Programmatic Agreement for Minor Transportation Projects

Operating Procedures

PennDOT Bureau of Environmental Quality
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Table of Contents

I. Overview 3

II. Introduction 6

III. Whereas Clauses 9

IV. Stipulations 12

Appended Materials

Tables

Table 1. Participants and Their Roles 40
Table 2. Training Requirements 41
Table 3. Programmatic Agreement Stipulations 42
Table 4. Stipulation C.1 43
Table 5. Stipulation C.2 44
Table 6. Stipulation C.2.c Reconstruction Activities 45
Table 7. Stipulation D 45
Table 8. Comparison between PCRRFs and Field Views under Agreement 46

Forms

Stipulation D Early Notification of Project
Submittal under Stipulation D.2 - No Historic Properties or No Effect
Submittal under Stipulation D.3 - No Adverse Effect
Interim Coordination under Stipulation D - No Further Action for Archaeology
Interim Coordination under Stipulation D - No Further Action for Historic Structures
Cultural Resource Field Assessment and Finding - Historic Structures
Pennsylvania Historic Resource Survey Form
Cultural Resource Field Assessment and Finding – Archaeology

Other

Protocols for Submittals under Stipulation D of the Programmatic Agreement
Flow Chart for the Programmatic Agreement
I. OVERVIEW

A. Background

On December 17, 1996, the Programmatic Agreement among the Federal Highway Administration, the Pennsylvania Department of Transportation, the Pennsylvania State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Implementation of Minor Transportation Projects (Agreement) was executed, completing a 4-year negotiation with the Pennsylvania Historical and Museum Commission (PHMC), the Federal Highway Administration, and the Advisory Council on Historic Preservation. The purpose of this Agreement is to:

1) Match the level of consultation needed with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) with the potential effects of a Department project; and,

2) Delegate project review responsibilities to Department qualified professionals.

Under the Agreement, certain types of individual project activities that meet set conditions are now categorically exempted from Section 106 review. Other minor project activities will be evaluated for potential resources or effects by Qualified Professionals retained by the Department. In cases where studies show there are either no eligible properties in the project area, or no effect on identified properties, these Qualified Professionals may issue a finding of No Historic Properties Present or Affected, with a notification to the PHMC (serving as the State Historic Preservation Office).

B. Need for an Agreement

The Agreement was developed to address specific cultural resource problems in the Department. 36 CFR 800 spells out a process of determining whether projects will have an adverse effect on historic properties, based on consultation with the SHPO (the PHMC in this case) and the ACHP. Department actions and attitudes had drifted away from this process. In the PCRRF (Preliminary Cultural Resource Review Form) process and in other instances, the Department was asking the SHPO to make recommendations which properly should have been the responsibility of the Department. The perspective in matching the effort with the actual size of the project and its potential effects was being lost. This often led to the treatment of a wide variety of projects in the same manner, requiring extensive studies and coordination where effects were minimal or non-existent. Finally, the ACHP was brought into consultation routinely on projects where there was No Adverse Effect and where conditions and treatments of historic properties had been fully coordinated with the SHPO and for which there was no disagreement between the Department and the SHPO.
The Department and the PHMC were confronting practical concerns of time, money, and resource allocation. The Bureau of Environmental Quality would be brought into a project only after critical decisions about further work had been made, leading to unnecessary surveys. The Preliminary Cultural Resource Review Form was rapidly evolving into a full report, at approximately $1,000 per project. The need for further work was often dependent on the skills of the preparer, rather than the objective consideration of the project. Approximately 20% of all PCRRF submissions resulted in requests for fieldwork or requests for further information.

Since all reports were being sent to BEQ for review and then to the PHMC for review again, District Environmental Managers lost ownership of the documents needed to advance their projects. As a consequence, many reports were not closely checked at the District before being sent to the BEQ, leading to one-fourth of the reports being returned to the District for major revisions. All reports that were being reviewed by the BEQ were again reviewed by the PHMC, including reports for which no eligible resources were identified.

C. Benefits

The Agreement is expected to address many of the above problems. The BEQ has assembled Cultural Resource Teams to conduct field views and issue field findings to be submitted to the PHMC. These findings (standardized forms completed by the Qualified Cultural Resource Professionals) replace the PCRRF, but are more than a substitute. Team field views provide an on-site trained eye to evaluate a project's potential effects. The team can interact with the project engineer and the environmental manager to find alternative designs that minimize or eliminate effects to historic properties. The field view is expected to cost one-third to one-half as much as a PCRRF. Based on the field view, the team can issue a finding for the project, which does not require written concurrence from the PHMC.

Under the Agreement, the Department can have identification and effect studies prepared for CE-level projects, and if the result of the studies indicate the project will have No Effect on historic properties, the team can review the reports, issue a finding, which neither requires the PHMC to review the report nor provide written concurrence.

The Districts assume new responsibilities under the Agreement's Stipulation C. District Designees are responsible for evaluating whether minor projects of a certain type and meeting certain conditions are exempt from Section 106. Documentation requirements for Stipulation C project exemptions are minimal. The Agreement provides additional tools to use in advancing Department projects. The Environmental Manager assumes the added decision-making responsibility of deciding whether to use a PCRRF process, the Agreement, or consult under 36 CFR 800.

In the first year of the Agreement (1997), BEQ Teams field viewed over 200 projects under Stipulation D. The Districts exempted over 250 projects under Stipulation C. Cost savings from implementation of the Agreement are expected to come from two areas: less expensive early coordination; and, fewer archaeological and historical
identification studies required. Combined savings are estimated to be $900,000 per year for the entire program

Time savings are going to be variable depending on level of impact. Although it takes slightly less time for a District to submit a PCRRF than it takes from a field view to the end of the objection period, the District may save project time in using the Agreement. Unless the PCRRF is prepared in-house, the District must complete a work order assignment. In addition, there is a risk that the PCRRF will require additional information or that field work will be requested. If there are eligible resources in the project area, an effects report needs to be prepared. For the first year of the Agreement, coordination time averaged 9 fewer days per project, compared to using PCRRFs.
II. INTRODUCTION

The Federal Highway Administration (FHWA) has developed, in consultation with the Advisory Council on Historic Preservation (Council), the Pennsylvania State Historic Preservation Office (SHPO), and the Pennsylvania Department of Transportation (PennDOT), a Programmatic Agreement for Minor Transportation Projects (Agreement) (Attached). The purpose of this Agreement is to:

1) match the level of consultation needed with the SHPO and the Advisory Council on Historic Preservation (Council) and associated documentation with the potential effects of the transportation project; and,

2) delegate project review responsibilities to the District when a project is exempted because it meets certain conditions or to PennDOT qualified professionals for projects which meet other conditions when there are No Historic Properties Present or Affected.

This Agreement is limited to Federal-Aid projects only. However, a verbal agreement currently exists between PennDOT and the Pennsylvania Historic Preservation Office (SHPO) so that State-funded transportation projects may be reviewed under the existing Programmatic Agreement. Each submission must indicate whether the project has Federal-Aid or is 100% State-funded. State-funded projects will be treated in the same manner as Federal-Aid projects; however FHWA has no responsibility for State-funded projects. A counterpart Memorandum of Understanding between PennDOT and the Pennsylvania Historical and Museum Commission (SHPO) is being developed to cover State-funded transportation projects.

Previously, many routine actions required consultation with the SHPO, which sometimes included a thorough evaluation of cultural resources and the project's effects on those resources. In addition, projects that had studies conducted where the finding was no historic property or no effect was reviewed by at least two sets of cultural resource professionals. The changes this Agreement brings to the current cultural resource process effectively reflects the intent of the consultative process between the SHPO and FHWA as set forth in 36 CFR 800, and focuses responsibility for compliance with the National Historic Preservation Act on the Federal Agency, FHWA.

Under the Agreement, certain types of individual project activities that meet certain set conditions are now categorically exempted. Other minor project activities will be evaluated for potential resources or effects by Qualified Professionals retained by PennDOT. In cases where studies show there are either no eligible properties in the project area, or no effect on identified properties, these Qualified Professionals may issue a finding of No Historic Properties Present or Affected, with a notification to the SHPO. Finally, minor projects for which there is No Adverse Effect may be evaluated between FHWA and the SHPO without the involvement of the Council. The Agreement is expected to eliminate many of the delays currently associated with review and coordination for minor PennDOT projects.
The Agreement establishes three general levels of review. Stipulation C level projects can be evaluated at the District level by PennDOT staff who have had basic Cultural Resource training. Stipulation D level projects must be evaluated by Cultural Resource Professionals, qualified under 36 CFR 61. Stipulation D level projects may be reviewed within PennDOT by Qualified Cultural Resource Professionals:

D.1: if there is No Resource or No Effect with notification sent to the SHPO; or
D.2: if there is No Adverse Effect with documentation sent to the SHPO.

Additional Points:

- For projects covered by the Agreement for which the finding is No Historic Properties Present or Affected, no consultation with either FHWA or the Advisory Council is required, except where there are unresolved disagreements.

- Although individual activities associated with one project may fall under both Stipulations C and D, there is only one finding for the project, under Stipulation D.

- A project may not be broken up; portions of a project may not be reviewed under Stipulation C if other portions require review under Stipulation D.

- Stipulation C level project activities are presumed to have a smaller likelihood to affect historic properties than Stipulation D activities.

- Categorical Exclusions that do not have public controversy over historic resources, are limited to the activities specified and are not part of a larger project, do not contain a National Historic Landmark or National Park Property within the area of potential effect, and do not have an Adverse Effect may be covered under Stipulation D.

