CONNECTING PEOPLE AND THE PAST
A Guide to Getting Involved with TxDOT during the Historic Preservation Process
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Purpose of Publication

The Texas Department of Transportation (TxDOT) helps ensure that citizens and tourists safely travel to and from your community. We want everyone to experience the towns and vistas that make Texas unique. Additionally, we want to contribute to the preservation of those places when possible.

TxDOT staff work with communities to consider the effects of proposed construction projects on our state's historic and cultural resources. Part of TxDOT's mission is to include the public in this decision-making process. Collaborating with TxDOT staff enables individuals to voice interest and concern related to ongoing transportation projects. This is what TxDOT calls the “historic preservation process.” To encourage participation, we created this guide to explain TxDOT's role in historic preservation related activities and how you can contribute to these efforts.

Federal and state laws require TxDOT to “stop, look and listen” during the planning stages of construction projects. Regulatory reviews are triggered when proposed projects may have one or more of the following impacts.

• Disrupt the quality of air and water.
• Create higher noise levels.
• Endanger plants or animals.
• Negatively affect communities and their resources.
• Damage any historic buildings, structures, or archeological sites.

Read more about TxDOT’s environmental process and efforts at www.txdot.gov
Keyword “environment.”
Who We Are

TxDOT began in 1917 as the Texas Highway Department. Today, we own and maintain more than 80,000 miles of federal and state road systems in Texas made up of the following:

- Interstate Highways
- US and State Highways
- Farm-to-Market (FM) or Ranch-to-Market (RM) Roads
- Other state-owned roads, like Park Roads (PR)

TxDOT’s “right of way,” or ROW, refers to the entire width of land between the property lines on either side of a road or highway.

TxDOT’s planning process for projects begins years before shovels hit the ground. Engineers and planners consider traffic, road conditions and safety, as well as any environmental impacts caused by construction.

- The Environmental Affairs Division (ENV) headquartered in Austin ensures that projects comply with federal environmental laws while meeting the public’s needs for an integrated transportation system.
- ENV archeologists and historians follow the historic preservation process to comply with state and federal environmental laws.
- Archeologists have expertise in various specialties, such as geoarchaeology, paleobotany, stone tools, pottery and various regional cultural histories.
- Historic preservation specialists have expertise in architectural history, bridges, landscapes, public history and roads.
- Each of TxDOT’s 25 districts has environmental specialists who work on projects specific to that district.

Read more about the Environmental Affairs Division at www.txdot.gov; search using the keyword “environment.”
Our Work: Balancing Progress and Preservation

What We Do

When TxDOT builds and repairs roads and bridges around the state, in-house experts determine how those projects affect historic places and nearby cultural resources. These roads and bridges not only physically link our communities, but also link us to the stories about people, settlement and migration.

Driving down Texas roads, you can see evidence of our history and heritage in the buildings, bridges and other structures that line them. Consider the last time you drove down an FM road—chances are you passed an old gas station or hotel. You even may have crossed an iconic metal bridge. Construction projects can change permanently the way we experience these places.

For instance, widening an old FM road might mean that the new ROW overlaps with a historic farmstead or archeological site. To discuss the importance of these resources, TxDOT initiates consultation in which staff reach out to local groups and preservation partners to determine public needs and interests related to affected historic and cultural resources.

For projects that have federal funding, TxDOT follows the National Historic Preservation Act (NHPA). Section 106 of this act requires that historic properties, a type of cultural resource, be considered in project planning. TxDOT follows a similar process for projects on Texas public lands, including state highways, under the Antiquities Code of Texas.

What Are Cultural Resources?

“Cultural resources” are any object, structure, or landscape humans used or left behind, including the following:

- bridges and buildings
- archeological sites and cemeteries
- sacred/religious landmarks
- agricultural sites
- historical objects, such as sculptures and roadside markers
- historic downtowns and neighborhoods

Read more about Section 106 here: https://www.txdot.gov/inside-txdot/division/environmental/historic-preservation.html

Historic gas stations can be found across the state and are often adjacent to TxDOT projects.
How Does TxDOT Define “Historic”?  
Preservation standards and related policies typically deal with properties and objects that are “historically significant.” The age of the property is only one aspect of determining significance. The preservation community at large—including TxDOT—considers a resource historically significant if the following are true:
- Be at least 45 years old.
- Have a documented connection with a historic event or notable person.
- Have notable architectural or engineering design; or,
- Contributes important information to understanding Texas’ long history.

What Can TxDOT “Preserve”?  
TxDOT often works to preserve the history of buildings and sites that are negatively impacted by construction. The outcomes reflect traditional and nontraditional ways to preserve the cultural heritage attached to a place. Staff consult with local partners to determine how best to document history related to these resources. Resulting preservation—referred to as “mitigation” for the negative impacts—may consist of archeological excavations, architectural and engineering drawings, historic context studies, oral histories, exhibits for local museums, or educational material for nearby schools.

“Significant” is a very specific term when applied to reviewing cultural resources. TxDOT historians and archeologists strictly follow professional criteria that define what qualifies a place as “significant.” Resources that meet one or more criterion are eligible for listing in the National Register of Historic Places (NRHP), a program which was created by the National Historic Preservation Act. The NRHP is a list of buildings, structures, sites, objects and districts that demonstrate national, regional or local significance.

