



STATE OF MICHIGAN  
**DEPARTMENT OF TRANSPORTATION**  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

GLORIA J. JEFF  
DIRECTOR

March 23, 2005

Mr. John D. Niemela  
County Road Association of Michigan  
P.O. Box 12067  
Lansing, Michigan 48901-2067

Dear Mr. Niemela:

Programmatic Agreement for SHPO Clearance Letters

Please find enclosed a copy of the draft Programmatic Agreement for the State Historic Preservation Office (SHPO) Clearance letters. The Federal Highway Administration (FHWA), SHPO and the Michigan Department of Transportation (MDOT) are in the process of developing and executing the Programmatic Agreement to define which projects could be exempt from the required SHPO project review and clearance letter process.

Section 106, of 1966, requires that all federal-aid projects complete the SHPO consultation process. Therefore, by law, every federal-aid project could potentially require SHPO review and clearance. To avoid requiring a SHPO clearance letter for every federal-aid project, FHWA, MDOT and SHPO have developed the Programmatic Agreement to define which federal-aid projects will be exempt from requiring a SHPO clearance letter. In general, most 3R projects will probably be exempt and most 4R projects will require a SHPO clearance letter.

We are currently operating under a temporary agreement with SHPO and FHWA to use the draft until the Programmatic Agreement becomes fully executed. We expect the Programmatic Agreement will be a big time saver for the local agencies, SHPO, FHWA and MDOT. Please note that the SHPO clearance letter is not a new requirement. The proposed Programmatic Agreement is a new way to allow certain projects to be exempt from the SHPO clearance letter requirement.

FHWA, SHPO and MDOT will be meeting again soon to discuss the Programmatic Agreement. Please review the proposed Agreement and return any comments and/or recommendations you may have to this office. If you have any questions, please call Ron Boomer, at (517) 373-9590 or boomerr@michigan.gov.

Sincerely,

Rudolph S. Cadena, P.E.  
Local Agency Programs Engineer  
Local Agency Programs

Enclosure

cc: Abdelmoez Abdalla, FHWA  
Martha MacFarlane-Faes, SHPO



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March 23, 2005

Mr. Joseph A. Fivas  
Michigan Municipal League  
320 N. Washington Sq., Ste. 110  
Lansing, Michigan 48933-1288

Dear Mr. Fivas:

Programmatic Agreement for SHPO Clearance Letters

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Martha MacFarlane-Faes, SHPO

# *DRAFT*

## PROGRAMMATIC AGREEMENT R.E. SHPO CLEARANCE LETTERS FOR MDOT ADMINISTERED LOCAL AGENCY PROJECTS

### **Programmatic SHPO Exclusions (does not require a SHPO clearance letter):**

The following projects or work types will be considered programmatic SHPO exclusions, i.e. they do not require a SHPO clearance letter for potential historic or archeological impacts:

Projects funded with state and local funds only (i.e., those with no Federal-aid); projects funded with federal-aid, that have an environmental classification of Categorical Exclusion and either contain work only within the footprint of the existing road or work activities which do not lead directly to construction, such as planning & technical studies. These types of projects will generally be classified as Resurfacing, Restoration and Rehabilitation (3R) projects, Preliminary Engineering (PE) projects or studies. Typical projects would include:

- Resurfacing, milling or profiling, within the existing roadway shoulder points in a shoulder cross section;
- Resurfacing, milling or profiling, within an existing curb and gutter roadway, with minor curb and gutter replacement in a curb and gutter cross section;
- Lane and/or shoulder widening (no increase in the number of through lanes), with work only within the existing footprint of the existing roadway;
- Bridge deck overlay and/or minor widening (no increase in the number of through lanes);
- Roadside safety improvements;
- Signing, pavement marking and traffic signals;
- Intersection and railroad crossing upgrades, with work only within the existing footprint of the existing roadway;
- Bridge painting, joint replacements and pin and hanger replacements;
- Pavement joint repair;
- Crush, shape and resurface;
- Passing relief lanes, with work only within the existing footprint of the existing roadway;
- Reconstruction of the roadway pavement, including less than fifty (50) percent of the subbase or subgrade;
- Guardrail;
- Preliminary Engineering; and
- Technical studies or research grants.

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## **Non-Exempt from SHPO Clearance (SHPO clearance letter Required):**

The following projects or work types will require a SHPO clearance letter for potential historic or archeological impacts:

All projects funded through the Federal Enhancement (ENH) Program and/or all Federal-aid projects which have work extending beyond the existing footprint of a road within a shoulder cross section, or one or more lanes of widening beyond the existing curb and gutter, for through traffic, in a curb and gutter cross section. These types of projects will generally be classified as federally funded, new construction or reconstruction (4R) projects. Typical projects would include:

- Complete removal and replacement of pavement;
- Adding lanes for through traffic;
- New roadways and/or bridges;
- Bridge projects with complete bridge replacement, deck replacement or superstructure replacement;
- Reconstruction of the roadway pavement, including more than fifty (50) percent of the subbase or subgrade, exclusive of such work as rubblizing and/or crushing and shaping; and
- On aggregate surface roadways, reconstruction is defined as involving more than fifty (50) percent of the subbase.

The Section 106 project review form and instructions may be found on-line at: [http://www.michigan.gov/hal/0,1607,7-160-17449\\_18638\\_21819-98336--,00.html](http://www.michigan.gov/hal/0,1607,7-160-17449_18638_21819-98336--,00.html)

Please contact the SHPO at 517-335-2721 if you have any questions on the form. The name and address of the Federal Agency is: Abdelmoez Abdalla, Federal Highway Administration, 315 W. Allegan, Lansing, MI.