

***Frequently Asked Questions about the Historic Bridges Programmatic Agreement (PA) and the Historic Bridge Project Development Process (PDP)
Updated April 2020***

Q: How can I find out if a bridge is Select or Non-Select?

A: [Volume 4](#) of the completed historic bridge inventory documents contains the list of Select and Non-Select Bridges by county.

Additionally, the [Indiana Historic Buildings, Bridges, and Cemeteries Map](#) (IHBBC Map) includes Select and Non-Select Bridges. On the upper, right hand side of the screen, click on the “Layer List” to find the available layers for both Select and Non-Select Bridges. Each layer must be turned on individually for each type of bridge to be shown in the map. These layers are not displayed by default and must be turned on each time the map is accessed. Clicking on the Select or Non-Select Bridge icon in the map will show the basic bridge ID information.

Q: What does Select Bridge mean?

A: These are historic bridges that are most suitable for preservation and are excellent examples of a given type of historic bridge. FHWA will not fund the demolition of a Select Bridge. All FHWA-funded projects involving Select Bridges must preserve the bridge in some manner.

Q: What does Non-Select Bridge mean?

A: These are historic bridges that may not be considered excellent examples of a given type of historic bridge or may not be as suitable candidates for preservation. Non-Select Bridges may be replaced if no avoidance alternative is determined to be feasible and prudent or no alternative that poses the least harm to the bridge is determined to be feasible and prudent. The Historic Bridge Alternatives Analysis (HBAA) document analyzes alternatives for feasibility and prudence.

Q: Are Non-Select Bridges historic?

A: Yes. Both Select and Non-Select Bridges are “historic”—that is, both types of bridges are ones that are either listed in the National Register of Historic Places or have been determined to be eligible for listing in the National Register. Volumes 1-2 of the Indiana Historic Bridge Inventory list historic and non-historic bridges and can be found here: <http://www.in.gov/indot/2531.htm>. Additionally, a database of the information can be found here: <http://www.in.gov/indot/div/public/HistoricBridgeDatabase.mdb>.

Q: Did bridge owners have any say in the Select/Non-Select determinations?

A: Yes. Before the list of historic bridges was finalized in 2009, a 60-day public comment period occurred. Before the Select/Non-Select determination process was started, a 30-day public comment period was given for the evaluation criteria for classifying historic bridges as Select and Non-Select. The draft list of Select and Non-Select Bridges, with the rationale for including a bridge on either list, was also subject to a 60-day public comment period. Before and during each of the comment periods, the public, bridge owners, agency officials, historic groups, and other interested parties and stakeholders were notified and asked to provide comment.

Q: What if a bridge owner or consulting party disagrees with the National Register determination or Select/Non-Select determination for a bridge?

A: The Historic Bridges PA states that examples of unusual circumstances that may warrant an owner requesting a change in designation may include, but are not limited to, the bridge collapsing due to a flood or an overweight vehicle. However, FHWA, SHPO, and INDOT staff recognize that other circumstances warranting reclassification could occur, such as newly uncovered historical evidence. In [Section 5 of Volume 3: Methodology to Identify Select and Non-Select Bridges](#), a process is outlined for reconsidering the status of a bridge.

The first step is to provide INDOT with the information outlining why the bridge warrants a change in designation. In some cases, additional research and reports may be required. For example, the best way to provide information as to why a bridge may no longer be Select may be for the bridge owner to prepare an [alternatives analysis document](#) considering a range of options, and making a clear case of why preservation of the bridge in some manner is not feasible and prudent.

If the request moves forward after initial INDOT/FHWA review, the SHPO, the Historic Bridge Task Group, and the public are notified of the request and allowed to make comments for 30 days. After the comment period, FHWA and SHPO review the comments and inform INDOT of their decision as to whether the designation should be changed or not. The INDOT Cultural Resources Office should be contacted for further guidance about this process.

Q: What are the options for a Select Bridge?

A: FHWA will not consider demolition to be a prudent alternative for any Federal-aid project involving a Select Bridge, and FHWA will not participate in a project that would result in the demolition of a Select Bridge. Therefore, any FHWA-funded project involving a Select Bridge must preserve that bridge in some manner. The project development process for Select Bridges can be found in Section III and Attachment B of the [Historic Bridges PA](#).