These standards are cited in laws that address historic resource consideration during the historic preservation process. TxDOT looks for historic and cultural resources that may be eligible for listing or that are already listed in the NRHP. Establishing this level of significance establishes what resources can be deemed as “historic properties,” the formal description used in federal and state laws and resulting regulatory reviews.

Read more about the NRHP here: https://www.thc.texas.gov/preserve/projects-and-programs/national-register-historic-places

Mount Vernon, Texas is on the historic Bankhead Highway. Its downtown is a historic district and other significant sites are found throughout the city.
It all started with a toll road. In 2003, TxDOT investigated a piece of land in southern Travis County before the construction of a new segment of State Highway 45 toll road. While exploring environmental impacts for this project, archeologists discovered that the remains of a farm lay underneath the planned roadway. Additional archeological and archival research revealed that the crumbling chimney and rock walls were part of the story of Ransom and Sarah Williams, formerly enslaved people from Hays County plantations.

As part of the historic preservation process, TxDOT excavated a portion of the site to collect as much information as possible about the Williams family. We learned that Ransom and Sarah started their farm in 1871 during a time in American history where most formerly enslaved people had little money. Ransom likely made money raising and training horses, allowing him to buy his farm. Archeologists found discarded items, or artifacts, that show the Williams’ rare success. They uncovered musical instruments, jewelry, toys, dishes and writing slates left behind.

TxDOT archeologists determined that the Williams Farmstead was significant and eligible for listing in the National Register of Historic Places. Sarah and Ransom Williams’ farm is significant because discriminatory labor practices after the Civil War kept most African Americans from earning enough money to purchase their own land. Through hard work and persistence, the Williams family became middle class citizens in a time when achieving this status was uncommon for people of color.

TxDOT excavated the farm in response to the impact of State Highway 45 on the property. To mitigate these impacts—make up for negative effects to the farm—TxDOT consulted with the Texas Historical Commission and the Travis County Historical Commission to consider ways to preserve the Williams’ story. The groups agreed that TxDOT would collect oral histories from the descendants of the Williams family and others familiar with the area at that time. It was also agreed that TxDOT would research historic black newspapers and develop educational curriculum so that teachers could share stories about the Williams family and their farm.

Today, exhibits in museums and online, done in partnership with TxDOT, preserve and tell this story of freedom. Through the historic preservation process, TxDOT captured the story of the Ransom Williams Farmstead to tell future generations.

Learn more about the Ransom Williams Farmstead by visiting [https://www.texasbeyondhistory.net/ransom/index.html](https://www.texasbeyondhistory.net/ransom/index.html).
The Section 106 Process

This graphic shows the major steps in the historic preservation process that TxDOT follows under federal regulations.

**Step 1: NOTIFY**
TxDOT will notify you when it starts a project that might have impacts to historic resources. Do you have specialized input you want to share as a “Consulting Party?”

**Step 2: IDENTIFY**
TxDOT looks for places that are at least 45 years old. Your role: Tell us what is important to you and your community.

**Step 3: EVALUATE**
Work with TxDOT to determine if there are sites or structures that tell an important story about the community history. Why is this place important? Do you know its history? Do you have old photos?

**Step 4: DECIDE**
TxDOT uses all this information to determine how to balance progress with preservation. Can we change our project to avoid the historic place? If not, how can we preserve its story for future generations?
Public Participation is at the Heart of the Consultation Process

Because of their size and impact, transportation projects can take years to plan, providing a variety of occasions for the public to comment during the process. TxDOT seeks input on different environmental aspects before any construction begins, including public input on historic and cultural resources within and adjacent to the proposed project area.

As part of the historic preservation process, TxDOT works with consulting parties: federal and state resource agencies (like the Texas Historical Commission) as well as individuals and groups that care about historic places, have a particular expertise in history or archeology or are generally interested in TxDOT’s projects. Consulting parties have a special role in the process. They commit their time to aid TxDOT’s review and management of projects.

TxDOT identifies potential consulting parties for projects but also encourages the public to indicate interest in becoming a consulting party. Consulting parties can include:

- The State Historic Preservation Office (in Texas, this office is administered by the Texas Historical Commission)
- Federally recognized tribes
- Advisory Council on Historic Preservation
- Local governments, both as recipient of transportation funds and as historic preservation organizations (Certified Local Governments and Main Streets)
- County Historical Commissions
- Historic Bridge Foundation
- Non-profit archeology and history groups/associations
- Affected business and property owners
- Other groups and individuals with a vested interest in historic properties in a project area
- Members of the public

Do you or someone you know have expertise in history, property types, or specific historic resources in your community? If so, consider taking a more formal role in the Section 106 process when proposed projects are in your area. See page 8 to see how to learn about our projects. TxDOT encourages you to request consulting party status on these occasions. After the consultation process is completed, TxDOT makes the final decision on how to manage cultural resources affected by proposed projects. However, TxDOT also values opinions of consulting parties during decision-making.
How do I learn about TxDOT projects?

- **TxDOT’s Project Tracker** is a map-based system that shows 10 years of planned projects in Texas. This system allows you to search by county or by highway to see what work is planned or funded in your community. Visit [www.txdot.gov](http://www.txdot.gov) and search using the key phrase “project tracker.”