- The Agreement is part of a 'tool kit' to be used by the Districts and PennDOT. Coordination under Section 106 may also include Preliminary Cultural Resource Review Forms (PCRRFs) and the Section 106 process as outlined in 36 CFR 800. It is up to the District or Qualified Professional to determine which is the appropriate tool for the job. However, the District must chose one form of coordination (PCRRF or Programmatic Agreement) and use it for the entire project.

- As much as possible, the Agreement combines identification, eligibility, and effect determinations into one submission, reducing the number of coordination steps in the Section 106 process.

- Individual Districts that do not meet the terms of the Agreement may be dropped from participation.
• Qualified Professionals proposed for use in implementing the Agreement must complete additional training given by BEQ prior to issuing findings under the Agreement.

• The Advisory Council on Historic Preservation has indicated that the issuance of the revised 36CFR§800 regulations will not alter the status of this Programmatic Agreement.
III. "WHEREAS" CLAUSES

WHEREAS, the Federal Highway Administration (FHWA) proposes to administer the Federal Aid Highway Program in Pennsylvania authorized by 23 U.S.C. 101 et seq. through the Pennsylvania Department of Transportation (PennDOT);

This Agreement applies only to Federal-Aid projects. (Note: A verbal agreement currently exists between PennDOT and the Pennsylvania Historic Preservation Office (SHPO) so that State-funded transportation projects may be reviewed under the existing Programmatic Agreement in the same manner. Each submission must indicate whether the project has Federal-Aid or is 100% State-funded.) Separate agreements will be developed to cover State funded and Federal permitted projects. FHWA will use PennDOT to implement the Agreement.

WHEREAS, the FHWA has determined that certain types of routine minor transportation projects may have an effect upon historic properties included in or eligible for inclusion in the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council), and the Pennsylvania State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

FHWA is the party responsible for complying with Section 106 and consulting with the Council and the SHPO. The execution of this Agreement is the result of consultation between FHWA, the Council, and SHPO. Implementation of this Agreement does not mean that the Council and SHPO are not involved in the Section 106 process for the projects covered under the Agreement, but that they have been consulted prior to the implementation of the Agreement.

WHEREAS, PennDOT participated in the consultation and has been invited to concur in this Programmatic Agreement (Agreement);

Although the legal responsibility for complying with Section 106 is with FHWA, PennDOT will implement the Agreement and so has been involved in the development of the Agreement and has been invited to function as a concurring party by FHWA.

WHEREAS, historic properties are defined as prehistoric and historic archaeological sites, buildings, structures, districts, objects, landscapes, and traditional cultural properties included in or eligible for listing in the National Register of Historic Places (National Register);

The term "historic properties", under Section 106, refers to archaeological sites in addition to buildings, structures, districts, landscapes, objects, and traditional cultural properties.
WHEREAS, the area of potential effects is defined as the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist;

The area of potential effect (APE) is the area in which historic properties may be affected. (Note: Existing right-of-way is not considered when determining APE or boundaries for historic properties.) Although a project has only one APE, the area in which a property is affected may be different for different types of properties. For historic buildings, structures, and districts, the APE may be larger than the project area, due to visual and noise effects. For archaeological sites, the area in which ground disturbance will occur is generally the area of concern. Therefore, a project may have two sub-areas of potential effect (one for historic structures and one for archaeology) within the project APE.

WHEREAS, properties fifty (50) years or older shall be treated as potentially eligible for listing in the National Register unless already evaluated for eligibility by the SHPO and found to be not eligible;

For purposes of the Agreement, determinations of eligibility may be made by the PennDOT Qualified Professional for buildings and structures over fifty years of age. Under Stipulation C.2, any Qualified Professional may make a determination of eligibility for use by the PennDOT Designee.

WHEREAS, PennDOT has conducted an inventory, known as the Pennsylvania Historic Bridge Survey, of bridges on the state highway system to evaluate eligibility for the National Register in consultation with the SHPO;

The survey and eligibility determinations are available in the Pennsylvania Historic Bridge Survey, completed by PennDOT and the SHPO and published in 1986.

WHEREAS, based on the criteria established in the current Pennsylvania Historic Bridge Survey (published in 1986), it is agreed that metal girder bridges and reinforced concrete girder bridges of any size and concrete arch bridges less than 20 feet in length are not considered eligible for inclusion in the National Register; and

These bridges are exempt based on the 1986 publication referenced above for State-owned Bridges. PennDOT is currently in the process of conducting a local bridge survey which will update and augment the 1986 survey. As that information becomes available, it will be used in assessing the significance of bridges not already evaluated.

For any potentially eligible bridge, BEQ coordinates with A.G. Lichtenstein, the consultant conducting the current bridge survey, to obtain all available information on the bridge, including the preliminary recommendations of eligibility. That information is taken into account under this Agreement. Only where there is no additional information available is the 1986 Bridge Survey accepted.
NOW, THEREFORE, FHWA, the Council, SHPO and PennDOT agree that minor transportation projects consisting of activities defined under Stipulations C.1, C.2, and D.1 which are not part of a larger undertaking shall be administered in accordance with the following stipulations to satisfy FHWA’s Section 106 responsibilities for those individual undertakings of the program.

The following Stipulations outline the procedures agreed upon by FHWA, the Council, SHPO, and PennDOT that will substitute for the standard Section 106 procedures and will satisfy FHWA’s responsibility under Section 106.
IV. STIPULATIONS

The stipulations presented in the Agreement outline the measures FHWA has agreed to carry out to implement the agreement. Although FHWA has delegated responsibility to the Department to complete many of the tasks assigned in the stipulations, it retains the full responsibility to comply with Section 106 of the National Historic Preservation Act. Therefore, FHWA must ensure that the stipulations will fulfill its obligations under the Act to take into account project effects on historic properties.

A. Purpose and Applicability

The purpose of the Agreement is to streamline the Section 106 process for certain types of minor transportation projects and to delegate greater responsibility to FHWA and PennDOT by reducing coordination with the SHPO and Council. It is anticipated that implementation of the Agreement will help ensure that funds allocated for cultural resource work under Section 106 are spent wisely. Although it is not the explicit intent of the Agreement to reduce the number of field surveys which are conducted, appropriate field scoping will eliminate unnecessary field studies and focus work where it is needed.

This Agreement may be used for all projects which are Categorical Exclusions (including those which are not on existing alignment) provided that the following conditions are met:

- the project will not have an adverse effect on any historic properties;
- the project is limited to the activities specified and is not part of a larger project;
- there is no known public controversy based on historic preservation issues concerning the project;
- there are no National Historic Landmarks or National Park Properties with the APE.

Sometimes projects which are independent Categorical Exclusions are part of larger projects. Examples of this are contiguous sections of a highway which are sequenced separately for improvements, but which will ultimately be connected. An additional example is road widening associated with a bridge replacement where there is separate funding for the bridge replacement. In these cases the different projects, associated with one another, should be reviewed together. In addition, it may be more efficient, if possible, to consider the effects on historic properties for the entire length of the highway, rather than considering sections individually. All sections share a common context and the studies necessary to complete the Section 106 coordination may be more efficiently conducted together and coordinated together. The Environmental Manager should make an effort to coordinate projects such as these together, particularly when the projects are slated for the same time frame. It still remains the responsibility of the Environmental Manager and the Qualified Professionals to make an informed decision whether the projects should be handled independently or together.
PennDOT Qualified Cultural Resource Professionals and District Environmental Managers must use their best judgement in assessing whether individual projects should be reviewed under the Agreement. The Cultural Resource Group Leader should be contact if it is uncertain whether the Agreement should be implemented for particular projects.

Projects which are classified as an Environmental Assessment or Environmental Impact Statement may not be reviewed under this Agreement under the terms of this Agreement.

The Agreement does not cover non-FHWA Aid projects. However, a verbal agreement currently exists between PennDOT and the Pennsylvania Historic Preservation Office (SHPO) so that State-funded transportation projects may be reviewed under the existing Programmatic Agreement in the same manner. Each submission must indicate whether the project has Federal-Aid or is 100% State-funded. A parallel agreement is currently being developed in consultation with the SHPO for State-funded projects and for state funded projects with federal permits.

Compliance with Section 4(f) of the Department of Transportation Act (23 U.S.C. §138 (1964)) is not necessarily completed with the implementation of this Agreement. Users of this Agreement are to follow existing Department policy regarding 4(f).

Projects that meet all of the requirements of the Agreement but for which coordination had been initiated prior to December 17, 1996, may be considered under the Agreement provided that the SHPO has not been consulted concerning effects on historic properties.

B. Responsibilities of FHWA and PennDOT

Stipulation B emphasizes that, although PennDOT has the review responsibilities under the Agreement, the FHWA is ultimately responsible for Section 106 compliance (See Table 1). Therefore, this stipulation includes several safeguards to ensure that there is compliance with the Section 106 process and intent of its implementing regulations, 36 CFR Part 800. The safeguards are outlined as follows:

B.1 Public comment will be solicited through the PennDOT established public participation procedures. This is to ensure that the public has an opportunity to review each activity and notify the Department if there are historic preservation issues. It is important for the District to ensure that where there may be historic preservation concerns, the Public is adequately notified. It should be clearly stated in any public notice that a project has known or expected historic properties in the area of potential effect if this is the case.

B.2
PennDOT must maintain staff who meet the Secretary of Interior's professional qualification standards (under 36 CFR 61) and who have some of the review responsibilities under the Agreement (See Table 2). These persons are referred to throughout the Agreement as "Qualified Professionals". Each project under Stipulation D of the Agreement must be reviewed by two Qualified Professionals -- one who meets the qualifications for archaeology and one who meets the qualifications for architectural history. PennDOT Qualified Professionals may be PennDOT staff in the Bureau of Environmental Quality (BEQ) or District.

