Appendix H: INSTRUCTIONS FOR THE PROGRAM COMMENT FOR COMMON POST-1945 CONCRETE AND STEEL BRIDGES

Introduction:

A Program Comment is an alternative to Section 106 review that allows a Federal agency to request the ACHP to comment on a category of undertakings in lieu of conducting individual reviews under Sections 800.4 through 800.6 of the regulations (36 CFR Part 800). This guidance provides instructions for the use of the “Program Comment for Common Post-1945 Concrete and Steel Bridges” issued by the Advisory Council on Historic Preservation (ACHP) for compliance with Section 106 of the National Historic Preservation Act for certain common types of bridges or culverts that were built after 1945 and approach or exceed 50 years old.

For the common bridge and culvert types included in the Program Comment, the procedures in this guidance represent the initial step within the project’s Section 106 compliance. These instructions will be used when a project proposes activities that have a potential to cause effect on historic properties under Section 106; and the project includes bridges or culverts that 1) were built after 1945, and 2) approach or exceed 50 years old and 3) the eligibility of the bridges or culverts has not previously been determined. It is not necessary or recommended to identify whether a “Not Eligible” structure also meets the Program Comment Considerations.

Definitions:

Common Bridge: for purposes of the Program Comment, a common post-1945 bridge or culvert of a type identified in Section V of the Program Comment.

Excepted Bridges: bridges or culverts identified as having some exceptional quality (based on criteria outlined in Section IV of the Program Comment) and consequently will continue to be considered individually pursuant to Section 106 of the National Historic Preservation Act. Excepted bridges identified are posted to FHWA’s website “Bridge Program Comment Excepted Bridges List”. The Program Comment does not apply to Excepted Bridges. Regions 1 through 10 provided input to the Excepted Bridges list and may use the Program Comment.

Applicability:

The Program Comment applies to specific types of bridges and culverts built after 1945, including various forms of reinforced concrete slab bridges, reinforced concrete beam and girder bridges, steel multi-beam or multi-girder bridges, and culverts and reinforced concrete box culverts. See full Consideration in Section V of the Program Comment.

The project as a whole is still subject to Section 106 review based on the implementation of the Department’s established procedures. The Program Comment is not an exemption from

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¹ Fifty (50) years is the minimum age to be considered for potential eligibility to the National Register of Historic Places. For the purpose of these instructions, a bridge can be considered approaching 50 years old if it will be 50 years old before the expected completion of the project in question but no less than 40 years old at the time of assessment.
Section 106 for bridge projects.

At this time the Program Comment will only be used for structures located within NYSDOT Regions 1 through 10.

Under the Department’s established procedures for Section 106 and Section14.09, the provisions of the Program Comment would also apply to projects processed under the New York State Parks, Recreation and Historic Preservation Law Section 14.09 (Part 428).

The Program Comment does NOT apply to:

- Bridges and culverts that are already listed in or eligible for the National Register of Historic Places or to those located in or adjacent to a historic district (including historic roads, parkways and canals). See full Consideration in Section IV.A of the Program Comment.
- Less common bridge types such as arch bridges, truss bridges, bridges with movable spans, suspension bridges, cable-stayed bridges, or covered bridges. See full Consideration in Section IV.B of the Program Comment.
- Bridges and culverts on the Bridge Program Comment Excepted Bridges List published by FHWA. See full Consideration in Section IV.C of the Program Comment.
- Bridges and culverts on Tribal lands.

Procedure:

The Cultural Resource Coordinator will evaluate these Considerations to determine if the Program Comment applies in coordination with Design or Structures staff as needed.

Consideration 1: Was the bridge or culvert built after 1945?

If Yes, continue to Consideration 2.
If No, the Program Comment does not apply.

Consideration 2: Is the bridge or culvert a common bridge or culvert of the type listed below?

(A) Reinforced concrete slab bridges
   (i) Reinforced concrete cast-in-place slabs
   (ii) Reinforced concrete pre-cast slabs
   (iii) Pre-stressed concrete slabs

(B) Reinforced concrete beam and girder bridges
   (i) Reinforced concrete Tee Beams
   (ii) Reinforced concrete channel beams
(iii) Pre-stressed concrete I-Beams and BulbTees
(iv) Pre-stressed concrete box beams

(C) Steel Multi-Beam or Multi-Girder bridges
   (i) Steel-rolled multi-beams
   (ii) Steel fabricated (built up) girders

(D) Culverts and reinforced concrete boxes
   (i) Reinforced concrete boxes
   (ii) Concrete box culverts
   (iii) Concrete pipe culverts
   (iv) Steel pipe culverts

If Yes, continue to Consideration 3.
If No, the Program Comment does not apply.