- See a list of **public meetings** for TxDOT transportation plans and projects in your community. This list includes open houses, stakeholder meetings, and work group discussions. Visit [www.txdot.gov](http://www.txdot.gov) and search using the key phrase, “Get Involved.”

- **TxDOT’s Area Offices** are tuned in to local transportation issues and staff are ready to talk about upcoming and ongoing projects with concerned citizens and organizations. Meet with your local TxDOT Area Office engineer to learn about upcoming projects and share what you know about important historic places that may be impacted by those projects. To find your local Area Office, visit [www.txdot.gov](http://www.txdot.gov), search using the key phrase, “Area Office.”

- Current and past **archeology** projects are listed on [www.txdot.gov](http://www.txdot.gov). Search using the keyword “archeology.”

- Follow us on **social media**! TxDOT posts notifications of public meetings on [Facebook](http://Facebook) and [Twitter](http://Twitter).

When does TxDOT identify potential consulting parties?

TxDOT staff considers organizations and individuals who might be interested in a project and identifies them as potential consulting parties. TxDOT may reach out to these potential consulting parties at various times throughout the planning and construction process. Below bullets highlight phases of the TxDOT process in which public involvement is sought.

- **During our long-range planning efforts:**
  - TxDOT must look at statewide transportation priorities 4, 10, or 25 years in the future. As part of this planning process, TxDOT talks to communities and consulting parties about traffic and community concerns. This is a good time to alert TxDOT of potential historic or important resources in your community, or large trends concerning historic properties. Long-range planning occurs before TxDOT funds any project.

- **During initial investigations**, such as corridor studies, feasibility studies, or through a process known as Planning and Environmental Linkages (PELs):
  - TxDOT looks at transportation “corridors.” A corridor is a large section of land where a potential project may occur, such as a bypass around a city. Early input on important historic properties in these areas can help TxDOT plan around them.

  - The research around a corridor can be called a “corridor study,” a “feasibility study,” or a PEL, depending on the funding source for the study.

  - These studies occur before TxDOT funds any project.

- **During environmental studies:**
  - TxDOT’s archeological and historical studies branches look at specific projects to identify existing historic properties and potential impacts to these places. This evaluation takes place during TxDOT’s environmental review process.

  - This review can span many months or even years. While we try to stick to a schedule for project planning, TxDOT is often met with unexpected obstacles that can delay our processes.

  - The environmental review process occurs before construction.

In a recent long-range transportation plan, Comal County voiced a concern about the loss of historic farmland to development in the county.
• **During construction:**
  
  • TxDOT may reach out if we find cultural resources when constructing our project. Contractors are required to stop work if construction uncovers cultural resources or archeological artifacts. In one case, we uncovered an unknown building hidden behind a lot of vegetation!
  
  • Sometimes, projects cannot be built as planned, or are built as they are designed. TxDOT may reach out to consulting parties again if changes to a project warrant it.

**What are my responsibilities as a consulting party?**

Taking on the role of a consulting party can be a long-term commitment to participate in a process that can take many years to complete. If you are interested in participating as consulting party, we request that you notify us in writing (by letter, email, or comment at a public meeting). You may choose to participate in TxDOT projects as a member of the public to stay informed.

TxDOT may request input from consulting parties several times over the life of a project. TxDOT typically provides all consultation materials digitally unless otherwise requested.

<table>
<thead>
<tr>
<th><strong>Consulting Party:</strong> Participation with specific, time-sensitive commitments.</th>
<th><strong>Member of the Public:</strong> Participation without specific commitments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request—formally in writing such as a letter, email or comments at a meeting—to participate in the Section 106 process.</td>
<td>Notify TxDOT of your interest in the project—or the historic preservation process—by comments at a public or stakeholder meeting or with an email or phone call.</td>
</tr>
<tr>
<td>Respond to TxDOT requests within 30 days.</td>
<td>Choose to stay informed as the project progresses through the historic preservation process, and choose when to respond. TxDOT can keep you informed via mailings lists and other public outreach.</td>
</tr>
<tr>
<td>Attend meetings with TxDOT about the project.</td>
<td>Attend meetings with TxDOT about the project, if warranted.</td>
</tr>
<tr>
<td>Work with TxDOT through all stages of the historic preservation process, from historic property identification to mitigation. Help TxDOT identify other consulting parties and provide additional historic information.</td>
<td>May work with TxDOT at only one stage of the historic preservation process; for example, historic property identification.</td>
</tr>
<tr>
<td>Participate in assessing potential impacts to historic properties.</td>
<td>Provide comments about project impacts to historic properties at public meetings or through public comment portals.</td>
</tr>
<tr>
<td>Partner with TxDOT to distribute project information or mitigation products.</td>
<td>May help distribute project information or mitigation products.</td>
</tr>
<tr>
<td>Understand that consulting party commitments may occur over several years.</td>
<td>Understand that participation as a member of the public is optional; however, the preservation process will continue even if TxDOT does not receive comments.</td>
</tr>
</tbody>
</table>
Identification of Cultural Resources

During the historic preservation process, TxDOT archeologists and historians define the area (around the proposed project area) to be researched for cultural and historic resources. This is called the “area of potential effect,” or APE. Once defined, TxDOT asks that any consulting parties or members of the public provide knowledge of resources or locations of potential significance within the APE. TxDOT only identifies historic properties within the APE.