BEQ has established Cultural Resource teams consisting of Qualified archaeologists and architectural historians for each District. During this year this arrangement will be formalized into a regional approach with the teams being District based rather than Central Office based. It is anticipated that all of the Qualified Professionals will be State Employees. FHWA in consultation with the SHPO will be the arbiter on making decisions whether or not Qualified Professionals meet the 36 CFR 61 requirements.

B.3

Due to the EMS Cultural Resource Re-engineering, comprehensive Department Cultural Resource Procedures is on hold, until the EMS recommendations are implemented. The current Operating Procedures will continue to serve as a stand alone document and supercede SOL 430-92-29 concerning early coordination on cultural resource procedures.

B.4

The Districts will assign additional review responsibilities to District staff to implement the Agreement under Stipulation C, and they will be referred to as "PennDOT Designees". The Agreement does not set limits on the number of persons who can conduct activities described in Stipulation C, although for internal consistency each District may chose to limit delegation to no more than two or three designees. Because the implementation of the Agreement requires thorough familiarity with its process, the selection of the PennDOT Designees by the District should be based on a general understanding of the basic principals of cultural resource management and other job responsibilities. These persons must participate in Programmatic Agreement training, which includes National Highway Institute Course No. 14211 (Historic and Archaeological Preservation) and a two day training session in Central Office which will be given by BEQ and the SHPO. Follow-up training in the Districts will also be given by BEQ; this training is not necessary for the Districts to implement the Agreement and will generally coincide with field views performed under Stipulation D. The purpose of the training is to have the Agreement applied consistently within the Department. The training will include topics on the recognition of historic properties, the assessment of project effects, and the types of historic preservation issues which may become controversial. The training must take place before the Agreement can be implemented by the District. On an annual basis thereafter, PennDOT Designees will receive an annual training that builds on this introductory training. If at any point a District is
without a trained PennDOT Designee, a Qualified Professional from BEQ or trained by BEQ may conduct activities described under Stipulation C.

C. Activities Exempted from Review

Stipulation C provides a list of activities that may be reviewed by the PennDOT Designee within the District without further coordination with the Central Office or SHPO provided the activities meet specific conditions (See Table 3). The activities included under this stipulation are considered to have a low potential for effects to historic properties and will not result in any changes to their significant characteristics. Only the activities specifically listed under Stipulation C may be reviewed under Stipulation C. Other activities which are similar in effect to the other activities listed in Stipulation C but are not specifically listed themselves must be reviewed under Stipulation D. The PennDOT Designee is responsible for determining if each project meets all of the conditions and activity descriptions outlined in Stipulation C.

If certain project activities meet the requirements of Stipulation C, but other activities do not, the entire project is elevated to Stipulation D. In these instances, the qualified professional will recommend no further work for those activities that would have been exempted under Stipulation C. The PennDOT Designee is also responsible for recognizing particular activities which, although they may meet the conditions for Stipulation C, should not be reviewed under Stipulation C due to extenuating circumstances. Examples of this include culvert replacement under Stipulation C.1.d where a large 30 ft culvert will be replaced or where the culvert could be a contributing element to an historic property.

The District is responsible for keeping a list of the projects reviewed under Stipulation C, which will be submitted to the SHPO on a quarterly basis (See Section C.4 below). This information is part of the NEPA project files maintained by the District. The individual documentation must include the project location on a USGS 7.5 minute topographic quadrangle map and a brief summary of the activity. The summary of the activity must contain the county, project name, and the specific Stipulation under which the project was exempted.

The activities under Stipulation C are divided into two categories with separate conditions for each category. Conditions that apply to all activities in Stipulation C.1 or C.2 are noted first. Conditions that apply to specific activities are noted only within the activity description.

C.1

The activities listed under this stipulation (See Table 4) are exempted from further review provided the undertaking:

- *is limited to the activities specified*
There can be no other activities in addition to the ones listed below. If certain project activities meet the requirements of Stipulation C, but other activities do not, the entire project is elevated to Stipulation D. In these instances, the qualified professional will recommend no further work for those activities that would have been exempted under Stipulation C.

- **is not part of larger undertakings**

  All project activities must meet these criteria. The project cannot contain other activities, or be a portion of a larger project.

- **is on an existing transportation facility**

  Construction of new facilities, such as a road on new location or a bridge on new alignment, cannot be reviewed under this Stipulation.

- **has no known public controversy based on historic preservation issues**

  Any activities for which there is public controversy about historic preservation issues cannot be reviewed under any Stipulation of the Agreement. The District should be aware of any public controversy if appropriate Public Involvement procedures have been implemented.

  In addition, presence of a National Historic Landmark or National Park Service Property within the project’s APE automatically excludes the project from consideration under the Agreement.

- **is classified as a "categorical exclusion"**

  Projects for which Environmental Assessments or Environmental Impact Statements will be prepared cannot be reviewed under any Stipulation of the Agreement.

  The activities include:

  a. **Reconstruction of the existing roadbed (defined as the travel lanes and existing shoulder to the toe of slope) provided in-kind or compatible modern materials are used.** Reconstruction may include: resurfacing, restoration, rehabilitation, surface treatments, milling and grooving, replacement of guide rail, and installation of new drainage pipes within the roadbed, replacement of bridge deck for bridges less than 50 years old, or non-eligible bridges as determined by the current Historic Bridge Survey.

    For the purpose of this stipulation and elsewhere in the Agreement, reconstruction includes the removal of the entire pavement and subbase down to subgrade; existing roadbed is defined as the graded width, or top of cut to top of cut, or toe of slope to toe of slope, or top of cut to toe of slope, whichever is
widest. The purpose of restricting the activity to in-kind replacement was to prevent the replacement of historic brick or cobblestone cartways with modern paving. Modern treatments may be used provided they are historically sensitive in accordance with The Secretary of the Interior’s Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings. Therefore for the Agreement, the replacement of concrete with bituminous asphalt as a compatible modern material and the paving of gravel shoulders and modern replacement of guide rail is included as a Stipulation C activity under the Agreement. The current Historic Bridge Survey is the Pennsylvania Historic Bridge Survey published in 1986.

b. Activities within the existing disturbed median, including installation of new or replacement of median barriers or guide rail.

c. Rehabilitation of existing at-grade railroad crossings.

This activity includes rehabilitation within the existing graded width.

d. Drainage improvements, including installation, replacement and rehabilitation, and cleaning activities associated with existing drains, dikes, headwalls, existing culverts, pipes and storm sewers.

For the purpose of this activity, culverts less than or equal to 8 feet in length are considered reviewable under Stipulation C. Culverts larger than 8 feet in length will be reviewed under Stipulation D.

e. Installation or upgrade of regulatory signs and railroad warning signs and devices; upgrade of advisory signs.

The location of regulatory signs and railroad signs and devices is preset. However, the location of advisory signs is at the discretion of PennDOT; therefore, installation of new advisory signs is not covered under Stipulation C.1.

f. Construction of bicycle and pedestrian lanes, paths and facilities, and multi-use paths and facilities, provided no more than 3 meters (10 feet) outside of the existing disturbed area is required for use.

This activity addresses the construction of paths next to existing roads outside of areas of prior disturbance. There is no additional review on activities constructed within 3 meters of the existing disturbed area. The 3-meter allowance applies to each side, for a maximum of 6 meters.

For Enhancement projects, unless the District has authority over the Sponsor regarding the cultural studies, it is recommended that projects be reviewed under Programmatic Agreement for Enhancement Projects instead of this one.
g. Rail-to-Trail projects, provided: all disturbance activities will occur within the existing railroad bed, and the project does not require the removal of the railroad bed or existing bridges.

This activity is designed to cover many of the TEA-21 Enhancement Projects coordinated by PennDOT. For Enhancement projects, unless the District has authority over the Sponsor regarding the cultural studies, it is recommended that projects be reviewed under Programmatic Agreement for Enhancement Projects instead of this one. This is due to the difficulty in determining if a Rail-to-Trail project is limited to the activities specified and not part of a larger project.

h. Rehabilitation of existing safety rest areas and truck weigh stations provided no more than 3 meters (10 feet) outside of the existing disturbed area is required for use.

The construction activities within the existing disturbed area and within 3 meters outside of the existing disturbed area are reviewed by the PennDOT Designee.

i. Track and railbed maintenance, provided there is no change in grade.

j. Acquisition of scenic or preservation easements.

k. Alterations to facilities less than 50 years old to make them accessible for disabled persons.

l. Replacement of curbs, curbing and sidewalks provided: in-kind compatible modern materials when historic brick, slate or granite block materials are not a contiguous block; and, the historic materials constitute less than 20% of the existing sidewalks, curbs or curbing in the project limits.

This activity addressed the replacement of curbs, curbing and sidewalks with modern materials which are compatible, including areas where historic properties (e.g., districts) are present. In most instances, concrete will substitute for concrete, asphalt for asphalt, brick for brick, although formed concrete may be used to simulate a brick surface. The replacement may also include historic materials, such as brick sidewalks, when the historic is limited to less than 20% of the project area.

m. Construction of sidewalk improvements in the form of curb cuts made under the American Disabilities Act PennDOT Curb Cuts Program, provided in-kind materials are used for new construction.