Q: If a Select Bridge rehabilitation cannot follow the Secretary of the Interior’s Standards and the result is determined an “adverse effect,” is that allowable under the Historic Bridges PA?

A: Yes, it is allowable. Under the provisions of the Historic Bridges PA, FHWA no longer issues an effect finding for the bridge itself. Section 106 for all Federal-aid projects involving bridges on the Select/Non-Select list will follow the provisions of the Historic Bridges PA, regardless of whether the project ultimately does or does not result in an “adverse effect.” The alternatives analysis will discuss why certain improvements that may impact the historic integrity of the bridge are needed in order to meet the purpose and need of the project, and ultimately SHPO will need to concur with the preferred alternative.

Q: What are the options for a Non-Select Bridge?

A: Non-Select Bridges may be replaced if no avoidance alternative is determined to be feasible and prudent or no alternative that poses the least harm to the bridge is determined to be feasible and prudent. The [Historic Bridge Alternatives Analysis \(HBAA\)](#) document analyzes alternatives for feasibility and prudence.

Q: Can a Non-Select Bridge be preserved?

A: Yes. The results of the Purpose and Need development and HBAA might conclude that rehabilitation of a Non-Select Bridge is prudent and feasible, and therefore, is the preferred alternative for a Non-Select Bridge.

Q: Why is an Alternatives Analysis needed for Non-Select Bridges? Why can't they simply be demolished given their Non-Select status?

A: The Historic Bridges PA was formulated to streamline the Section 106 process for historic bridges, but does not specifically address Section 4(f) requirements. A Section 4(f) Alternatives Analysis is required to fulfill the [Programmatic Section 4\(f\) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges](#). As such, before demolition and replacement of a historic bridge can occur, the FHWA must confirm that, on the basis of extensive studies and analysis, there are no “feasible and prudent” alternatives to this use of the resource. The [“Historic Bridge Alternatives Analysis Layout” \(HBAA\)](#) should be used to develop the alternatives analysis.

Q: How is the process streamlined for Non-Select Bridges for which the HBAA determines will be replaced? It seems like a lot of work is still involved to replace these bridges.

A: If the only “adverse effect” is to the historic bridge, a Memorandum of Agreement (MOA) will not be required for the “adverse effect” involved with demolishing the bridge. The Historic Bridges PA outlines standard mitigation for any “adverse effects” to the historic bridge. Time and money are saved by not undergoing the MOA process.

Time and money are also saved through the lesser amount of standard mitigation that is specified in the Historic Bridges PA. Dismantling bridges for storage and potential reuse was previously a common mitigation practice specified in MOAs. It is not required per the Historic Bridges PA. Per Attachment B of the Historic Bridges PA (‘Standard Treatment Approach for Historic Bridges’), only two items of mitigation are required:

- The bridge owner shall consult with the Indiana SHPO to determine if photo documentation of the bridge is needed. If needed, the Indiana SHPO will specify the photo documentation standards and distribution requirements. If the Indiana SHPO does not respond within thirty (30) days, the bridge owner may assume the Indiana SHPO does not require any photo documentation.
- The bridge owner shall salvage elements that may be stored and used for future repair of similar historic bridges, if a party was identified during the bridge marketing phase of project development (see Stipulation III.B.2).

Q: Can a Select or Non-Select Bridge be altered or removed with non-FHWA funds?

A: Yes. A bridge owner can alter or remove Non-Select or Select Bridges with non-FHWA funds. FHWA/INDOT have no oversight authority for actions taken with local funds. If state funds are proposed to alter or remove a historic bridge, please see the question and answer below regarding that process.

The bridge owner should be aware that Section 106 may be required through another federal agency; for example, if the project requires a permit from the US Army Corps of Engineers

(USACE). In that case, the USACE will be the lead federal agency and its procedures for Section 106 would be followed.

