

TRANSPORTATION REAUTHORIZATION

Good Transportation Policies Protect Historic Resources

Status:

On Wednesday, February 9, the House reintroduced its transportation reauthorization bill, the Transportation Equity Act: A Legacy for Users (H.R. 3). The legislation is nearly identical to what the House passed last year. The Senate bill has not yet been reintroduced, but it is also likely to be identical to last year's measure.

Background:

The Transportation Equity Act for the 21st Century (TEA-21), the successor bill to Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), expired September 30, 2003. TEA-21 authorizes federal surface transportation programs for highways, highway safety, and transit that enable communities and regions to achieve broad public objectives. Preservationists are concerned with several provisions within the bill, including treatment of Section 4(f), financial support of historic preservation reviews, inclusion of the historic bridge amendment, and continuation of the Transportation Enhancements program.

Preservation related provisions:

- 1) Section 4(f): During the 108th Congress, historic preservation organizations reached an agreement with the American Association of State Highway and Transportation Officials (AASHTO) about modifications to Section 4(f) with respect to historic properties. This agreement was incorporated into an amendment by Senator Voinovich and added to the Senate-passed transportation bill, S. 1072. The provision, as it pertains to historic places, would permit the satisfaction of Section 4(f) requirements only when a Section 106 review finds "no adverse effect" on an historic site even though a small part of the site would be used in a transportation project. Public involvement through consulting parties and the written concurrence of state historic preservation officers would serve as safeguards. This language will streamline historic reviews of transportation projects without weakening legal protections for historic places.
- 2) Financial Support for Reviews: The House bill (H.R. 3) includes a section authorizing states to make transportation funds available to state and tribal historic preservation officers and to the Advisory Council on Historic Preservation to help streamline historic preservation reviews and consultations.
- 3) Historic Bridge Program: Language adopted by the Senate in the 108th Congress would strengthen the Historic Bridge Program (section 144(o) of Title 23) by permitting state transportation agencies to make incentive grants of up to twice the cost of demolition to public or private entities that take ownership of historic bridges no longer suitable for automobile use. The amendment would also permit owners of donated historic bridges to compete for transportation enhancements to pay for restoring historic bridges and reusing them for recreational purposes.
- 4) Transportation Enhancements: Enhancements are one of the country's strongest community revitalization programs. The program enables transportation planners to preserve the historic character of towns and countrysides while addressing solutions to congestion.

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