An attempt should be made to match the color of the new construction as closely as possible to the existing sidewalk and curb, when in an historic district.

n. Park-and-ride lots on existing parking lots (to be added to the Agreement by amendment, based on the December 7, 1998 review).
The second group of activities are exempted from further review (See Table 5) provided the project:

- is limited to the activities specified

There can be no other activities in addition to the ones listed below. If certain project activities meet the requirements of Stipulation C, but other activities do not, the entire project is elevated to Stipulation D. In these instances, the qualified professional will recommend no further work for those activities that would have been exempted under Stipulation C.

- is not part of larger undertakings

All project activities must meet these criteria. The project cannot contain other activities, or be a portion of a larger project.

- is on an existing transportation facility

Construction of new facilities, such as a road on new location or a bridge on new alignment, cannot be reviewed under this Stipulation.

- has no known public controversy based on historic preservation issues

Any activities for which there is public controversy about historic preservation issues cannot be reviewed under any Stipulation of the Agreement. The District should be aware of any public controversy if appropriate Public Involvement procedures have been implemented.

In addition, presence of a National Historic Landmark or National Park Property within the project's APE automatically excludes the project from consideration under the Agreement.

- is classified as a "categorical exclusion"

Projects for which Environmental Assessments or Environmental Impact Statements will be prepared cannot be reviewed under any Stipulation of the Agreement.

- has no properties more than fifty (50) years old in the area of potential effects, or there are no known eligible, or listed historic properties in the area of potential effects, as determined by a PennDOT Qualified Professional
Properties which are fifty years or older within the area of potential effects and were previously determined not eligible and with documented concurrence of this determination by the SHPO are among those exempted. The PennDOT Designee is responsible for researching the SHPO’s files and determining that no listed or previously determined eligible properties are located within the area of potential effects. The source of this information is in the Survey Room at the Pennsylvania Historical and Museum Commission, Harrisburg. For properties more than fifty years old within the project area about which the SHPO has not given an opinion concerning eligibility, any Qualified Professional qualified in architectural history under 36 CFR 61 may make determinations of eligibility for the purposes of this agreement only.

- has no known archeological sites in the area of potential effects, as determined from the Pennsylvania Archaeological Site Survey (PASS) files, or physical, visual evidence on the surface in the area of potential effect

The PennDOT Designee is responsible for researching the Pennsylvania Archaeological Site Survey (PASS) Files at the SHPO to determine if there are known archaeological sites within the area of potential effects. The source of this information is in the Survey Room at the Pennsylvania Historical and Museum Commission, Harrisburg or the Carnegie Museum, Pittsburgh (for the western portion of Pennsylvania). The PennDOT Designee is also responsible for determining that there is no physical, visual evidence, such as foundations, wells, trash dumps, or prehistoric artifacts, on the surface in the area of potential effects.

- requires no more than 3 m (10 ft) of additional right-of-way on each side of the roadbed when the activity is within 200 meters (650 feet) of a stream of rank order of 3 or greater.

Appendix E of the Agreement contains instructions on how to calculate stream order. The U.S.G.S. 7.5 minute topographic map should be used to calculate the stream order. A first order stream is a permanent stream which has no permanent stream tributaries (it may have tributaries which are intermittent streams). A second order stream begins below the confluence of two first order streams. A third order stream begins below the confluence of two second order streams, etc.

The activities include:

a. Rehabilitation or replacement of bridges on existing alignment, when the rehabilitation consists of replacement of bridge rails, and other structural elements for bridges less than 50 years old, or non-eligible bridges as determined in the current Historic Bridge Survey.

The current Historic Bridge Survey is the Pennsylvania Historic Bridge Survey published in 1986.
b. Upgrade or installation of lighting, fencing, sidewalks, traffic signals, curbs and curbing; installation of advisory signs.

See commentary under C.1.e concerning advisory signs.

c. Reconstruction activities, including widening less than one lane, shoulder additions to roadways, bridge approaches, turn lanes within the existing roadbed (including existing shoulders), intersections, minor changes in alignment where the new centerline is within the existing PennDOT right-of-way, or new drainage of the existing roadway.

The intent of this stipulation is to exempt projects for which less than one full lane of widening occurs outside of the existing roadbed for all of the combined activities that are proposed (See Table 6). Therefore, less than one lane of widening for a travel lane should not be combined with the addition of a turn-lane when the cumulative result will be that more than one lane of widening will have occurred outside of the existing roadbed. When unusually wide existing right-of-way is present and potentially undisturbed, the PennDOT Designee needs to consider the effect of the proposed project on any historic properties (including archaeological) and not knowingly exempt projects with these characteristics. Consideration must be given to elevating projects to Stipulation D and requesting the assistance of a Qualified Professional.

d. Wetland mitigation, provided: the mitigation is less than or equal to 0.08 hectares (0.20 acres); and, it is associated with projects covered under this Agreement.

This does not include wetland mitigation which is being conducted as part of a larger project.

e. New guide rail installation on outside shoulders (to be added to the Agreement based on the December 7, 1998 review).

C.3

The PennDOT Designee must exercise the Designee’s best judgement concerning projects which will be exempt under Stipulation C. Other factors may exist for certain projects meeting the conditions and project descriptions of Stipulation C which indicate that the project should be elevated to Stipulation D for review by a Qualified Professional.

The finding that a project is exempt from further review under Stipulation C must be documented on the Categorical Exclusion Evaluation Form. Page B-8 of the revised CEE form contains a section which should be checked to indicate the project was reviewed under Stipulation C of the Agreement. For Level I CEs, documentation must be placed in the project file stating that the project meets the specified exemptions.
C.4

On a quarterly basis, a PennDOT Designee for each District will submit a list to the SHPO and the Bureau of Environmental Quality (BEQ), called a quarterly report, which includes all projects exempted under Stipulation C. **Note:** Activities exempted under Stipulation C but are part of a larger project considered under Stipulation D should not be listed by the District. These lists should be submitted at the following times:

For projects exempted: Submit list to SHPO:
July 1 - September 30 October 20
October 1 - December 31 January 20
January 1 - March 31 April 20
April 1 - June 30 July 20

The quarterly report should contain the county, project name, and Stipulation under which it was exempted. Each project location must be delineated on a U.S.G.S. 7.5 minute quadrangle map (photocopy acceptable) and included in the quarterly report. The project location should not be shown as a large circle on the map; the project boundaries should be delineated as accurately as possible. Additionally, the quadrangle map must be labeled with the project and quadrangle name.

The quarterly report should use the format shown below, but may be submitted as a typed list, as a wordprocessed list, a spreadsheet, or a database.

<table>
<thead>
<tr>
<th>County</th>
<th>S.R. #</th>
<th>Section</th>
<th>Project Name</th>
<th>Specific Stipulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cameron</td>
<td>S.R. 0555</td>
<td>A01</td>
<td>Driftwood Bridge Replacement</td>
<td>C.2.a, C.2.c.</td>
</tr>
<tr>
<td>Mifflin</td>
<td>S.R. 0022</td>
<td>C02</td>
<td>Lewistown Construction of Bicycle Lane</td>
<td>C.1.f.</td>
</tr>
</tbody>
</table>

C.5

Projects and project activities which are described under Stipulation C but do not meet all of the conditions listed for C.1 or C.2 may be reviewed under Stipulation D provided there is no public controversy on historic preservation issues. The most common instance of a project being elevated to Stipulation D would be where there are no archaeological resources in the project area, but there may be an effect on a standing structure. Projects which meet all of the conditions for exemption for archaeology but not for historic structures will be reviewed under Stipulation D. These conditions are has
no known archaeological sites in the area of potential effects, as determined from the Pennsylvania Archaeological Site Survey (PASS) files, or physical, visual evidence on the surface in the area of potential effects and requires no more than 3 m (10 ft) of additional right-of-way on each side of the roadbed when the activity is within 200 meters (650 feet) of a stream rank order 3 or greater. If there are extenuating circumstances that may warrant further actions, the Qualified Professional may conduct additional background research or request that the District obtain a consultant to conduct additional research and re-evaluate the conditions. This could occur when the historic structures specialist may notes foundations or other extant surface features in the field that would warrant archaeological testing.

D. Review of Other Activities

D.1

This Agreement may be used for all projects which are Categorical Exclusions (including those which are not on existing alignment) provided that the following conditions are met (see Table 7):

- the project will not have an adverse effect on any historic properties;
- the project is limited to the activities specified and is not part of a larger project;
- there is no known public controversy based on historic preservation issues concerning the project;
- there are no National Historic Landmarks or National Park Properties with the APE.

This includes all activities listed under Stipulations C.1 and C.2 but which cannot be reviewed under Stipulation C because they do not meet the conditions listed under Stipulation C.2 or do not meet the conditions specified under each individual activity. For example bridge replacements on new alignment do not meet the condition under C.2.a that a replacement of a bridge be on existing alignment. Therefore, the bridge replacement needs to be reviewed under Stipulation D.

Project activities not previously discussed but which complete the activity types classified as Categorical Exclusions (listed under 23CFR§771.117(d)) are listed below.

- The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- Landscaping
- Transportation corridor fringe parking
- Construction of new truck weigh stations or rest areas
- All other projects which are Categorical Exclusions and meet the conditions above

Programmatic Agreement for Minor Projects - Operating Procedures – June 8, 1999- Page 23
Because Stipulation D covers projects that do not have an adverse effect, actions taken under Stipulation D can cover identification, application of the criteria of effect and adverse effect, and conditions imposed to remove adverse effects (such as archaeological data recovery). These actions can unfold over an extended period of time, yet still be covered under the Agreement. This also means that Stipulation D can be followed utilizing a wide range of tools, such as field views, findings, Phase I archaeological surveys, Phase II archaeological evaluations, Criteria of Effect reports, etc. For example, a non-historic bridge replacement in an historic district might require archaeological disturbance testing, a combined Historic Resources Survey/Criteria of Effect report, and a list of conditions for the new bridge, but all leading to a Conditional No Adverse Effect under Stipulation D.3.