It should be noted that the Historic Bridges PA (Stipulation IV.G) states that if FHWA or Indiana SHPO determines that a bridge owner intentionally demolished or otherwise diminished the historic integrity of a **Select Bridge** under the bridge owner's jurisdiction with non-Federal-aid funds, then FHWA will comply with 36 CFR Part 800 for any future federal-aid bridge project proposed by that bridge owner for any of its bridges. That is to say, the normal Section 106 review process must be carried out for those projects and the streamlining procedures of the Historic Bridges PA cannot be utilized. After the next Bridge Survey update is completed, FHWA may again process Federal-aid projects in accordance with the Historic Bridges PA for that bridge owner.

It should also be noted that Section 110(k) of the National Historic Preservation Act (NHPA) prohibits FHWA from providing Federal-aid funds for a given project, where the bridge owner, with the intent to avoid the requirements of Section 106, has intentionally adversely affected the historic bridge prior to completion of an environmental document. In other words, a bridge owner could not remove a historic bridge with non-FHWA funds and then apply for Federal-aid funds to build the replacement structure at that location.

One clarification is that if a Select Bridge is destroyed due to some natural disaster (fire, tornado, etc.), then the bridge owner would not be held responsible, and there would be no need to invoke Stipulation IV.G of the Historic Bridges PA or Section 110(k) of the NHPA.

Q: Does FHWA, INDOT or SHPO need to review or approve alterations with non-FHWA funds to a Select or Non-Select Bridge?

A: No. Because FHWA does not have the authority to apply Section 106 to non-Federal undertakings, FHWA and INDOT will not be involved in projects that are not using FHWA funds. Likewise the SHPO would typically not be involved unless there was another federal action that would require their review (e.g., a US Army Corps of Engineers permit) or if there was state funding involved. If state funds are proposed to alter or remove a historic bridge, please see the question and answer below regarding that process.

It is recognized that routine maintenance work may need to be done to Select Bridges, and many times these maintenance activities will not diminish the historic integrity to the extent that a bridge would need to be removed from the Select list. It is a good idea to follow the [Secretary of Interior's Standards for Rehabilitation](#) for projects using non-FHWA money.

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Q: What are the requirements when state funds are utilized for a historic bridge project?

A: All projects for state-owned bridges (owned by INDOT or other state agencies, such as DNR), must comply with Indiana Code (IC) 14-21-1-18 (a) and (b), which states that a [Certificate of Approval \(COA\)](#) be obtained from the Indiana Historic Preservation Review Board (Review Board) before using state funds to alter, demolish, or remove a historic site or historic structure owned by the state. For any locally-owned historic bridge project utilizing state funds, if the bridge is listed in either the Indiana Register of Historic Sites and Structures or listed in the National Register of Historic Places (NRHP), the project must comply with IC 14-21-1-18 (a) and (b). Guidance on the process to comply with IC 14-21-1-18 (a) and (b) can be found in the [Cultural Resources Manual](#), Part III, Chapter 2.

Gaining a COA under state law IC 14-21-1-18 does **not** satisfy federal Section 106 requirements (16 USC 470f) – nor does completion of Section 106 through the Historic Bridges PA satisfy IC 14-21-1-18. Consequently, if a project utilizes both state and federal money, it must comply with both laws. In August 2013, a permanent rule (312 IAC 20-4-11.5) was passed for projects that are subject to both Section 106 and IC 14-21-1-18. This process outlined in this rule is referred to as Dual Review. Pursuant to Section 1(f) of this rule, at the conclusion of the review process, most projects will be granted a letter of clearance from the Division of Historic Preservation and Archaeology exempting the project from obtaining a COA under IC 14-21-1-18. Guidance on the Dual Review process can be found in the [Cultural Resources Manual](#), Part III, Chapter 2.

Q: Why is a historic property report (HPR) required for historic bridge projects when the bridge's National Register eligibility has already been established through the inventory results?

A: To ensure all FHWA-funded projects are consistent, an HPR is required for all projects that do not fall under the [Minor Projects Programmatic Agreement \(MPPA\)](#). Even though we know the eligibility of the bridge, other resources in the APE must be evaluated for National Register eligibility. For some projects, a short HPR would be appropriate. See the [Cultural Resources Manual](#), Part II, Chapter 6 for guidance on which type of HPR to prepare.