Throughout the identification process, TxDOT staff and cultural resources consultants perform the following tasks:

1. **Define the APE**

   The APE will vary from project to project and is set before identifying any historic properties in a project area.

   Potential project impacts to historic properties could include:
   - Demolition or destruction
   - Increased traffic noise
   - A change to the setting of the historic property
   - Purchasing land associated with a historic place

2. **Initial Research**

   TxDOT conducts online research to identify any known or potentially important historic properties within the APE. We refer to this as a “desktop research” or “background study,” meaning research done at a computer without having to be at the project location.

   Sometimes research is conducted at local libraries or archives, especially when accessing historic maps or local histories.

3. **Field Surveys**

   If desktop research does not provide sufficient documentation, TxDOT must conduct field study of the project area.

   TxDOT prepares a research design, a plan that provides background information about the project and any prehistoric or historic-age properties found within and near the APE. If formal resource surveys are needed, the research design outlines how archeology and/or architectural surveys will occur and identifies potential consulting parties.

   TxDOT then goes in the field to view resources within the APE.

   **Historic resources surveys** include written and photographic documentation of each historic-age resource (at least 45 years old) in the APE, as well as additional library and documentary research and maps.

   Surveys identify the following for each property:
   - The date of construction
   - Architectural style
   - Location
   - If it meets the requirements for listing on the National Register.

   **What TxDOT doesn’t review:**

   There are categories of projects that TxDOT archeologists and historians do not review. These projects usually have little potential impact to historic resources:
   - Seal Coats and road resurfacing
   - Installation or replacement of lighting, signage and signals
   - Installing new center medians
   - Landscaping in the right-of-way
   - Some bridge projects

Replacing traffic signs does not affect historic properties
Archeological surveys may include one or more of these tasks:

- Gaining “right of entry” to private property to conduct the survey
- Shovel testing
- Trenching
- Sifting
- Hand or machine excavations
- Laboratory analysis

4. Survey Reports

TxDOT writes a summary report of the findings after field studies that includes the following information:

- A background on the history of the area that focuses on the types of historical resources in the project area. For instance, if an area is mostly agricultural, the written history will focus on farming and ranching.
- An inventory of previously identified historic properties and their current condition.
- An inventory of potential historic properties identified through desktop surveys and field assessments.
- A description of potential right of way needs.
- A description of direct and indirect impacts to any identified historic properties.

5. Consultation

TxDOT will reach out to any consulting parties and members of the public to provide the opportunity to review the final report and provide written comments on the findings within 30 days of receipt. TxDOT only receives digital copies of the report and will only transmit digital copies to consulting parties unless otherwise requested. TxDOT will consider the comments of consulting parties in the next step.

Based on the size of the project and team workload, TxDOT often uses cultural resource consultants to assist in the survey and documentation of the APE. TxDOT archeologists and historians supervise consultants and review submitted documentation. Consultants must have a certain amount of education and expertise prior to work on TxDOT projects. Consultants may reach out to locals with questions about historic places in certain communities.

Assessment of Effects and Alternatives

When a historic property is identified within a project’s APE, TxDOT historians and archeologists work with the project designers to try to find alternatives to all or part of the proposed project that will avoid the historic property. At times, attempts to avoid or minimize effects to historic properties do not work, often for reasons involving safety, cost, or other environmental impacts. When this happens, TxDOT must mitigate the effects to the historic property.
Below, we provide examples of how these situations have been addressed.

1. Avoid the historic property. In Motley County, archeologists found a historic property in the footprint of a proposed temporary detour road around a bridge replacement. This significant site was more than 7,000 years old. TxDOT relocated the detour road and fenced off the site during construction so that the site remained preserved in place.

2. Minimize the impacts. In Fort Worth, a freeway was to be widened on property adjacent to the historic Butler Place Apartments. TxDOT consulted with the owner and residents and decided to construct a noise wall between the widened freeway and the apartment buildings. This wall, while changing the setting of the historic place, limits traffic noise.

Mitigation – Creating Ways to Preserve the Past

TxDOT considers how construction can damage or destroy historic properties within and around the construction area. Some transportation projects must go forward. When these projects affect historic properties, TxDOT works with consulting parties to determine how to make up for these impacts. This is called mitigation.

Texas began marking historic places along the roadside over 100 years ago. Historical markers placed in TxDOT right of way include pink granite markers showing the King’s Highway, state boundary markers, 1936 Texas Centennial historic markers and the aluminum black and silver state historical markers. These markers are property of the state of Texas. Some of the older state markers are historic properties under Section 106.

TxDOT protects historical markers within construction areas, with orange fencing or by removing markers for storage, re-installing at the end of construction. TxDOT coordinates the moving of all historical markers with the appropriate County Historical Commission. TxDOT may also assist in installing new historical markers along the roadway.

Mitigation is the compensation for the loss or alterations of a historic property. The type of mitigation varies depending on several factors.

• Significance of the affected property
• Public interest in the resource and in the project
• Overall cost of the project
• Enhancing knowledge of the historic property or the stories it may tell
• Mitigation is the compensation for the loss or alterations of a historic property. The type of mitigation varies depending on several factors.
Mitigation Examples

Peering Through the Sands of Time Ebook

- Excavation or data recovery are the most common form of mitigation when archeological sites are impacted by construction. TxDOT will excavate portions of an archeological site to gather enough data to document the site's history, significance and discoveries. After excavations of a Caddo site in Camp County, TxDOT created an electronic book that explores the cultural heritage of the Caddo, including pictures of artifacts uncovered at the site. It can even be downloaded for free!