The agreement applies to all historic properties within the APE for a project and cannot be used just for archaeology or just for historic structures. If concurrence has been previously obtained from the SHPO that no archaeological survey is necessary, and the District wishes to review the project under the Programmatic Agreement to determine the effect on historic structures, the Qualified Archaeologist must complete the archaeological finding form and confirm that no archaeological survey is necessary. The same is true if coordination has been completed for historic structures but not for archaeology.

D.2 Identifying Historic Properties and Determining Effect

a. The District must provide the PennDOT Qualified Professional with the following:

- SR, Section
- Project Name
- County and municipality must be provided. Since the SHPO’s survey file are arranged by municipality, it is essential that the district provide the municipality’s name.
- Project location on a U.S.G.S. 7.5 minute topographic quadrangle map. The project location should not be a large circle on the map; the project boundaries should be delineated as accurately as possible, with the understanding that this information is being provided early in the scoping process.
- Project description, which should be specific in noting any changes in width of roadway or bridge, roadway relocations or temporary construction easement, or design features that may have an effect on potential historic sites or structures.
- Appropriate charge numbers to which the Qualified Professional can charge time spent conducting the background research, field views, and preparation of the notification (See SOL 440-97-04).
Any additional relevant information concerning historic properties about which the District is aware must be provided to the Qualified Professionals, including PCRRFs, correspondence, or previous studies.

In order to do the research properly and in keeping with the limited access to the SHPO’s Survey Room, the above listed information should be **received** by the Qualified Professional at least **two weeks prior** to the scheduled field view. To better understand the resources within the project area and the scope of the project, the District may provide the PennDOT Qualified Professional with photographs. However, these are not mandatory, and photographs will generally not accompany any submission to the SHPO, unless associated with an Historic Resource Survey Form, or a Criteria of Effects report.

If the Qualified Professional is in the BEQ, two copies of the information must be provided to the Qualified Professional. The Qualified Professional will submit one copy to the SHPO to notify them of the project. At that time the project will be assigned an Environmental Review number (ER#), which is the SHPO’s tracking number. If the Qualified Professional is in the District, a copy of the information should be submitted to the SHPO **before** the field view is conducted so that the SHPO will have advance notification of the project, but must be before the finding is issued. An ER# will be assigned to the project and the District may use the ER tracking system to obtain the number. The purpose of the advance notification is to allow the SHPO to inform PennDOT of any issues we might not be aware of, such as public citizen comment given directly to the SHPO.

b. The Qualified Professional will then check available information on historic properties in the files located at the SHPO (including the PASS files) in Harrisburg for properties previously surveyed, known archaeological sites, properties identified as eligible or ineligible for National Register listing, and properties listed in the National Register of Historic Places. The Qualified Professional will also check any historic atlases/maps located in the State Archives in Harrisburg for historic properties and to assess the potential for historic archaeological resources within the project area. If warranted, additional research may be conducted to learn the historic potential of resources located within a project area. However, if it is determined that additional research is needed beyond the resources available in Harrisburg, then the Qualified Professional will notify the District that it needs to take measures either through its staff or consultants to conduct that research.

If the above mentioned files/resources along with mapping and project description provides sufficient information for both the Qualified Professionals (archaeologist and historic structures specialist) to make a finding, a field view will not be necessary. An example of this would be a project located in an area which had been strip-mined, as indicated on the USGS quadrangle, and there are no nearby structures. If the Qualified Professionals believe it is necessary, however, to conduct a field view to verify the literature search, the field visit will
be conducted. In addition, since many of the Historic Structure Surveys were conducted more than ten years ago, some of the previously surveyed properties may no longer exist or may have become greatly deteriorated.

The field view will be attended by the Qualified Professionals, a District representative (preferably a District Designee and/or Environmental Manager), and as warranted a project manager who can describe the project activities. The field view may coincide with the project’s scoping field view, and/or be conducted separately.

The Qualified Professional in archaeology will inspect locations for disturbance but will not conduct field studies. Activities in the field will be limited to auger tests or unscreened shovel test probes. Surveys will be recommended if there is a high probability of the existence of prehistoric or historic archaeological sites. The PHMC’s The Development of Prehistoric Settlement Pattern Research Priorities in Pennsylvania (March 1997) may be taken into consideration when the Qualified Archaeologists believe that it is appropriate.

Based on the circumstances, the Qualified Professional in archaeology may make the following recommendations: no further work; additional background research by the District or its consultants; limited testing to determine disturbance; geomorphological testing to determine archaeological potential or disturbance; a Phase I archaeological survey to identify archaeological resources and/or a Phase II archaeological survey to determine the eligibility of archaeological resources; or other appropriate courses of action. If the Qualified Professional is unable to submit a finding to the SHPO after the initial field view, a memo will be written to the District explaining what the next step should be.

The Qualified Professional in architectural history may determine that buildings/structures, 50 years or older, within the area of potential effects are eligible or not eligible and establish provisional boundaries; recommend that the District or its consultants conduct additional background research to be submitted to the Qualified Professional for a determination; may recommend that a Structures Survey/Determination of Eligibility survey be conducted to determine if eligible buildings/structures are within the area of potential effects; or may recommend another appropriate course of action. If the Qualified Professional is unable to submit a finding to the SHPO after the initial field view, a memo will be written to the District explaining what the next step should be.

If the Qualified Professional determines that there is a National Historic Landmark or National Park Service Property in the Area of Potential Effect, the project may not be reviewed under the terms of the Agreement and consultation will occur with the SHPO under 36 CFR Part 800, as well as under Section 110(f) of the National Historic Preservation Act. (Please note that National Historic
Landmarks have greater historic significance and afforded a heightened degree of consideration.

The Qualified Professionals will exercise their best professional judgement when recommending further investigations. If a District disagrees with the recommendations, the District may appeal the recommendation to the BEQ Cultural Resource Group Leader, who will attempt to resolve the disagreement. The District must provide a written justification to the Group Leader for the appeal. If the disagreement cannot be resolved, the District and the Bureau of Environmental Quality will consult with either the FHWA or the SHPO, as appropriate.

c. If the Qualified Professional determines that a Historic Structure Survey and/or an archaeological survey is necessary, the survey will be completed in a manner consistent with the Secretary of Interior's Standards and Guidelines for Identification (48 FR 44720-23). Phase I archaeological surveys shall also follow the SHPO's Guidelines for Archaeological Investigations (1991).

d. If buildings/structures over 50 years old are identified within the project area, the Qualified Professional may determine eligibility using the Secretary of Interior's Standards and Guidelines for Evaluation (48 FR 44723-26), and National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation. Where historic property boundaries have not previously been established, a PennDOT Qualified Professional may identify recommended boundaries following standards set forth in the document titled: Defining Boundaries for National Register Properties, National Register Bulletin 21. When an individual property is determined eligible during a field view, then the Qualified Professional may request the District to provide a tax parcel map of the property to assist in accurately determining the National Register boundaries. Rough boundaries for historic districts in the area of the project may be established during the field view. The proposed rough boundaries will be marked on a 7.5 minute USGS quadrangle map and be part of the submission to the SHPO. Establishing more precise boundaries for historic districts may not be necessary.

e. If historic properties are present, the PennDOT Qualified Professional shall apply the Criteria of Effects (see attachment) in accordance with 36 CFR 800.9(a).

f. Should the evaluation of historic properties and the effect of the project result in a finding of No Historic Properties Present or Affected, this will be documented in the CEE form on page B-8. The Qualified Professional will indicate on the Field Assessment Forms whether there are no resources or no effect. The Field Assessment Forms will be submitted to the SHPO within 15 working days of the field view or within 15 working days of receipt of the documentation package.
The Department will either provide a finding of “No Resources Present or Affected”, or recommend additional work.

g. For findings of “No Historic Properties Present or Affected” the following documentation must be submitted to the SHPO by the Qualified Professional. A standard transmittal sheet will be attached to each submission (see attached), with a copy sent to BOD. This is important since the SHPO has differing periods of time in which they can object to a finding. The SHPO has 15 days in which to object to a finding of “No Historic Properties Present or Affected”, so these submissions must be clearly and consistently identified.

• “No Historic Properties Present or Affected” cover sheet (Appendix F)

This cover sheet is prepared for each project and should be signed by both Qualified Professionals who have reviewed the project. This cover sheet, after being signed by a Qualified Professional after the 15 day objection period has passed, is the documentation to be used in the CEE.

• a copy of the Cultural Resource Field Assessment Form (Appendix F)

These Forms - one for archaeology and one for historic structures - contain the effect and or eligibility justifications for the project and in most cases will be the only documentation on effect provided to the SHPO. These will be filled out and signed by both of the Qualified Professionals.

• a description of the project

This is the most current description of the project and may be the same description discussed under D.2.a, which is provided by the District, as warranted.

• the location of the project mapped on a USGS 7.5 Minute Topographic Map

As discussed under D.2.a.

• (where archaeological sites not previously identified in the P.A.S.S. files have been located in the Area of Potential Effect) appropriate P.A.S.S. forms

• (where eligible historic resources not previously identified in the P.H.R.S. files have been located in the Area of Potential Effect, and, an Historic Resources Survey has not been conducted) Pennsylvania Historic Resource Survey Forms.

