



P R E S E R V A T I O N

Action

NATIONAL CONFERENCE OF STATE
HISTORIC PRESERVATION OFFICERS

NCSHPO

June 14, 2004

Dear Conferee:

As you prepare to reconcile the House and Senate bills to reauthorize the nation's surface transportation laws, we urge your consideration of our views on four key historic preservation issues directly affected by the legislation. Our primary concern among those is the protection of historic preservation safeguards under Section 4(f) of the Department of Transportation Act of 1966.

1. Section 4(f) – Support the Senate Provision:

Our three historic preservation organizations reached an unprecedented agreement with the American Association of State Highway and Transportation Officials (AASHTO) to improve the way in which Section 4(f) is administered with respect to historic resources. Senator Voinovich amended the Senate-passed bill with this language. It would permit the satisfaction of Section 4(f) in cases where a Section 106 review produces a finding of no adverse effect to an historic site even though a small part of the site is to be used in a transportation project. Public involvement through consulting parties and the written concurrence of state historic preservation officers would serve as safeguards.

We strongly urge conferees to adopt the Senate language regarding Section 4(f) affecting historic properties because it would streamline historic reviews of transportation projects while maintaining long-standing legal protections for historic places.

2. Financial Support for Historic Preservation Reviews of Road Projects – Support the House Provision:

To streamline historic preservation reviews of transportation projects, financially strapped state and tribal historic preservation offices need help from state transportation agencies. While some state transportation agencies already provide funds to enable historic preservation reviews to be carried out more quickly, other states are unclear as to their authority and are not funding assistance for historic preservation reviews that could expedite the process.

We urge conferees to include Section 5252(i)(1)(2)(3) of the House bill "Assistance to Affected State and Federal Agencies" that would authorize states to make funds available to state and tribal historic preservation offices and to the Advisory Council on Historic Preservation to help streamline historic preservation reviews and

consultations. The final bill should also direct the Secretary of Transportation to encourage states to provide such funding.

3. “Purpose and Need” and “Alternatives” – Support the House Provision:

We urge conferees to include section 5252(d), (e), (g), and (j) from Section 6002 of the House bill regarding the process for developing the “purpose and need” and alternatives that will provide the framework for reviewing individual transportation projects. The House language places a strong emphasis on inter-agency collaboration and the cooperative resolution of issues, in contrast to section 326(f)(4) and 326(g)(4) from Section 1511 of the Senate bill, which would require absolute deference by state and federal historic preservation agencies to the alternatives and the purpose and need chosen unilaterally by the Department of Transportation. This would undermine Section 106 and Section 4(f) reviews by limiting the ability of state and federal preservation agencies to encourage the consideration of alternatives that would avoid, minimize, and mitigate the adverse effects of transportation projects on historic properties.

4. Historic Bridges – Support the Senate Provision:

We urge conferees to include an amendment adopted by the Senate that would greatly strengthen the existing Historic Bridge Program (section 144(o) of Title 23). Historic bridges that are no longer able to carry vehicles may be donated by state transportation agencies to new owners, including local governments and non-profit groups, who agree to maintain the spans. As an incentive, states must offer to the new owner an amount of money equal to the estimated cost of demolition.

The Senate provision would permit state DOTs to increase that payment to the new owners up to twice the estimated costs of demolition. The change is entirely permissive and would enable states to find a larger pool of prospective buyers for great historic bridges now unsuitable for automobiles. Parks, trails, golf courses, and bicycle and pedestrian facilities could then make use of these historic bridges. In addition, the Senate provision would permit new owners to apply for transportation enhancements funds either to supplement the demolition funds or to make repairs at a later date.


Conclusion:


The historic preservation community is tremendously concerned about the nation’s transportation laws because of the enormous effect that related projects and policies have on historic resources. It is important to note that, in addition to the conference issues outlined in this letter, our organizations have already made you well aware of our long-standing support for a vital Enhancements Program, and our positions regarding the House and Senate reauthorization language that would exempt the Interstate Highway System from Section 4(f) reviews.

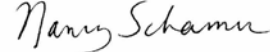
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In regard to the items before your consideration during conference, protecting the safeguards for historic resources under Section 4(f) has been our preeminent concern, and we are pleased at the outcome reflected in the Senate bill. The consensus reflected therein will go a long way toward meeting the needs of state highway officials and preservationists alike. We urge you to include this language in the final bill and approve provisions that would provide financial support for historic preservation office reviews, strengthen the Historic Bridge Program, and ensure that definitions of “purpose and need” and “alternatives” are compatible with our overarching goal not to weaken Section 4(f) for historic resources.

Sincerely,


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