located adjacent to or within a National Register listed or eligible historic district,” proceed to review the project and determine effect with the understanding that the subject Program Comment bridge may contribute to the district and therefore be subject to Section 106 consideration.
- If a Stipulation II.A effect determination is made for the project, note on the CEDAR CR Form that a Program Comment bridge is involved.
- If an effect determination is made through standard consultation with the SHPO, note in communications that a Program Comment bridge is involved.
- In the absence of CEDAR functionality, notify district document and permit staff that the Program Comment has been applied to a bridge associated with a project.
- Indicate on the CEDAR Effect Determination Worksheet that a Program Comment bridge is involved in the project.
- District NEPA and permit practitioners should note the circumstances that make the Program Comment exemptions applicable in environmental document and permit documentation.

PROCEDURES/REPORTING

Enhancements to CEDAR will be requested to provide necessary bridge information (date, type) in the Project Definition Form.

EXEMPTIONS, WAIVERS, OR LIMITATIONS

The Program Comment shall not eliminate or waive the Section 106 requirement to consider the effects of a federal undertaking on other historic properties such as adjacent historic buildings, historic districts or archaeological sites. Further, certain common bridges of the types covered by the Program Comment may already have been determined to contribute to historic districts or listed in the National Register of Historic Places. The Program Comment would not apply in such circumstances

OTHER INFORMATION

Program Comment, Federal Register: [2012-27866.pdf \(govinfo.gov\)](#)

FAST ACT Section 1303: [BILLS-114hr22enr.pdf \(sharepoint.com\)](#)

FHWA Program Comment Activation Memorandum: [Program Comment Memorandum \(2\).pdf \(sharepoint.com\)](#)

FHWA Program Comment Page:
https://www.environment.fhwa.dot.gov/histpres/program_comment.asp