Note: Only the following fields are required to be completed on the form (a sample form is included in the Forms Appendix):
<table>
<thead>
<tr>
<th>County</th>
<th>Municipality</th>
<th>Address</th>
<th>Historic Name (Property Name)</th>
<th>Resource Category</th>
<th>USGS Quad</th>
<th>NR Evaluation (Eligibility Criterion and Justification)</th>
<th>Site Plan (showing location, and, Property Boundary (if possible) on USGS Quadrangle or explained under Physical Description)</th>
<th>Site Photograph or Image</th>
<th>Physical Description (providing resource Description, and verbal boundary description if warranted)</th>
</tr>
</thead>
</table>

*One Historic Resources Survey Form will be completed for an eligible District.*

- *(where archaeological surveys had been conducted)* four (4) copies (3 bound, 1 unbound), *with original photographs, of Survey Reports, and BHP Report Summary Form.*

A formal Phase I and/or Phase II archaeological surveys can be submitted under Stipulation D provided that no eligible archaeological sites or historic structures will be impacted by the project, and the Qualified Professional in archaeology concurs with the findings of the report. The Qualified Professional will return the report to the District if he feels that revisions are necessary. Once the Qualified Professional concurs with the report, it will be submitted to the SHPO with a "No Historic Properties Present or Affected" finding, provided there are no effects to historic structures.

- *(where historic structure surveys have been conducted)* one (1) copy with original photographs of survey reports and one (1) unbound copy with original photographs of Pennsylvania Historic Resource Survey Forms

A formal Historic Structure Surveys/Determination of Eligibility reports can be submitted under Stipulation D provided that no eligible buildings/structures were identified and the Qualified Professional in architectural history concurs with the findings of the report. The Qualified Professional may return the report to the District for revisions if the Qualified Professionals believes there is not adequate information in the report. Once the Qualified Professional concurs with the report, it will be submitted to the SHPO with a "No Historic Properties Present or Affected" finding provided there are no effect to archaeological sites.

- Criteria of Effect reports

Where eligible historic properties may be affected by project activities, and the Qualified Professional feels he has insufficient information or documentation to make a determination of no effect, he may request that the District prepare, or have prepared, a Criteria of Effects report. When the Criteria of Effects report
indicates that there will be No Effect to historic properties, the Criteria of Effects report may be submitted with a finding of "No Historic Properties Present or Affected".

Findings of "No Historic Properties Present or Affected" will be submitted to the SHPO only once both the Qualified Professionals in archaeology and architectural history are able to make that determination. Therefore, if both a Phase I archaeological survey and an Historic Structures Survey are being conducted, and one is completed first, it may be held until they can be submitted together with the finding. If project schedules require separate considerations of archaeology and historic structures and they cannot be submitted together, the Department may submit one portion of the findings for review and concurrence by the SHPO, using the findings form and the Interim Coordination under Stipulation D forms shown in the Forms Appendix). However, in this instance, consultation with the SHPO would not be bound by the documentation or time requirements specified under Stipulation D.

h. The 15 days objection period for the SHPO begins from the date the submission is stamped in at the SHPO to the date an objection is received in at PennDOT. The Department will accept an objection that is sent by FAX from the SHPO on the 15th day, as long as the FAX is signed and the original follows within two working days. The District may access the SHPO's ER tracking to complete their records of submissions to the SHPO. The project may proceed after the end of the objection period and does not require a SHPO response. With the submission of this documentation, PennDOT has satisfied the Section 106 requirements by giving the SHPO an opportunity to comment on the undertaking.

Note: Under the Agreement, the SHPO has 15 days to object. If the project schedule requires a more expedited consultation for that particular project, the Agreement should not be used. Instead, BEQ should be requested to establish an expedited review process with the SHPO, following the scoping field view.

D.3

a. For projects that may cause an effect on historic properties, the PennDOT Qualified Professional will request that the District prepare, or have prepared, a Criteria of Effects report. If the Criteria of Effects Report indicates that there will be a No Adverse Effect or indicates a No Adverse Effect with proposed conditions, and the PennDOT Qualified Professional concurs with the report, the Qualified Professional will submit a finding of No Adverse Effect with a Criteria of Effects Report meeting 36 CFR 800.8(a) to the SHPO for concurrence. If the project will have a No Adverse Effect on Historic Structures based on rehabilitation conducted in accordance with the Secretary of the Interiors Standards, rehabilitation plans and specifications must be included with the submission. The Qualified Professional will provide copy the submission to
FHWA, including the rehabilitation plans and specifications when the No Adverse Effect on Historic Structures is based on rehabilitation conducted in accordance with the Secretary of the Interiors Standards.

If the SHPO does not respond within 30 days of receiving the documentation, SHPO concurrence of the No Adverse Effect finding may be assumed and the project may proceed. If the PennDOT Qualified Professional finds that the project effect will be No Adverse Effect, but the SHPO disagrees, they must disagree within 30 days of the receipt of the finding, and Stipulation K will be followed. If the Criteria of Effects report indicates that there will be No Effect to any potential historic resources, the Qualified Professional may submit a finding of "No Historic Properties Present or Affected" under Stipulation D.2.g as discussed above.

b. The SHPO may request additional conditions that would result in a determination of No Adverse Effect. This request must be made within the 30 day objection period. If PennDOT accepts and implements the conditions they will notify the SHPO, the consultation process is ended. Documentation will then be submitted to FHWA.

For archaeological resources, a data recovery plan may be requested for a No Adverse Effect determination, which must be developed with the SHPO. The plan shall be consistent with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37), the Council's Treatment of Archaeological Properties, and the SHPO's (1991) Guidelines for Archaeological Investigations. The plan shall specify the exact location of data recovery; the identification of any property that will be destroyed or altered without data recovery; the research questions to be addressed by the data recovery, with an explanation of their relevance and importance; the methodology of analysis, management and dissemination of the data, including a schedule; the disposition and curation standards for recovered materials and records; the procedure for including the interested public; proposed methods for disseminating results of the work to the interested public; a proposed schedule for interim coordination with the SHPO, if appropriate.

When a submission of “No Adverse Effect” is made to the SHPO and data recovery is proposed, the Qualified Professional will copy FHWA on the submission at the time it is made to the SHPO. FHWA shall receive a copy of all enclosures, including the field finding forms, any archaeological reports, and the data recovery workplan. If FHWA does not object within 30 days of receiving the submission, their concurrence will be assumed.

If projects involve sites where human remains or associated grave goods are found, the site may not be addressed under the terms of this agreement. In addition, projects that will result in an Adverse Effect finding may not be addressed under this agreement.
c. Projects that may have an Adverse Effect on historic properties may not be addressed under the Programmatic Agreement. Therefore, if the Criteria of Effects report or the Qualified Professionals’ findings at field view indicate that there will be an Adverse Effect, coordination with the SHPO will be conducted, following 36 CFR Part 800.

Where it is determined that there will be an Adverse Effect to historic structures, but the Qualified Professional in archaeological has made a finding that the project would not affect archaeological resources, the Qualified Professional in archaeological will submit the finding to the SHPO, generally in the form of a Preliminary Cultural Resource Review Form, and request their concurrence with the finding. However, in this instance, consultation with the SHPO would not be bound by the documentation or time requirements specified under Stipulation D (see D.2.g above).

E. Project Re-evaluation Process

E.1

This stipulation was added to the Agreement as a precaution that the Department would remain in compliance with the Section 106 process throughout the development of a project. Because the Section 106 review under the PA occurs early in project design, it is possible that as other activities are added, different levels of reviews may be required, or effects may need to be assessed for additional resources as the scope of a project changes. Therefore, the Department will consider cultural resources under the established NEPA project re-evaluation process. If the project has changed, the District must assess if the project is still covered under the Agreement or whether the regular Section 106 process must be initiated. If the project is at any time elevated from a CE to an EA or an EIS, notification will be sent to the SHPO by the Qualified Professional. If the finding had been No Resources Present or Affected, the notification to the SHPO will indicate that if they do not respond within 30 days of receiving the notification, PennDOT will assume they concur with the finding, and this will be documented in the EA or EIS. If the finding had been No Adverse Effect, consultation will occur with the SHPO, FHWA, and the Council under 36 CFR Part 800.

E.2

If the SHPO discovers new information regarding a project that would alter the finding of No Historic Properties Present or Affected, PennDOT and the SHPO will consult. New information is defined as information which did not exist in the SHPO's files at the time that the finding was made or within 15 days of the SHPO's receipt of the finding. If the SHPO becomes aware of new information, they must notify PennDOT in a timely manner and prior to the project's notice-to-proceed for construction.
F. Unanticipated Discovery

Council guidance recommends that all Programmatic Agreements contain a stipulation that outlines what will be done if discoveries are made after the Section 106 consultation process, such as during construction. This stipulation states that the SHPO and Council will be notified and consultation on how to proceed will be initiated if there are unanticipated discoveries. Guidance for unanticipated discoveries can be found in 36 CFR 800.11 and PennDOT Publication 408, Section 105.15.

G. Curation of Archaeological Materials

G.1

FHWA will ensure that the artifacts recovered from archaeological investigations will be curated in accordance with Pennsylvania State Guidelines and in consultation with the SHPO. The SHPO has the right of first refusal for all artifacts recovered from land which has been acquired by PennDOT. If archaeological investigations are being conducted on privately owned land, the District and/or its consultants should request that the landowner complete a gift agreement form prior to the initiation of archaeological investigations. If the landowner does not complete a gift agreement form, the PennDOT Qualified Professional shall consult with the SHPO to determine what additional studies, if any, are necessary before the artifacts are returned to the landowner.

G.2

PennDOT will be financially responsible for reimbursement of curation expenses. These expenses should be anticipated by the Districts as part of the project costs. Curation costs are not federally reimbursable.