Additionally, the appropriate archaeological investigations must also be conducted. Please see the [Cultural Resources Manual](#), Part II, Chapter 7 for detailed guidance on what level of archaeology investigation is appropriate and the guidelines for preparing archaeology reports.

Q: Is Section 106 required for projects involving the non-historic bridges that were determined not to be National Register eligible in the inventory?

A: Yes. Section 106 is required for these projects, although depending on the scope of work, the project may fall under the [Minor Projects Programmatic Agreement \(MPPA\)](#). Please see the [Cultural Resources Manual](#), Part II, Chapter 3 for information on the MPPA.

Even though we know the bridge is not National Register eligible, other resources in the APE must be evaluated for National Register eligibility if the project does not fall under the MPPA. Please see the [Cultural Resources Manual](#), Part II, Chapters 6-7 for detailed guidance on what type of HPR and archaeology investigation is appropriate and the guidelines for preparing the reports.

Q: Why do concrete and stone bridges have to be marketed for reuse when they can't be relocated?

A: While it may seem unlikely, someone may step forward and be willing to preserve such a bridge at its existing location. The entity would have to assume the legal liability, but if they were willing to do so, then they should have the opportunity to step forward and propose such an alternative (e.g., a local group using the bridge for fishing pier, and being legally responsible for bridge preservation and maintenance and associated liability).

Q: Are Memorandums of Agreement (MOAs) needed for historic bridge projects now?

A: An MOA is not needed if the only "adverse effect" is to the historic bridge. The Historic Bridges PA sets out the process for mitigating any "adverse effects" to the historic bridge. However, if an "adverse effect" will occur to another above-ground resource or an archaeological resource as a result of the bridge project, an MOA will be needed to mitigate the effects of the project on those resources.

Q: Is notification to the Advisory Council on Historic Preservation (ACHP) required under the Historic Bridges PA?

A: ACHP notification is not needed if the only "adverse effect" is to the historic bridge. Through signature of the Historic Bridges PA, the ACHP agreed that implementation of the standard treatment approach includes all possible planning to minimize harm to the historic bridge and implementation of the standard treatment approach fulfills all consultation requirements under Section 106. However, if an "adverse effect" will occur to another above-ground resource or an archaeological resource as a result of the bridge project, the ACHP must be notified and the MOA to resolve those "adverse effects" must be filed with the ACHP.

Q: Is a Section 106 Public Notice published in a local newspaper required for historic bridge projects?

A: Yes. Although the public hearing notice can contain information on the Section 106 finding, INDOT requires that a separate newspaper notice be placed to advertise the project's effect finding at the time that the finding is issued. Due to the usual lag-time between the finding of effect and when the public hearing is held, it is easy for the Section 106 language to be forgotten in the hearing notice, causing issues. Running a notice for the Section 106 finding as soon as it is issued avoids this possible omission. Please follow the [templates](#) for Section 106 public notices.

Q: Is a public hearing required for all historic bridge projects?

A: A public hearing is required for *every Select and Non-Select Bridge project processed under the Historic Bridges PA*, regardless of the preferred alternative. Guidance on conducting a

public hearing for a historic bridge project can be found in the [Cultural Resources Manual](#), Part IV, Chapter 3.

Q: What type of sign should be placed for marketing a Non-Select Bridge?

A: Any type of sign that is visible to vehicular traffic and easily accessible to be safely read by pedestrian traffic is fine. The sign can be a standard highway sign or a sign similar to those used for permits on a construction site, as long as it will hold up to the weather for at least six (6) months. The required language that must be included on the signs can be found in the Cultural Resources Manual, Part IV, Chapter 2, Appendix C. It is suggested that photographs with a time/date stamp be taken of the installed sign in order to prove that this requirement was met. Photographs of the signs should be included in the Section 106 800.11 documentation and should be included in the environmental document for the project.

Q: Are any bridges on the interstate system in Indiana historic?

A: No. The vast majority of the 46,700-mile Interstate Highway System (Interstate System) is exempt from consideration as a historic resource under requirements of Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act per the [Section 106 Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System](#) adopted by the Advisory Council on Historic Preservation on March 10, 2005 and Section 6007 of the SAFETEA-LU act (August 10, 2005), respectively. Elements of the Interstate System that are exceptional in some way or meet a national level of significance under the criteria for the National Register of Historic Places are excluded from these respective exemptions. However, based on consultation between FHWA, INDOT, SHPO and other stakeholders, [no elements or sections of the Interstate System in Indiana](#) were determined to be "nationally significant."

