TxDOT’s historic preservation process is governed by laws and regulations. We have the opportunity to tailor our process specifically to TxDOT to help us focus attention on projects that impact significant cultural resources. This project is to tell you about that process and how you can participate in shaping our preservation program.

What is Section 106?
Section 106 refers to a section of the National Historic Preservation Act, a federal law that helps evaluate the preservation of historic resources above and below ground (like buildings and bridges, archeological sites, religious landmarks, and historic landscapes). This section defines how TxDOT considers historic properties in project planning and construction. Before construction begins on a project, TxDOT’s historians and archeologists study the project area to look for historic resources. Section 106 has four steps and it allows for public input at each step in the process. Learn more from our Section 106 brochure: https://www.txdot.gov/inside-txdot/division/environmental/historic-preservation.html

Why does TxDOT do Section 106?
The historic preservation process in Section 106 must be followed by federal agencies that fund, license, own, or approve projects. TxDOT does Section 106 on behalf of the Federal Highway Administration (FHWA) on projects within Texas. TxDOT has a special agreement with FHWA that allows us to take on this responsibility.

What is a programmatic agreement?
It is an agreement on how to run our historic preservation program effectively and efficiently. TxDOT is in the process of updating our programmatic agreement with our federal and state partners. This agreement will determine how, when, and what resources we use during our historic preservation process under Section 106. In updating our agreement, TxDOT has created a list of projects that we find have very little potential to impact historic resources, such as repaving existing roads. Our goal is to save the agency and public time and money to focus our attention on bigger projects that impact significant historic places and spaces. Once we complete our draft of the agreement, our federal and state partners must agree to the plan and then the agreement is legally binding.

Why does TxDOT have a programmatic agreement?
The programmatic agreement helps TxDOT efficiently conduct the historic preservation process, which saves time, resources, and money. This allows hundreds of projects to go to construction without review by TxDOT historians or archeologists. For example, in 2016, TxDOT had 249 projects that did not require an archeological desktop study out of a total 1,016 historic and archeological projects that year — that is roughly 24 percent! TxDOT would like to improve the effectiveness of our historic preservation process by increasing the number of projects that do not require these types of studies. This would allow us to focus our time and efforts on significant projects that might negatively impact cultural resources. Plus, it would save the agency and the public time and money in doing projects.

Why is TxDOT updating the programmatic agreement?
Our historic preservation process is currently governed by an agreement signed in 2015. That agreement expired in 2020, but it is extended through 2025. We want to update the agreement to focus on what works for both TxDOT and consulting parties to have efficient and effective operations. New processes in this update include:

1. Expanding language about TxDOT’s role in educating and working with our potential consulting parties

2. TxDOT’s commitment to maintain certain historic metal truss bridges that we own, and replace other truss bridges.

Why are you telling me about Section 106?
TxDOT knows that cultural resources – like bridges, archeological sites, cemeteries, landscapes, buildings and more – are important to communities. By working with TxDOT during the historic preservation process, you can help make Texas’ important history available for future generations. This is called “consultation.” Consultation allows TxDOT to understand what cultural resources are important in the project area, what concerns you may have about our project and impacts on cultural resources, and how we can proceed with our projects. You and your organization are an important stakeholder in our process. You have the local knowledge and background about your local cultural resources and what is important to your communities.
Who else participates in the programmatic agreement? What are their roles?

At a minimum, the following agencies will sign the agreement:

1. Federal Highway Administration—FHWA participates because it provides the funding for the majority of TxDOT projects.
2. Advisory Council on Historic Preservation—ACHP participates because they are the federal agency that oversees implementation of Section 106.
3. Texas State Historic Preservation Office—The SHPO is in the Texas Historical Commission (THC). Per Section 106, the SHPO is required to sign programmatic agreements within their state.