H. Review of the Agreement

H.1

Each PennDOT District will maintain a list of projects reviewed by the District under Stipulation C. An example of this list, as well as the schedule for the quarterly submission of the list to the SHPO and FHWA, is provided in the discussion of C.4.

H.2

FHWA shall conduct process reviews of all Districts once every three years. At least five projects from each District will be reviewed. The projects will be chosen in
consultation with the Qualified Professionals for each District. The process review will in all likelihood involve field views of the projects.

H.3

By April 15 of each year, PennDOT shall provide to FHWA, the SHPO, and the Council, a list of all projects reviewed under the Agreement during the previous calendar year. Each District will submit a list, containing all of the information as the quarterly lists, of all of the projects reviewed under Stipulation C to the Bureau of Environmental Quality by February 15. The BEQ shall also create a list of all projects reviewed under Stipulation D and the findings, and combine both lists into the annual report, which will be provided to FHWA and the SHPO. FHWA will ensure that the report is made available for public comment and inspection. FHWA will ensure that the Pennsylvania Archaeological Council (PAC) will be provided with a copy of the report at the same time as the Council.

H.4

FHWA, the SHPO, the Council, PAC, and other invited interested parties will review the annual report and provide comments to PennDOT's Bureau of Environmental Quality (BEQ) within 30 days of receipt of the annual report. Any party may request a meeting to discuss any issues related to the implementation of the agreement.

I. Monitoring

I.1

FHWA and the SHPO may monitor activities carried out pursuant to this agreement. To do so, they will request PennDOT to cooperate. PennDOT may also institute an internal monitoring program to ensure quality. The SHPO and FHWA may wish to monitor the activities of the PennDOT Qualified Professionals.

I.2

If there is any indication from the monitoring that the requirements of this agreement are not being met, FHWA, the SHPO, and PennDOT will meet to develop and implement corrective measures.

J. Individual District Compliance

This stipulation addresses the compliance by individual Districts with the Agreement so that changes or special training can be provided as needed. Districts which have a demonstrated need for such individualized training will be removed from the review process outlined in the Agreement. This decision will be made by FHWA based on either monitoring efforts or the annual report. FHWA also determines when the District may be re-instated into the Agreement.
K. Dispute Resolution

K.1

If the SHPO wishes to object to a finding, they must do so within 15 calendar days of receiving a finding of No Historic Properties Present of Affected and 30 calendar days of receiving a finding of No Adverse Effect. These objections must be in possession by BEQ within the allotted time frame, in writing (a signed FAX is acceptable, provided an original is provided within two working days). If the SHPO objects to a finding, a meeting must be held, preferably at the request of the SHPO. This meeting can be a field meeting, office meeting, or telephone conference call as appropriate. The meeting date will be scheduled and held within 15 days of PennDOT's receipt of the objection for a finding of “No Historic Properties Present or Affected” and 30 days for a finding of “No Adverse Effect”. Because the finding is based more on field observation than documentation, the meeting may need to be held in the field to discuss the objection, rather than additional documentation being provided. It is the responsibility of the PennDOT Qualified Professionals who issued the finding to ensure that the meeting takes place within the appropriate time frame. The following process is recommended for resolving objections (within the appropriate time frame of 15 days):

- If the SHPO raises an objection, PennDOT requests a meeting with SHPO staff to resolve the objection.
- If after meeting, a field view is necessary, PennDOT will request a field view.
- If a request for a field view is unsuccessful, PennDOT will elevate the resolution to the Deputy SHPO (Director of the Bureau for Historic Preservation).
- FHWA will be copied on all objection correspondence.
- SHPO personnel attending a field meeting are not delegated the authority to resolve objections based on eligibility, but will debrief the Deputy SHPO, who will be responsible for response to PennDOT.

a. The PennDOT Qualified Professional, and District representative(s) as appropriate, will meet with the SHPO to attempt to resolve the objection. If the objection can be resolved in the meeting, both parties will sign a statement, noting the agreed-upon finding for the project. Copies of that statement will be placed in the project file and also provided to the SHPO.

b. If the SHPO and the Department do not meet within 15 days (or 30 days for a finding of No Adverse Effect), or if the objection cannot be resolved at the meeting, the Department will submit a summary of the results of the meeting to the SHPO noting the disagreement and stating the Department's finding. A copy of this submittal will be provided to the FHWA. If the SHPO chooses to elevate the objection to the FHWA, it must do so in writing to FHWA within 15 days of the SHPO's receipt of the Department's meeting summary, with a copy to the Bureau of Environmental Quality. If the SHPO does not elevate the objection to the
FHWA, the Department may assume concurrence on the meeting summary, and proceed accordingly.

K.2

Should any party to this Agreement object to any action carried out or proposed with respect to this agreement, the party will object in writing to the FHWA. SHPO concurrence to any finding made by PennDOT will be assumed after a meeting has been held to discuss disagreements unless the SHPO objects to the FHWA, as discussed above in K.1.b. FHWA will consult with the objecting party to resolve the objection. If the objection cannot be resolved, FHWA shall forward all relevant documentation to the Council. This documentation will include FHWA's proposed response to the objection. Within 30 days of receipt of the documentation, the Council will do one of the following:

a. Advise FHWA that the Council concurs with FHWA's proposed response to the objection, whereupon FHWA shall respond to the objection accordingly.

b. Provide FHWA with recommendations for responding to the objection, which FHWA will consider when responding to the objection.

K.3

Should the Council not respond to FHWA's submission within 30 days of receipt, FHWA may assume that the Council concurs with the FHWA's proposed response and proceed accordingly.

K.4

The recommendations of the Council in response to an objection will apply only to that particular objection and will not affect FHWA's responsibility in implementing this agreement.

K.5

During implementation of the measures stipulated in this agreement, should a member of the public raise and objection through PennDOT's Public Involvement/Public Hearing Procedures, FHWA shall notify the parties to this agreement and take the objection into account, consult with the objector and, should the objector so request, consult with any of the parties to this agreement to resolve the objection.

L. Amendment

L.1
FHWA may propose revisions to the list of projects which may be reviewed under the Agreement. FHWA and the SHPO will consult concerning the amendments, and if they reach agreement, FHWA will submit the proposed amendment to the Council. If the Council does not respond within 30 days of receipt of the amendment, FHWA may assume concurrence and implement the revised list of projects.

L.2

Any party may submit a proposed amendment to the PA in writing to FHWA. FHWA will then consult with the other parties under 36 CFR Part 800.13 to consider the amendment.

M. Termination

M.1

Any party to this agreement may propose to the other parties that it be terminated.

M.2

The party wishing to terminate the agreement will submit the proposal in writing to all of the other parties, explaining the reason for terminating. All parties will consult within 30 days of receiving the request to terminate.

M.3

Should the consultation not result in agreement between the parties, FHWA, the SHPO, or the Council may terminate the agreement by notifying all parties in writing.

M.4

If this agreement becomes terminated, FHWA shall comply with 36 CFR Part 800 with regard to individual undertakings covered by this Agreement. This means that the PennDOT process for all projects not covered under the Agreement will be followed.
Table 1. Participants and Their Roles

<table>
<thead>
<tr>
<th>Participant</th>
<th>Status</th>
<th>Signature on Agreement</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACHP</td>
<td>Signatory</td>
<td>Y</td>
<td>• Delegates responsibilities to FHWA and SHPO</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Resolves objections raised by FHWA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reviews and concurs on amendments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Can terminate Agreement</td>
</tr>
<tr>
<td>FHWA</td>
<td>Signatory</td>
<td>Y</td>
<td>• Ensures PennDOT carries out Agreement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Ensures curation of archaeological artifacts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Process reviews Districts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reviews Annual Report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Monitors Agreement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Monitors Individual District Compliance</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Resolves objections raised by SHPO</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reviews and concurs on amendments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Can terminate Agreement</td>
</tr>
<tr>
<td>SHPO</td>
<td>Signatory</td>
<td>Y</td>
<td>• Provides training</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Can object to PennDOT findings</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reviews Annual Report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Monitors Agreement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reviews and concurs on amendments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Can terminate Agreement</td>
</tr>
<tr>
<td>PennDOT</td>
<td>Concurring</td>
<td>Y</td>
<td>• Maintains qualified staff</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Issues procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Provides training</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Re-assesses applicability based on project changes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reimburses curation costs for artifacts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Prepares Annual Report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Proposes amendments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• May propose termination of Agreement</td>
</tr>
<tr>
<td>BEQ</td>
<td>N/A</td>
<td>-</td>
<td>• Issues findings under Stipulation D*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Provides notification to SHPO</td>
</tr>
<tr>
<td>Districts</td>
<td>N/A</td>
<td>-</td>
<td>• Exempts projects under Stipulation C</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Maintains quarterly list</td>
</tr>
<tr>
<td>PAC</td>
<td>Consulting</td>
<td>N</td>
<td>• Reviews Annual Report</td>
</tr>
</tbody>
</table>
Table 2. Training Requirements

<table>
<thead>
<tr>
<th>(District) Designees</th>
<th>Qualified Professionals</th>
</tr>
</thead>
<tbody>
<tr>
<td>• NHI Course 14211 – Historic and Archaeological Preservation</td>
<td>• Archaeologists must meet 36 CFR 61 for Archaeology; Historic Structures</td>
</tr>
<tr>
<td>• Additional Training, covering:</td>
<td>Specialists must meet 36 CFR 61 for Architectural History.</td>
</tr>
<tr>
<td>• Identification and Eligibility;</td>
<td>• Orientation to Programmatic Agreement.</td>
</tr>
<tr>
<td>• Establishing Historic Property Boundaries;</td>
<td>• Internship coordinated with BEQ.</td>
</tr>
<tr>
<td>• Identifying Rural Historic Districts;</td>
<td></td>
</tr>
<tr>
<td>• Historic Architectural Styles;</td>
<td></td>
</tr>
<tr>
<td>• Application of the Criteria of Effect.</td>
<td></td>
</tr>
</tbody>
</table>
Table 3. Programmatic Agreement Stipulations