Depending on the scope of work, a project involving an interstate bridge may fall under the [Minor Projects Programmatic Agreement \(MPPA\)](#). Please see the [Cultural Resources Manual](#), Part II, Chapter 3 for information on the MPPA.

Even though we know interstate bridges are not treated as a historic resource, other resources in the APE must be evaluated for National Register eligibility if the project does not fall under the MPPA. Please see the [Cultural Resources Manual](#), Part II, Chapters 6-7 for detailed guidance on what type of HPR and archaeology investigation is appropriate and the guidelines for preparing the reports.

Q. What if a project involves a bridge that was not evaluated as part of the Historic Bridges Inventory because it was built after the inventory cut-off date of 1965, but the bridge is now over 50 years of age?

A. On November 2, 2012, the Advisory Council on Historic Preservation (ACHP) issued the [Program Comment for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges](#) (Program Comment). The Program Comment relieves federal agencies from the Section 106 requirement to consider the effects of undertakings on most

concrete and steel bridges built after 1945. On March 19, 2013, federal agencies were approved to use the Program Comment for Indiana projects.

The Program Comment applies for bridges built after 1945 that:

- have not been previously listed in or determined eligible for listing in the National Register of Historic Places;
- are not located in or adjacent to a historic district;
- are not one of the unique types to which the Program Comment does not apply: arch bridges, truss bridges, bridges with movable spans, suspension bridges, cable-stayed bridges, or covered bridges;
- have not been identified as having exceptional significance for association with a person or event;
- have not been identified as a very early or particularly important example of its type in the state or the nation;
- have not been identified as having distinctive engineering or architectural features that depart from standard designs;
- have not been identified as displaying other elements that were engineered to respond to a unique environmental context; or
- have not been identified as having some exceptional quality.

Based on consultation between FHWA, INDOT, SHPO and interested parties, [no bridges with exceptional significance were identified in Indiana.](#)

Depending on the scope of work, a project involving a bridge that falls under the Program Comment may fall under the [Minor Projects Programmatic Agreement \(MPPA\)](#). Please see the [Cultural Resources Manual](#), Part II, Chapter 3 for information on the MPPA.

Even though we know bridges that fall under the Program Comment are not treated as historic resources, other resources in the APE must be evaluated for National Register eligibility if the project does not fall under the MPPA. Please see the [Cultural Resources Manual](#), Part II, Chapters 6-7 for detailed guidance on what type of HPR and archaeology investigation is appropriate and the guidelines for preparing the reports. Also, the Cultural Resources Manual, Part II, Chapter 6, Page 28 provides guidance on how application of the Program Comment can be explained in the HPR.

Q. What if a bridge is over 50 years of age, but was not included in the Historic Bridges Inventory, is not on the Interstate System, and does not fall under the Program Comment?

A. If a bridge is over 50 years of age, but was not included in the Historic Bridges Inventory, is not on the Interstate System, and does not fall under the Program Comment, it must be evaluated for National Register eligibility. A project for such a bridge will not be able to utilize the Historic Bridges PA and must follow the regular Section 106 process. Such bridges could include bridges on the state's border, a bridge that was privately owned at the time of the Historic Bridge Inventory, or a bridge that was otherwise omitted from the Historic Bridges Inventory.

In order to assess the National Register eligibility of such a bridge, the "System for Applying the National Register Criteria for Evaluation" (System) from the *Indiana Historic Bridge Inventory*

should be utilized (found in [Volume 1: National Register Eligibility Results](#), Appendix A). This System assigns points to calculate an Eligibility Score. The Eligibility Score is determined by assessing points for significance and deducting points, if applicable, for integrity issues. A bridge is recommended eligible to the National Register if it possesses both significance and historic integrity. According to the System, this is manifested in an Eligibility Score of 1 point or higher. Any questions should be directed to CRO staff, who can provide examples of bridges for which the System has been applied.