



Guidance

List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance

Introduction

This guidance document identifies the types of projects that require no review or coordination under the Section 106 Programmatic Agreement for Federal Highway Administration (FHWA)-funded projects and for state- and locally-funded projects under the Antiquities Code of Texas regarding potential project effects on non-archeological historic properties. Based on past experience, these project types do not cause new impacts. The document contains two lists:

- The first list addresses activities with no potential to affect non-archeological historic properties and applies to Federal Highway Administration (FHWA) undertakings (any project for which FHWA is providing funding or any project which requires some kind of FHWA approval [e.g. an interstate access agreement]).
- The second list addresses activities with no potential to affect non-archeological historic properties and applies to highway projects on nonfederal public lands of the state of Texas (e.g. state right-of-way) for which no other federal money, license or approval is required and for which TxDOT is the project sponsor.

Note that the lists differ in some important details, so they should be read carefully.

List of FHWA Undertakings that Have No Potential to Cause Effects to Non-Archeological Historic Properties

Pursuant to 36 CFR 800.3(a)(1), certain routine projects constitute undertakings with no potential to cause effects on non-archeological historic properties. In addition, the Programmatic Agreement among the FHWA, TxDOT, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings identified several categories of undertakings that have no potential to cause effects.

The following activities do not require review or consultation regarding their potential effects on non-archeological historic properties:

- A. Installation, repair, or replacement of fencing, signage, traffic signals, railroad warning devices, safety end treatments, cameras, and intelligent highway system equipment;
- B. In-kind repair or replacement of lighting, signals, and non-native stone curbs and gutters;
- C. Maintenance, repair, or replacement of non-brick roadway surfacing, including crack seal, overlay, milling, grooving, resurfacing, and restriping;
- D. Installation of landscaping within current right-of-way (ROW);
- E. Relocation or new construction of turn lanes and exit ramps between existing main lanes and existing frontage roads within current ROW;
- F. Bridge projects comprised of the following activities, as long as such undertakings are not within or adjacent to a historic district listed in or eligible for listing in the National Register of Historic Places (NRHP), do not require any new ROW or permanent easements, and involve one of the types of bridges outlined in items a-e below (see *Guidance: Determining Appropriate Level of Non-Archeological Historic Properties Review for Bridge Projects* for additional information):



1. Routine maintenance, such as asphalt overlays, cleaning deck drains and vegetation, sealing concrete, installing rip rap and other scour protection, and bridge cleaning;
2. Widening;
3. Upgrades, including rail/guardrail repair and/or replacement;
4. Repair;
5. Replacement;

Undertakings in these categories only apply to the following types of bridges:

- a) Bridges less than 45 years old at the time of construction letting;
 - b) Bridges on the interstate system not previously listed in the NRHP or exempted from Section 106 as part of the Interstate Highway System (cannot be one of the bridges listed in Appendix A of the Guidance: Historical Studies Review Procedures);
 - c) Concrete or steel bridges constructed after 1945 and part of the Program Comment for Common Post-1945 Concrete or Steel bridges (cannot be one of the bridges listed in Appendix B of the Guidance: Historical Studies Review Procedures)
 - d) Concrete bridge-class culverts; and
 - e) Timber stringer bridges.
- G. Design changes for projects that have completed all applicable review and consultation where the new project elements comprise only one or more of the activities listed on this list;

List of Projects on Nonfederal Public Lands of the State of Texas that Have No Potential to Cause Effects to Non-Archeological Historic Properties

Pursuant to 43 TAC 2.270, certain routine projects constitute projects that are excluded from review for non-archeological historic resources. The following activities do not require review of their potential impacts on non-archeological historic properties under Chapter 43 of the Texas Administrative Code:

- A. Maintenance, repair, installation, or replacement, of transportation-related features, including fencing, signage, traffic signals, railroad warning devices, safety end treatments, cameras and intelligent highway system equipment, non-historic bridges, railroad crossings, lighting, curbs and gutters, safety barriers, ditches, storm drains, non-historic culverts, overpasses, channels, rip rap, and noise barriers;
- B. Maintenance and in-kind repair of designated historic bridges, picnic areas, rest areas, roadside parks, and culverts;
- C. Maintenance, repair, or replacement of roadway surfacing, including crack seal, overlay, milling, grooving, resurfacing, and restriping;
- D. Maintenance, repair, reconfiguration, or correction of roadway geometrics, including intersection improvements and driveway and street connections;
- E. Maintenance, repair, installation, or modification of pedestrian and cycling-related features, including American with Disabilities Act ramps, trails, sidewalks, and bicycle and pedestrian lanes, unless they



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are on historic properties protected as State Antiquities Landmarks (SALs), county courthouse, or by preservation easement or covenant;

- F. Maintenance, repair, relocation, addition, or minor widening of roadway, highway, or freeway features, including turn bays, center turn lanes, shoulders, U-turn bays, right turn lanes, left turn lanes, travel lanes, interchanges, medians, and ramps;
- G. Maintenance, repair, replacement, or relocation of features at crossings of irrigation canals, including bridges, new vehicle crossings, bank reshaping, pipeline and standpipe components, canal conversion to below-grade siphons, and utilities;
- H. Repairs needed as a result of an event, natural or man-made, which causes damage to a designated state highway, resulting in an imminent threat to life or property of the traveling public, or which substantially disrupts or may disrupt the orderly flow of traffic or commerce;
- I. Design changes for projects that have completed all applicable review and consultation where the new project elements comprise only one or more of the activities listed above.



Appendix A

The following table shows the revision history for this guidance document.

Revision History	
Effective Date Month, Year	Reason for and Description of Change
January 2020	Version 2 was released. Updated title to match ECOS Work Plan Development.
November 2018	Version 1 was released.