<table>
<thead>
<tr>
<th>Stipulation</th>
<th>Activities</th>
<th>Potential for Effect</th>
<th>Conditions Imposed</th>
<th>Finding</th>
<th>Who Determines</th>
</tr>
</thead>
</table>
| C.1         | • Roadbed Reconstruction  
              • Activities within Median  
              • Railroad Crossing Rehab  
              • Drainage Improvements  
              • Sign Installation and Upgrade  
              • Bike/Pedestrian Lanes/Facilities  
              • Rails-to-Trails  
              • Track and Rail Bed Maintenance  
              • Scenic/Preservation Easements  
              • Facilities Improvement for Disabled  
              • Curbs/Curbing/Sidewalks  
              • ADA Curb Cuts | Extremely Low           | Few                 | Exempt             | Designee         |
| C.2         | Activities in Stipulation C.1, plus  
              • Bridge Rehab and Replacement  
              • Lighting/Fencing/Sidewalks/Signals/Advisory Signs  
              • Minor Roadway Improvements/ Intersection Improvements  
              • Wetland Mitigation | Very Low              | Many                | Exempt             | Designee         |
| D.2         | Activities in Stipulation C, plus  
              • Noise Barriers  
              • Landscaping  
              • Parking Facilities  
              • Weigh Stations/Rest Areas  
              • Plus all other CEs which meet the conditions | Low                  | Few                 | No Resources Present or Affected | Qualified Professional |
<p>| D.3         | Same as D.2                                                               | Has Effect but Not Adverse | Same as D.2        | No Adverse Effect  | Qualified Professional |</p>
<table>
<thead>
<tr>
<th>Activities</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Reconstruction of the existing roadbed (including existing shoulders), provided in-kind or compatible modern materials are used. Reconstruction may include: resurfacing; restoration; rehabilitation; surface treatments; milling and grooving; replacement of existing guide rail; installation of new drainage pipes within the roadbed; replacement of bridge deck for bridges less than 50 years old, or non-eligible bridges as determined in the current Historic Bridge Survey.</td>
<td>is limited to the activities specified</td>
</tr>
<tr>
<td>b) Activities within the existing disturbed median, including installation of new or replacement of median barriers or guide rail.</td>
<td>is not part of larger undertakings</td>
</tr>
<tr>
<td>c) Rehabilitation of existing at-grade railroad crossings.</td>
<td>is on an existing transportation facility</td>
</tr>
<tr>
<td>d) Drainage improvements, including installation, replacement and rehabilitation, and cleaning activities associated with existing drains, dikes, headwalls, existing culverts, pipes and storm sewers.</td>
<td>has no known public controversy based on historic preservation issues</td>
</tr>
<tr>
<td>e) Installation or upgrade of regulatory signs and railroad warning signs and devices; upgrade of advisory signs.</td>
<td>is classified as a &quot;categorical exclusion&quot;</td>
</tr>
<tr>
<td>f) Construction of bicycle and pedestrian lanes, paths and facilities, and multi-use paths and facilities, provided no more than 3 meters (10 feet) outside of the existing disturbed area is required for use.</td>
<td></td>
</tr>
<tr>
<td>g) Rail-to-Trail projects, provided: all disturbance activities occur within the existing railroad bed; and the project does not require the removal of the railroad bed or existing bridges.</td>
<td></td>
</tr>
<tr>
<td>h) Rehabilitation of existing safety rest areas and truck weigh stations, provided no more than 3 meters (10 feet) outside of the existing disturbed area is required for use.</td>
<td></td>
</tr>
<tr>
<td>i) Track and rail bed maintenance, provided there is no change in grade.</td>
<td></td>
</tr>
<tr>
<td>j) Acquisition of scenic or preservation easements.</td>
<td></td>
</tr>
<tr>
<td>k) Alterations to facilities less than 50 years old to make them accessible for disabled persons.</td>
<td></td>
</tr>
<tr>
<td>l) Replacement of curbs, curbing, and sidewalks, provided: in-kind compatible modern materials are used when historic brick, slate or granite block materials are not a contiguous block; and, the historic materials constitute less than 20% of the existing sidewalks, curbs, or curbing in the project limits.</td>
<td></td>
</tr>
<tr>
<td>m) Construction of sidewalk improvements in the form of curb cuts made under the American Disabilities Act PennDOT Curb Cuts Program, provided in-kind materials are used for new construction.</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Conditions embedded within Activities are italicized.
Table 5. Stipulation C.2

<table>
<thead>
<tr>
<th>Activities</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activities listed in Stipulation C.1 that did not meet the conditions, plus:</strong></td>
<td>• is limited to the activities specified</td>
</tr>
<tr>
<td>a) Rehabilitation or replacement of bridges on existing alignment, when the rehabilitation consists of replacement of bridge rails, and other structural elements for bridges less than 50 years old, or non-eligible bridges as determined in the current Historic Bridge Survey.</td>
<td>• is not part of a larger undertaking</td>
</tr>
<tr>
<td>b) Upgrade or installation of lighting, fencing, sidewalks, traffic signals, curbs and curbing; installation of advisory signs.</td>
<td>• is on an existing transportation facility</td>
</tr>
<tr>
<td>c) Reconstruction activities, including widening less than one lane, shoulder additions to roadways, bridge approaches, turn lanes within the existing roadbed (including existing shoulders), intersections, minor changes in alignment where the new centerline is within the existing PennDOT right-of-way, or new drainage of the existing roadway.</td>
<td>• has no known public controversy based on historic preservation issues</td>
</tr>
<tr>
<td>d) Wetland mitigation, provided: the mitigation is less than or equal to 0.08 hectares (0.20 acres); and, it is associated with projects covered under this Agreement.</td>
<td>• is classified as a &quot;categorical exclusion&quot;</td>
</tr>
<tr>
<td></td>
<td>• has no properties more than fifty (50) years old in the area of potential effects, or there are no known eligible, or listed historic properties in the area of potential effects, as determined by a PennDOT Qualified Professional</td>
</tr>
<tr>
<td></td>
<td>• has no known archeological sites in the area of potential effects, as determined from the Pennsylvania Archaeological Site Survey (PASS) files, or physical, visual evidence on the surface in the area of potential effect</td>
</tr>
<tr>
<td></td>
<td>• requires no more than 3 m (10 ft) of additional right-of-way on each side of the roadbed when the activity is within 200 meters (650 feet) of a stream of rank order 3 or greater (Strahler 1964, Appendix E).</td>
</tr>
</tbody>
</table>

*Note:* Conditions embedded within Activities are italicized.
Table 6. Stipulation C.2.c Reconstruction Activities

<table>
<thead>
<tr>
<th>Sub-Activity</th>
<th>Specific Activity Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Widening</td>
<td>less than one lane</td>
</tr>
<tr>
<td>Shoulder additions to roadways</td>
<td>None</td>
</tr>
<tr>
<td>Bridge approaches</td>
<td>None</td>
</tr>
<tr>
<td>Turn lanes</td>
<td>within existing roadbed (including existing shoulders)</td>
</tr>
<tr>
<td>Other intersection improvements</td>
<td>None</td>
</tr>
<tr>
<td>Minor changes in alignment</td>
<td>new centerline within existing PennDOT right-of-way</td>
</tr>
<tr>
<td>New drainage</td>
<td>associated with existing roadway</td>
</tr>
</tbody>
</table>

Table 7. Stipulation D

<table>
<thead>
<tr>
<th>Activities</th>
<th>Conditions</th>
</tr>
</thead>
</table>
| Activities listed in Stipulation C.1 and C.2 that did not meet the conditions, plus: | • Classified as a CE  
• No public controversy based on historic preservation issues  
• No National Landmarks or National Park Properties within APE  
• Will not have an adverse effect  
• limited to the activities specified/is not part of a larger project |
| • The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction  
• Landscaping  
• Transportation corridor fringe parking facilities  
• Construction of new truck weigh stations or rest areas  
• Plus all other CEs which meet the conditions |
### Table 8. Comparison between PCRRFs and Field Views under Agreement

<table>
<thead>
<tr>
<th></th>
<th>Advantages/Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PCRRF</td>
</tr>
<tr>
<td>Scheduling</td>
<td>Set by District, but may require WO Assignment</td>
</tr>
<tr>
<td></td>
<td>2-Week Advance Notice - should be coordinated with scoping field views</td>
</tr>
<tr>
<td>Cost to Department</td>
<td>approximately $1,000 per project</td>
</tr>
<tr>
<td></td>
<td>approximately $350-500 per project</td>
</tr>
<tr>
<td>Opportunity to modify project in field</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>every field view</td>
</tr>
<tr>
<td>Time between completion of PCRRF or field view and response from PHMC or BEQ</td>
<td>20-30 days</td>
</tr>
<tr>
<td></td>
<td>40 days</td>
</tr>
<tr>
<td>Probability of request for fieldwork</td>
<td>10-15%</td>
</tr>
<tr>
<td></td>
<td>&lt; 10% (projected)</td>
</tr>
<tr>
<td>Probability of request for additional information</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>&lt; 5% (projected)</td>
</tr>
<tr>
<td>Opportunity to address effects in field</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>every field view</td>
</tr>
</tbody>
</table>