**Consideration 3:** Is the bridge or culvert: a) listed in the National Register of Historic Places; b) previously determined eligible for the National Register or c) located within or adjacent to a historic district (including historic road, parkway, or canal)?

If No to all of the above (3a-3c), continue to Consideration 4.
If Yes to any of the above (3a-3c), the Program Comment does not apply.

**Consideration 4:** Does the bridge or culvert include spans of the following types: Arch bridges, truss bridges, bridges with movable spans, suspension bridges, cable-stayed bridges, or covered bridges?

If No, none of these spans types are part of the bridge or culvert, continue to Consideration 5.
If Yes, any of these spans types are part of the bridge or culvert, the Program Comment does not apply.

**Consideration 5:** Is the bridge or culvert included on the Bridge Program Comment Excepted Bridges List?

If No, bridge is not on the Bridge Program Comment Excepted Bridges List, the Program Comment applies to the structure. Document and continue the remainder of the Section 106 procedures as applicable to the project.
If Yes, the bridge or culvert is on the Bridge Program Comment Excepted Bridges List, the Program Comment does not apply.

If the Program Comment does not apply, the CRC will implement the Department’s
established Section 106 procedures for the bridge project in accordance with 36 CFR §800.3 through §800.7.

Documentation:

NYSDOT staff will document that the six Considerations discussed above are met via the “Certification Worksheet” provided as attachment to these instructions. The CRC and a staff person from Regional Structures should certify and date the worksheet for each project where the Program Comment is considered on one or more structures. Copies of the worksheet should be filed in the BIN or CIN folder of each structure considered as well as in the project file.

Each Region will track the use of the Program Comment, and send reports of all the bridges and culverts which have been certified as meeting the Program Comment to the Office of Environment for inclusion in an annual report. Individual certification worksheets should not be sent to FHWA unless specifically requested.

The CRC should document the application of the Program Comment as part of the Section 106 documentation for the project. No separate SHPO coordination on eligibility of the bridge or culvert is required. When a Section 106 effect finding is needed for a project, the bridge(s) that have been certified as subject to the Program Comment should be listed in the Finding Documentation, Steps to Identify Historic Properties. “The structure is subject to the Program Comment on Common Post-1945 Concrete and Steel Bridges, as Certified (date) and therefore is exempt from consideration as part of the Section 106 process” with date being the date worksheet was completed. The worksheet should be included in the appendix of the Finding Document.

References:

- Full text of the Program Comment is on the Federal web site at: Program Comment
- Full text of the Bridge Program Comment Excepted Bridges List is maintained by the FHWA at: FHWA Website "Bridge Program Comment Excepted Bridges List"
- Program Comment website including, “Questions and Answers”: FHWA Website, Common Post-1945 Concrete and Steel Bridges
- Discussion of Highway Bridge Engineering (discusses each type included in Program Comment) : FHWA Website, Post-1945 Highway Bridge Engineering
**Certification Worksheet for Program Comment for Common Post-1945 Concrete and Steel Bridges and Culverts associated with PIN**

<table>
<thead>
<tr>
<th>BIN or CIN</th>
<th>Year Built</th>
<th>Type</th>
<th>Subtype</th>
<th>Consideration 2 (part 1)</th>
<th>Consideration 2 (part 2)</th>
<th>Bridge Eligible or Listed or adjacent an Eligible or listed resource?</th>
<th>Spans of: Arch bridges, truss bridges, bridges with movable spans, suspension bridges, cable-stayed bridges, or covered bridges?</th>
<th>On Excepted Bridges List?</th>
<th>Meets all Considerations of Program Comment?</th>
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**Completed by:**

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Consideration 2: The Program Comment is only applicable to the following bridge and culvert Types and Subtypes:

- **Type:** Reinforced concrete slab bridges
  - **Subtype:**
    - (i) Reinforced concrete cast-in-place slabs
    - (ii) Reinforced concrete pre-cast slabs
    - (iii) Pre-stressed concrete slabs

- **Type:** Reinforced concrete beam and girder bridges
  - **Subtype:**
    - (i) Reinforced concrete Tee Beams
    - (ii) Reinforced concrete channel beams
    - (iii) Pre-stressed concrete I-Beams and BulbTees
    - (iv) Pre-stressed concrete box beams

- **Type:** Steel Multi-Beam or Multi-Girder bridges
  - **Subtype:**

- **Type:** Culverts and reinforced concrete boxes
  - **Subtype:**
    - (i) Reinforced concrete boxes
    - (ii) Concrete box culverts
    - (iii) Concrete pipe culverts
    - (iv) Steel pipe culvert