THE ENVIRONMENTAL MANUAL (TEM) §4.4.12 HISTORIC AND CULTURAL RESOURCES

APPENDIX: INSTRUCTIONS ON THE PROGRAM COMMENT FOR COMMON POST-1945 CONCRETE AND STEEL BRIDGES

Approved:

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12/8/15

Expires one year after issue unless replaced sooner

ADMINISTRATIVE INFORMATION:

- Effective Date: This Engineering Bulletin (EB) is effective upon signature.
- Superseded Issuances: No issuances are superseded.
- Disposition of Issued Materials: The information issued with this EB is part of TEM Chapter 4.

PURPOSE: The purpose of this EB is to issue TEM §4.4.12 Appendix H, *Instructions on the use of the Program Comment*” and associated materials.

TECHNICAL INFORMATION:

- Currently, the Program Comment instructions issued with this EB apply only to projects located in Regions 1 through 10.
- TEM Appendix §4.4.12.H contains information and guidance related to the implementation of the “Program Comment for Common Post-1945 Concrete and Steel Bridges” (Program Comment) issued by the Advisory Council on Historic Preservation (ACHP) for compliance with Section 106 of the National Historic Preservation Act and implementing regulations (36 CFR Part 800) for certain common bridge and culvert types.
- The Program Comment applies to certain specified common bridge and culvert types that were constructed in vast numbers after World War II when improving technology and evolving standardization resulted in more predictable designs, details and materials.
- The Program Comment streamlines the Section 106 process by eliminating the need for a case-by-case review to assess eligibility to the National Register of Historic Places for certain bridge or culvert types that meet the conditions.
- The Program Comment does not apply to the list of “exceptional bridges” developed and submitted by the FHWA, New York Division in May of 2014. Projects that involve “exceptional bridges” require individual review under Section 106, including an evaluation of National Register eligibility if the bridge or culvert has not been previously evaluated. This list of Exceptional Bridges is published on the FHWA website (see link in References).
- The Program Comment eliminates the need for a case-by-case review of eligibility determination for certain bridge or culvert types that meet the conditions. The project as a whole is still subject to Section 106 review based on existing procedures. **The Program Comment is not an exemption from Section 106 for bridge projects.**
- TEM §4.4.12 Historic and Cultural Resources will include information pertaining to the Department’s procedures for the implementation of Section 106 of the National Historic Preservation Act. “Instructions on the use of the Program Comment” will be found within the
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section’s Appendices. The organization of the TEM §4.4.12 Appendices, will be as follows:

A. Legal Citation – Under Development
B. Scope of Services - Under Development
C. Definitions - Under Development
D. References/ Technical Documents -Under Development
E. Contacts - Under Development
F. Sample Statements - Under Development
G. Cultural Resources Desk Reference - [Previously Distributed via Hardcopy to CRCs]
H. Instructions on Program Comment for Common Post-1945 Concrete and Steel Bridges

IMPLEMENTATION:

- For any project that has the potential to affect historic properties (36 CFR 800.3 (a)); and, involves post-1945 bridges or culverts that exceed or approach 50 years in age, the Cultural Resource Coordinators (CRC) shall assess the applicability of the Program Comment.
- Staff of the Offices of Design and Structures shall coordinate with the CRC when such bridges or culverts are identified for inclusion in proposed work, and shall provide the CRC with the specific information as described in the Appendix H to the TEM §4.4.12.
- The Department will assemble an annual report of projects that included bridge and culverts that met the conditions of the Program Comment and provide the report to the FHWA and the State Historic Preservation Officer (SHPO).

TRANSMITTED MATERIALS: TEM §4.4.12.11 Appendices may be found at the following: https://www.dot.ny.gov/portal/page/portal/divisions/engineering/environmental-analysis/manuals-and-guidance/epm

BACKGROUND:

- On November 2, 2012, the ACHP issued a Program Comment to relieve all Federal agencies from the Section 106 requirement to consider the effects of undertakings on certain common types of bridges and culverts constructed of concrete or steel after 1945 (Program Comment). The FHWA requested the Program Comment and is responsible for its implementation, including programmatic mitigation for the effects of undertakings on post-1945 common bridges.
- The Program Comment supports the FHWA Administrator’s Every Day Counts initiative, as well as the provisions contained within Moving Ahead for Progress in the 21st Century (MAP-21) to improve the efficiency of the environmental review process.
- Under the Department’s existing procedures for Section 106 and 14.09 the provisions of the Program Comment would also be applicable to projects processed under the New York State Parks, Recreation and Historic Preservation Law Section 14.09 (Part 428).

DISTRIBUTION: None.

REFERENCES:

- Full text of the Program Comment is on the Federal web site at: Program Comment

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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 this guidance, a bridge may be considered approaching 50 years old if it will be 50 years old before the expected completion of the project in question.
Full text of the Program Comment list of Exceptional bridges is maintained by the FHWA at: [FHWA Website with list of Exceptional New York Bridges](#)

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](#)

**CONTACT**: Direct questions regarding this issuance to Stephanie DeLano of the Office of Environment at (518) 417-6686 or via e-mail at [Stephanie.DeLano@dot.ny.gov](mailto:Stephanie.DeLano@dot.ny.gov).