Celebrating the Helium Capital of the World

- Texas’ panhandle is not just home to open spaces and high winds, it is also known as the Helium Capital of the World! Amarillo, located near helium-rich natural gas fields, was once the only producer of commercial helium in the world. The Amarillo Helium Plant, opened in 1929, served as a mining center for the element as well as a research center on new uses for helium.
- The nationally recognized Amarillo Helium Plant is located on the west side of Amarillo, right off the original US Route 66. As Amarillo and traffic along Interstate 40 grows, TxDOT is developing a loop highway around the city to relieve congestion and provide access to growing businesses and industry.

After considering multiple project alternatives, the project design that best addressed transportation needs, unfortunately, would remove two small buildings on the historic Helium Plant property. As a result, TxDOT was required to mitigate the loss of these historic buildings.

This mitigation process resulted in the following preservation measures:

1. Writing a master plan for the preservation and reuse of the Amarillo Helium Plant property
2. Providing funds to support building preservation at the plant
3. Completing a National Register of Historic Places nomination
4. Creating an educational website along with on-site interpretive signage

Read more about TxDOT mitigation projects at www.txdot.gov; search using the keyword “Archeology” or “History.”

With our consulting parties, TxDOT hosted a celebration of the Amarillo Helium Plant and its employees, collecting historic documents and oral histories about the plant and people who worked there.
Located just north of Austin, Round Rock is one of Texas’ fastest growing cities. To accommodate the additional traffic, TxDOT planned to widen US 79, one of Round Rock’s major thoroughfares heading east from the busy I-35 corridor.

During environmental studies for the project, TxDOT learned how the town’s history is rooted in the old Chisolm Trail and about a host of other area historical resources. Consulting parties told TxDOT about three important places in the project’s APE: the Captain Nelson Merrell House, the Henna House and the Texas Baptist Children’s Home.

The TxDOT team worked with local historians and the city of Round Rock’s Certified Local Government (CLG) staff. Additionally, they worked with property owners and family members associated with these places to learn about their history. The information helped TxDOT determine that the properties were historically significant—eligible to be listed in the National Register of Historic Places. In fact, the Merrell House was listed already in the National Register!

Hundreds of people attended public meetings about the project to voice their opinions about the potentially affected properties, as well as traffic and safety concerns. TxDOT listened.

TxDOT needed to address traffic congestion and traffic safety for the growing community. TxDOT recognized that the historic buildings – which would be directly impacted by the project – were important to Round Rock’s history. One road design would place a large intersection interchange on the historic front lawn of the Texas Baptist Children’s Home.

Remember: the APE is the geographic area where a project could directly or indirectly affect historic properties. The APE will vary from project to project and is set before identifying any historic properties in a project area.

This design was reworked after consultation with the Texas Baptist Children’s Home and examination of previous architectural survey information provided by the Round Rock CLG. TxDOT relocated the interchange away from this historic property.

This project is a great example of how locals used their voice to shape the outcome of transportation answers for their community. TxDOT balanced preservation and progress through consultation and collaboration during the historic preservation process.

Before consultation

After consultation
As the fourth largest city in the United States, Houston’s modern landscape is changing constantly. One modification required a downtown bridge replacement.

When researching the proposed construction, TxDOT archeologists pointed out that the proposed new bridge would be placed on top of one of Houston’s original neighborhoods, Frost Town. A predominantly German immigrant community in the 1830s, Frost Town later became home to many African American families following emancipation. Eventually, the area transitioned during the early 20th century to a vibrant Hispanic neighborhood referred to as El Barrio el Alacran (Neighborhood of the Scorpion).

While some of Frost Town’s history has been interpreted, TxDOT archeologists hoped to tell more recent stories of how residents of this working-class neighborhood lived and worked. Documentation and research from this site would add new perspectives to local and state history.

TxDOT worked with local historians and landowners to identify areas for research. Archeologists also reached out to descendants of the neighborhood to develop oral histories. Another consulting party, the Houston Archeological Society, helped TxDOT excavate areas of the project and uncovered foundations of the old homes, glassware, buttons and more.

Thanks to the active participation of locals and consulting parties, TxDOT developed a more thorough understanding of the area’s history and contributed documentation to digital exhibits at http://frosttownhistoricsite.org.

Preservation solutions can include excavating an archeological site and saving the information for future generations.
What about cemeteries?

Across the state, Texas has marked and unmarked cemeteries and graves. TxDOT carefully plans for the identification and avoidance of these historic and cultural landscapes. TxDOT follows national and state laws—Native American Graves Protection and Repatriation Act, Antiquities Code of Texas and Texas Health and Safety Code—to address any burials found within TxDOT projects. Staff work with landowners and other consulting parties who have a knowledge of local unmarked cemeteries. During project planning in Grimes County, the owner of the former Whiteside farm told TxDOT about unrecorded graves on the property. TxDOT archeologists consulted with the THC and the Grimes County Historical Commission to identify the cemetery as one associated with the African American sharecroppers on the Whiteside farm. Based on this information, TxDOT did not pursue work that would damage these historic and cultural resources.
Fitting into the Larger Process

The Section 106 process is just one small part of the larger process of how TxDOT considers historic resources while planning and building roads. Whether you are an official consulting party or just interested in a project, consider becoming involved in public consultation opportunities.

