DATE: June 26, 1996

TO: OPRHP Executive Staff
    OPRHP Regional Directors
    OPRHP Bureau Directors
    OPRHP Historic Preservation Field Services Bureau Staff
    DOT Executive Staff
    DOT Regional Directors
    DOT Regional Design Engineers
    DOT Division Directors
    DOT Bureau Directors
    DOT Regional Environmental Groups

FROM: Commissioner Castro, OPRHP

Commissioner J. Daly, DOT

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE OPRHP AND DOT FOR THE EFFICIENT PROGRESSION OF TRANSPORTATION PROJECTS WITH DUE AND APPROPRIATE CONSIDERATION OF HISTORIC RESOURCES

We are pleased to share with you the attached Memorandum of Understanding which is aimed at developing a better understanding and mutual concern for the respective missions of our agencies and at working together to provide safe, adequate and environmentally sensitive transportation systems through a more streamlined consultation process that meets the letter and spirit of the National and State Historic Preservation Acts.

It is our firm belief that each of our agencies provides the citizens of New York State with valuable and essential services and that we can best serve the needs of the State by working together through an active partnership and open dialogue. We now look to the staff of OPRHP and DOT to strive towards the goals and work towards the objectives outlined in the MOU. Please share the document with all the appropriate people on your staff. Thank you.
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION (OPRHP)
AND
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (DOT)
FOR
THE EFFICIENT PROGRESSION OF TRANSPORTATION PROJECTS WITH DUE AND
APPROPRIATE CONSIDERATION OF HISTORIC RESOURCES

This Memorandum of Understanding (MOU) is to identify the responsibilities and
expectations of both the DOT and the OPRHP in meeting our shared responsibilities to the
public in providing transportation services and protecting historic resources.

WHEREAS, the OPRHP and the DOT jointly recognize:

- that transportation and historic preservation both serve important public purposes and that
cooperation and compromise between the two agencies is necessary to achieve both
purposes; and

- that, through a partnering effort, we should strive to achieve a transportation program in
New York State that meets the needs of the travelling public and takes into account the
effects of individual undertakings on historic properties; and

- that the mission of the DOT is to provide safe, adequate, balanced and efficient
transportation at reasonable cost and in an environmentally sensitive manner and that the
mission of the OPRHP, acting as the State Historic Preservation Office, is the identification,
evaluation and protection of our cultural heritage. We believe that these two missions are
both important and should not be considered mutually exclusive; and

- that, as set forth in the National Preservation Act of 1966 and the State Historic
Preservation Act of 1980, to the fullest extent practicable it is the responsibility of every
State agency, consistent with other provisions of law, to avoid or mitigate adverse
effects/impacts on those properties that are on or eligible for listing on the State or National
Registers of Historic Places; and

NOW, THEREFORE, through this MOU, the DOT and the OPRHP agree that a holistic and
coordinated approach is the best way to serve the diverse interests of our customers, the
people of the State of New York, through an active partnership and open dialogue between
the DOT and the OPRHP; and
THEREFORE, as a team, the DOT and the OPRHP agree to work toward the following goals:

GOALS

1. A better understanding of and mutual concern for our respective missions, leading to increased efficiency in the progression of transportation projects with due and appropriate consideration of historic resources.

2. Development of a more effective and streamlined consultation process that meets the letter and spirit of Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act.

FURTHERMORE, the DOT and the OPRHP agree that the best way to attain these goals is to work together to achieve the following objectives:

OBJECTIVES

1. Early identification of historic resources and early consultation to incorporate historic preservation concerns into planning for transportation projects. To that end, the OPRHP agrees to openly share with the DOT all its Geographic Information System (GIS) data as per the January, 1996 GIS Memorandum of Understanding.

2. Application of the criteria for determination of register eligibility and for determination of effect/impact in a manner both consistent with applicable laws and regulations and cognizant of the need to balance the important public purposes of historic preservation and transportation in a manner which minimizes paperwork and delay.

3. Promote good faith efforts to resolve issues between our agencies through open, honest, systematic and timely communications within the State system based upon mutual trust and respect for each other’s missions and areas of expertise. To further these efforts, the recently established practice of direct communication between OPRHP and DOT regional personnel will be continued and expanded to include Historic Preservation Field Services Bureau staff in the OPRHP regions as a successful means of expediting consultation.

4. Development and implementation of new systems and processes, including programmatic agreements and new reporting formats, to streamline the project review process resulting in quality transportation projects that meet historic preservation principles. To that end, the OPRHP and the DOT agree to use our best efforts to develop a mutually acceptable Programmatic Agreement for Landscape Treatments for immediate internal use on 100% State funded projects and for submission to the President’s Advisory Council on Historic Preservation within 90 days of the date of this agreement.
5. Exploration of ways in which the policies, procedures, regulations, guidelines and standards of both the DOT and the OPRHP may be revised or amended to facilitate review while respecting the missions of both agencies. Towards this effort, the OPRHP agrees to provide the DOT with a draft programmatic document suggesting standard treatments for historic canal bridges for comment from the DOT and eventual adoption by both agencies. Similarly, the DOT will provide the OPRHP with a document suggesting guidelines for the rehabilitation of historic parkways.

6. Mutual support through the sharing of training, expertise and resources, as practicable and in a spirit of partnership.

Execution of this MOU evidences that the OPRHP and the DOT are in agreement as to the joint expectations of each agency and will work toward continuous improvement of the processes involved in achieving these expectations. Progress on this agreement will be reviewed by both Commissioners on an annual basis.

New York State Office of Parks, Recreation and Historic Preservation

By: Bernadette Castro, Commissioner

Date: 3/14/96

New York State Department of Transportation

By: John B. Daly, Commissioner

Date: FEB 8 1996