We plan to discuss the agreement and its changes with our stakeholders and consulting parties, which include:

1. Federally-recognized tribes—TxDOT consults with 28 federally recognized tribes with an interest in Texas.
2. Local governments—This will include county historical commissions, Certified Local Governments, Main Street Communities, and other government entities, such as those that partner with us on transportation projects and grants.
3. Non-profit organizations—This includes groups like Preservation Texas, Texas Archeological Society and its members, archeological chapters, historic preservation non-profits, Texas Master Naturalist chapters, Historic Bridge Foundation, and a host of other organizations.

What is my role in the programmatic agreement?

If you are interested in working with TxDOT on historic preservation, you have a role in our process! You are invited to consult on TxDOT’s proposed changes to the way we run our historic preservation program. This process does not replace consultation and outreach on individual TxDOT projects. However, any projects listed in the agreement can be determined by TxDOT to proceed after review. For example, the agreement excludes certain historic bridges from any further consultation and eliminates archeological background reviews for certain projects. This means that now is the time for our stakeholders to ask questions about the excluded project types, the archeology plans, and our plans to manage historic bridges.

How does TxDOT’s programmatic agreement affect me/my organization?

This agreement governs how TxDOT will comply with Section 106 and the historic preservation process. In the process of updating this agreement, TxDOT has determined:

1. There are some projects that are so small that they do not require our Section 106 process because there is very little potential to impact a historic resource. An example of a small project would be installing a new traffic light. We’ve created a list of these “small projects” and they are listed in the agreement.
2. Some projects, like the small projects listed above, do not require TxDOT to reach out to consulting parties because they have very little potential to affect historic resources.
3. There are hundreds of historic bridges throughout the state. TxDOT will continue to inspect these bridges and determine when it is necessary to replace each bridge while aiming to preserve their history for future generations.
4. TxDOT’s archeologists research each and every project area and document the research in long technical reports. Our archeologists conduct this research even for projects that have a very small potential to impact archeological sites. TxDOT will no longer perform archeological background research on certain projects within the existing Right of Way that have no potential to impact historic sites.

Does this mean TxDOT can make decisions on its own without consulting people? How can I trust that process?

TxDOT’s staff of professional historians and archeologists each have a minimum of a master’s degree and several years of Section 106 process experience. Many of our staff members have experience working for state historic preservation offices, cultural resources consulting firms, Texas Parks and Wildlife Department, and other federal and state agencies. Our experience across the state has given us the knowledge and tools to quickly determine how our projects have a big or small chance of impacting historic resources.
Frequently Asked Questions

When will the proposed changes take place?
Once the agreement is finalized, TxDOT will continue our preservation program as outlined in the agreement for at least five to seven years.

How do I provide my comments on this programmatic agreement?
You can email historicpreservation@txdot.gov.
Engage with our interactive survey, which is posted on the web page.

When does the programmatic agreement take effect?
The updated agreement will not be in effect until all parties participating sign the agreement. TxDOT plans to finalize the document for signatures in Summer 2021.

How do I get more involved with TxDOT?
There are multiple ways to learn about TxDOT’s upcoming projects and any planned public meetings:

1. Project Tracker: This map-based database includes all TxDOT’s projects planned for the next 10 years. It is updated weekly: https://www.txdot.gov/inside-txdot/projects/project-tracker.html

2. Historic Resources Aggregator: This map-based database includes the Project Tracker data and TxDOT’s information on historic properties, bridges, and districts in Texas: https://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/historic-resources.html

3. Public Meetings and Hearings page: TxDOT lists specific projects or programs that need feedback: https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html

4. TxDOT Beyond The Road newsletter: TxDOT announces its webinars and other environmental stories in a quarterly newsletter. Sign up to stay informed here: https://www.txdot.gov/inside-txdot/division/environmental/beyond-the-road.html and click “Subscribe to Updates.”

5. Social Media: TxDOT often announces public meetings and hearings on our social media. Follow us on Facebook, Instagram, and Twitter.

6. Contact your local TxDOT District or Area Office to learn more about projects happening in your area.