Step 1: Planning

TxDOT writes transportation plans for the State of Texas. As part of the planning process, we talk with cities, counties, members of the public and consulting parties to learn about traffic needs. Then, TxDOT plans solutions for those needs. We hold public meetings and hearings to get the interested public and consulting party feedback.

Your Role – Give input on historic properties of concern, such as unknown cemeteries, historic farmland or African American communities.

Step 2: Design and Environmental

TxDOT selects and designs a project. At this step, TxDOT looks at the environmental resources that could be impacted by the project. Public commentary on local resources is important at this stage. We also talk to state and federal agencies to seek input at this stage. TxDOT adjusts the design after gathering agency, public and consulting party input to ensure the project meets the needs of the community.

Your Role – This is where the main work of consulting parties occurs, including responding to requests for information, attending meetings and reviewing TxDOT technical reports.

Step 3: Final Design and Right-of-Way Purchase

TxDOT finishes the detailed design and purchases land required for the project, which could include private property. TxDOT sends letters to all affected property owners. We also coordinate utility relocations like water, sewer and phone lines.

Your Role – Further design refinements or modifications may change impacts to historic properties. TxDOT may reach out to consulting parties to discuss these changes.

Step 4: Bidding and Construction

At this step, TxDOT oversees the installation of physical protection for the environment and historic properties during construction. The project then goes to “let,” which means TxDOT receives bids from contractors to complete the project. Once we find a contractor, construction begins! TxDOT continues to monitor and protect the environment during construction.

Your Role – Help us keep an eye out! Make sure TxDOT is protecting resources during construction. TxDOT plans to monitor effects due to the vibration of equipment and construction on the building. If the construction begins to affect the building, TxDOT will stop work and find a way to protect the building.
Step 1: PLANNING
TxDOT talks with cities and counties about traffic needs, long-range planning and potential solutions. TxDOT offers many opportunities for public feedback.

Step 2: DESIGN & ENVIRONMENTAL
For a traditional road building process, TxDOT reviews project plans based on possible environmental impacts and public input.

Step 3: FINAL DESIGN/RIGHT OF WAY
TxDOT finishes the design, purchases any land needed, and coordinates building and utility relocations. Utilities can include water, sewer and phone lines.

Step 4: BIDDING & CONSTRUCTION
Once the contractor is selected, construction begins! TxDOT continues to monitor and protect the environment during construction.
Advisory Council on Historic Preservation (ACHP): A federal agency that promotes and gives advice about historic preservation and Section 106 of the National Historic Preservation Act to the President and Congress.

Americans with Disabilities Act (ADA): A federal law that bans discrimination against people with disabilities in everyday activities. For example, this law makes sure people with disabilities can access public places such as restaurants, stores and parks. It also makes sure those with disabilities have access to government services like voting.

Antiquities Code of Texas (ACT): A state historic preservation law that requires state agencies to identify cultural resources, consider how their projects impact them, and consult with the Texas Historical Commission. (Think of this as a state version of Section 106).

Archeologist: Someone who studies the story of past people by looking at the objects that people made (artifacts) and where they left them (sites).

Archeology: The study of things that people from the past made, used and left behind. The goal of archeology is to understand what people and cultures of the past were like and how they lived.

Archeological Investigations: The part of the Section 106 process when archeologists look for archeology sites in a project area. Archeology investigations consist of a background study and, if necessary, a field study and eligibility testing. The final step is to share results with consulting parties.

Archeological Resource: A place or object that archeologists find below the surface of the ground or water. This could be the remains of an old house foundation or an object like a piece of a clay pot.

Archeological Site: A place where archeologists find evidence of past human activity, usually in the form of artifacts.

Area of Potential Effects (APE): The area(s) where TxDOT looks for cultural resources. Project activities in the APE could change the character of any cultural resources present. There may be different APEs for archeology resources and above-ground resources.

Archeological APE: The area(s) where the project could impact archeological resources. The archeology APE will always follow the horizontal project limits and it will extend as deep as the planned project construction.

Historical Studies APE: The area(s) where the project could cause direct or indirect effects to above-ground (non-archeological) cultural resources.

Artifact: Any object left behind by past people and uncovered during an archeological investigation.

Background Study: Also known as background research, a background study is part of a cultural resource survey. Archeologists and architectural historians look at historic and current maps, records and other information to see if there are any known resources or if the APE contains the appropriate conditions (i.e. soil type, closeness to water, topography, etc.) to possibly identify cultural resources.

Building: Construction created primarily to shelter human activity. For example, houses, barns, factories, train depots, etc. (See also Structure).

Cemetery: Any place where human burials occur.

Certified Local Government (CLG) Program: A program that gives benefits and assistance to communities that have made a commitment to historic preservation by creating a local historic preservation program. The Texas Historical Commission maintains a list of CLGs and contact information.

Consult: The process of gathering information or advice from different people who know about or who are interested in the cultural resources in a project area.

Consulting Party: An individual or organization that has a formal role in the Section 106 process for a specific project. They typically have an interest in the archeological or historic preservation part of the project and must request or be given consulting party status.

County Historical Commission (CHCs): Official commissions created by individual counties to assist in the preservation of cultural resources. CHCs are also a contact for individuals who need more information about local history and historic sites in Texas. The Texas Historical Commission maintains a list of CHCs and contact information.

Cultural Resources: TxDOT historians and archeologists collectively refer to buildings, bridges, archeological sites, cemeteries, sacred or religious landmarks, agricultural landscapes, and objects like sculptures and roadside markers as cultural resources.
Data Recovery: A process in which archeologists carefully remove artifacts and material from the portion of an archeology site that will be impacted by a project. Data recovery is completed so archeologists can learn about a site and preserve information before it is destroyed by the project.

Decide: Step 4 of TxDOT’s Section 106 process. During this final step, TxDOT uses all the information gathered during the other steps to determine how to balance progress with preservation. TxDOT decides if there will be impacts to cultural resources and what can be done to avoid or lessen the impacts. (See also Notify, Identify, and Evaluate).

Determination of Effects: The decision about the impacts that a project has on cultural resources. This decision is made by TxDOT in consultation with SHPO/THC.

Adverse Effect: A determination reached during the Section 106 process when a proposed project negatively impacts or destroys a cultural resource that meets criteria for being a historic property. TxDOT must mitigate or resolve adverse effects in order to complete Section 106.

No Adverse Effect: A determination reached during the Section 106 process when a proposed project impacts a cultural resource that meets criteria for being a historic property, but the impact is not negative.

No Effect: A determination reached during the Section 106 process when a proposed project does not impact any cultural resources that meet the criteria for being historic properties.

Determination of Eligibility: The decision about the historic or cultural significance of a resource and whether it can be included in the National Register of Historic Places.

District: A concentration of sites, buildings, structures and/or objects that are historically and physically connected. For example, a farm, ranch, neighborhood, college campus, business district, canal system, etc.

Documentation: The process of recording a cultural resource before it’s altered, moved, or removed. This often includes photographing, researching and writing about the cultural resource.

Easement: Easement refers to the right to use an area of a property owned by someone else for a specific purpose.

Effect: An alteration to the characteristics that make a cultural resource eligible for the National Register of Historic Places.

Auditory Effects: A type of indirect effect where the project increases noise at the cultural resource and therefore changes the setting and experience at the resource.

Direct Effect: When a project physically alters the characteristics of a cultural resource. This includes physical destruction or damage, alterations that remove or change important features, relocation of the cultural resource, or change to the character of the property’s use or setting.

Indirect Effect: When a project unintentionally changes the setting, experience, or characteristics of a cultural resource. Includes auditory, visual and vibratory impacts.

Vibratory Effect: A type of indirect effect where vibrations caused by construction or by the project itself damage a cultural resource.

Visual Effects: A type of indirect effect where the project changes the setting of the cultural resource. For example, constructing new features like bridges, retaining walls, or noise walls that will be visible from the cultural resource.

Environmental Affairs Division (ENV): A division of TxDOT that manages environmental programs, works to streamline the environmental process and monitors changing laws and regulations.

Environmental Review: The process of identifying and evaluating natural, historical and community resources when TxDOT plans a project.

Evaluate: Step 3 of TxDOT’s Section 106 process. During this step, TxDOT determines if the cultural resources identified during Step 2 qualify for inclusion in the National Register of Historic Places. (See also Notify, Identify, and Decide).

Excavation: Excavation is the act of carefully cutting, digging, or scooping to remove material; often performed by archeologists during fieldwork.

Federal Highway Administration (FHWA): A division of the United States Department of Transportation. The FHWA specializes in highway transportation.

Federally Recognized Tribe: An American Indian tribe that is recognized by the United States government as having some rights of self-government. These tribes are entitled to certain federal benefits, services and protections. TxDOT consults with these tribes when projects impact historic properties on tribal lands or when a tribe attaches religious or cultural significance to a historic property.

Federal Undertaking: Any project that involves federal property, money, or approvals.

Field Investigations: Part of the Section 106 process where archeologists and architectural historians conduct background research and fieldwork to gather the information needed to identify cultural resources.

Historic-Age Resource: Any building, structure, object, or non-archeological site that is at least 45 years old at the time of a transportation project’s planning.

Historic Preservation: The movement or discipline with the goal to preserve, conserve and protect buildings, objects, sites, landscapes and artifacts with historic significance.
Historic Property: Any district, building, structure, object, or non-archeological site with characteristics that qualify it for inclusion in the National Register of Historic Places.

Historical Studies: A TxDOT term to describe the study of non-archeological/above-ground resources.

Historical Survey: Part of the Section 106 process where architectural historians gather the information needed to identify historical properties located within a project area. Historical surveys consist of a background study, stakeholder coordination and, if necessary, fieldwork in the form of a reconnaissance and/or intensive survey.

Identify: Step 2 of TxDOT’s Section 106 process. During this step, TxDOT looks for cultural resources above and below ground in the project area. (See also Notify, Evaluate, and Decide).

Integrity: The physical characteristics of a cultural resource that help illustrate its significance. There are seven aspects of integrity (location, design, setting, materials, workmanship, feeling and association) that historians and archeologists consider when determining a cultural resource’s National Register eligibility.

Intensive Survey: A type of survey completed after a reconnaissance survey. It gives architectural historians the opportunity to do in-depth research, documentation and analysis on a historic property to make a determination on National Register eligibility.

Main Street Communities: Designated communities that are dedicated to revitalizing their downtowns through historic preservation and other techniques. The Texas Historical Commission manages the Texas Main Street Program and maintains a list of Main Street Communities and contact information.

Memorandum of Understanding (MOU): An historic preservation legal agreement that TxDOT uses to comply with the Antiquities Code of Texas (ACT). It only applies to TxDOT projects that disturb state-owned land or buildings.

Mitigation: A technique or means of addressing impacts to cultural resources. Mitigation is the result of the process to resolve adverse effects to a historic property and is developed in coordination with consulting parties and the interested public.

National Environmental Policy Act (NEPA): A federal law meant to protect the environment by establishing policy, setting goals and encouraging public input. TxDOT completes NEPA as part the environmental review process.

National Historic Preservation Act of 1966 (NHPA): A federal law that established a comprehensive program to preserve the historical and cultural foundations of the nation as a living part of community life. (See also Section 106 of the National Historic Preservation Act and State Historic Preservation Office).

National Park Service (NPS): A federal agency that manages national parks, national monuments and other historic properties throughout the United States. The NPS issues guidance on evaluating cultural resources for the National Register of Historic Places.

National Register of Historic Places (NRHP): The official list of our nation’s cultural resources worthy of protection and preservation. Listing in the register requires a formal nomination, and the nominated resource must prove its significance by meeting a set of criteria.

Notify: Step 1 of TxDOT’s Section 106 process, during which TxDOT notifies stakeholders and members of the public when we start a project that might have impacts to cultural resources. (See also Identify, Evaluate, and Decide).

Object: An item or construction that is primarily artistic or relatively small in scale. For example: statues, signs, monuments, etc.

Programmatic Agreement (PA): An historic preservation legal agreement that TxDOT uses to comply with Section 106 of the National Historic Preservation Act. It only applies to TxDOT projects that involve FHWA funding, permitting, or approvals.

Project Area: The geographic area where construction activities occur during a TxDOT project.

Property: A parcel of land; can include any buildings, structures and objects located on a single parcel of land.

Public Involvement: Part of TxDOT’s project planning and Section 106 process that encourages and asks for public input. This process gives the public the opportunity to become fully informed about a project.

Public Meetings: Informal discussions held by TxDOT with local public officials, interested citizens and neighborhood or special interest groups for the purpose of exchanging ideas and collecting input on a project.

Reconnaissance Survey: A type of survey that documents basic information about all historic-age resources in the project APE.

Right-of-way (ROW): A general term for land or property acquired for or devoted to the construction of the roadway. ROW is the entire width of land between the public boundaries or property lines of a highway.

Scoping: The process of determining what actions are required to identify, evaluate and document potential impacts to historic properties in the project’s APE.

Section 106 of the National Historic Preservation Act: The part of the National Historic Preservation Act that requires federal agencies to consider how their projects could impact cultural resources, including historic buildings and sites.
Site: The location of a significant event, the location of a prehistoric or historic habitation or activity, or a location which is significant in its own right. A site is often the term used to describe an archaeology resource. For example, ruins of historic buildings, campsites, shipwrecks, cemeteries, battlefields, etc. (See also Archaeology Site).

State Historic Preservation Office (SHPO): A state governmental office created by the National Historic Preservation Act of 1966. Each state must organize their own SHPO. A SHPO is responsible for a variety of historic preservation related activities including surveying, recognizing historic properties, reviewing National Register of Historic Preservation nominations and consulting on Section 106 reviews (See also Texas Historical Commission).

State Historic Preservation Officer (SHPO): A governor-appointed position created by the National Historic Preservation Act of 1966. In Texas, this official is the executive director of the Texas Historical Commission/State Historic Preservation Office.

Structure: Construction that is not intended for human shelter. For example, road, bridge, tunnel, bandstand, oil rig, turbine, etc. (See also Building).

Story Maps: A website that combines maps, photographs and multimedia content with narrative text to tell a story. Story maps are a tool used to mitigate project impacts to cultural resources.

Study Area: A broad geographic area surrounding the project (usually 1,300 feet from the project) where historians and archaeologists will learn more about the area’s history.

Texas Department of Transportation (TxDOT): The state agency responsible for planning, designing, constructing, maintaining and operating state transportation facilities including roads, bridges, waterways and airports in Texas.

Texas Historical Commission (THC): The State Historic Preservation Office for the state of Texas. The THC works with citizens and organizations to preserve Texas history through its cultural resources.

Topography (Topo): The details of a surface, including natural and man-made structures, on a map or chart.

Tribal Historic Preservation Office (THPO): The State Historic Preservation Office for a federally recognized tribe.

Undertaking: Any project that involves federal property, money, or approvals.
See You on the Road!

We hope to see you at future TxDOT public meetings, open houses and public hearings! For more information, visit www.txdot.gov for information about projects near you.

- Project Tracker, key phrase “project tracker”
- List of Upcoming Public Meetings, key phrase “get involved”

Watch short videos about the content in this booklet! Topics covered include the following:

- Key phrase: Historic Preservation
- Area of Potential Effect
- Field surveys
- Mitigation
- Consultation process

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