Programmatic Agreement Among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings

Whereas, the Federal Highway Administration (FHWA), the Texas Historical Commission (THC) acting as the Texas State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), and the Texas Department of Transportation (TxDOT) enter into this programmatic agreement (PA) pursuant to 36 CFR 800.14(b)(1); and

Whereas, FHWA provides funding assistance to TxDOT through the Federal Aid Highway Program (Program) which is subject to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 USC 300101 et seq.) (hereafter referred to as Section 106) and codified in its implementing regulations (36 CFR 800, as amended August 5, 2004); and

Whereas, Title 23 United States Code Section 327 (23 USC 327) allows the United States Department of Transportation Secretary, acting through FHWA, to assign responsibilities for compliance with the National Environmental Policy Act of 1969 (NEPA) and other federal environmental laws for individual highway projects to a State Department of Transportation through a memorandum of understanding (NEPA Assignment MOU); and

Whereas, FHWA and TxDOT have entered into an MOU, as provided for in 23 USC 327, through which FHWA assigned and TxDOT assumed FHWA’s responsibilities for compliance with NEPA and Section 106; and

Whereas, FHWA retains responsibilities for a limited number of undertakings that TxDOT has not assumed FHWA’s responsibilities for compliance with NEPA and Section 106, as provided for in 23 USC 327, 23 CFR 771.773, including any project that crosses state boundaries and any project that crosses or is adjacent to international boundaries as defined in the and the NEPA Assignment MOU; and

Whereas, TxDOT has determined that Program-funded transportation projects are undertakings as defined at 36 CFR 800.16(y) that may have an effect upon properties included in, or eligible for inclusion in the National Register of Historic Places (NRHP), hereafter referred to as historic properties, and has consulted with the FHWA, SHPO and the ACHP pursuant to 36 CFR 800.14(b); and

Whereas, the Director of the Environmental Affairs Division (ENV) at TxDOT is the “Agency Official” responsible for ensuring that the FHWA undertakings assigned to TxDOT under the NEPA Assignment MOU or this PA comply with Section 106; and
WHEREAS, TxDOT consulted with the SHPO to develop and execute this PA pursuant to 36 CFR 800.14(b) to establish an efficient and effective program alternative for taking into account the effects of transportation projects on historic properties in Texas; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), TxDOT has invited the ACHP to participate in Section 106 consultation and development of this PA, and the ACHP, by letter dated June 29, 2021 has chosen to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, FHWA recognizes that it has a unique legal relationship with Tribes established in the Constitution of the United States, treaties, statutes, and court decisions, and therefore, the consultation with a federally recognized Indian tribe (Tribe) must recognize the government-to-government relationship between the federal government and the Tribes; and

WHEREAS, in accordance with the NEPA Assignment MOU, FHWA retains responsibility for all government-to-government consultation with Tribes when FHWA’s participation has been so requested by the Tribes; and

WHEREAS, TxDOT, FHWA, SHPO, and ACHP acknowledge that Tribes possess special expertise in assessing the NRHP eligibility of properties with tribal religious and cultural significance pursuant to 36 CFR 800.4(c)(1); and

WHEREAS, this Agreement shall not apply to undertakings that occur on or affect tribal lands as they are defined in 36 CFR 800.16(x). Tribal lands are all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities. For such undertakings, TxDOT shall follow the procedures in 36 CFR Part 800; and

WHEREAS, FHWA has notified Tribes that attach religious and cultural significance to historic properties that may be affected by an undertaking in Texas about this Agreement, has requested their comments, and has taken any comments received into account. These Tribes include those listed in Appendix 1.

WHEREAS, TxDOT sought review and comments regarding this agreement by posting the draft agreement on its website, in addition to emailing in November 2021 all federally recognized Indian tribes, Federal agencies, and organizations listed in Appendix 1. TxDOT responded to all received comments by email, taking comments received from those parties into account in finalizing this PA (**info will be updated in final version to reflect full consultation); and

WHEREAS, TxDOT bases its consultation and public involvement program as required in this PA on the research, survey, and findings detailed in the 2020 Environmental Statewide Public Engagement Plan (ESPEP); and

WHEREAS, TxDOT employs cultural resources specialists and contractors who meet the Secretary of the Interior’s Professional Qualification Standards (62 Federal Register 33708) to carry out its cultural resource programs and responsibilities; and
WHEREAS, TxDOT maintains inventories and supporting historic contexts of TxDOT assets and facilities, including bridges, roadside parks, office complexes, historic road corridors; and

WHEREAS, based on those inventories and contexts, TxDOT conducted programmatic consultation with consulting parties and developed plans for management of historic bridges; and

WHEREAS, the research and consultation outcomes from the historic bridge programmatic consultation and the ESPEP are incorporated into this PA; and

WHEREAS, this PA supersedes and replaces the PA executed by the FHWA, the ACHP, the SHPO and TxDOT in December 2015 (entitled Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings) and the PA executed by the FHWA, the ACHP, the SHPO, and TxDOT in March 2017 (entitled Programmatic Agreement Among the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Treatment of Historic Bridges Constructed Between 1945 and 1965 and hereafter referred to as Post-1945 Bridge PA); and

WHEREAS, for FHWA undertakings, this PA supersedes the MOU between TxDOT and THC codified in TxDOT’s rules at 43 TAC 2.251–2.278 and in THC’s rules at 13 TAC 26.25; and

WHEREAS, the application of the MOU between TxDOT and THC codified in TxDOT’s rules at 43 TAC 2.251–2.278 and in THC’s rules at 13 TAC 26.25 to non-federal undertakings is unaffected by this PA;

NOW, THEREFORE, the ACHP, the SHPO, TxDOT, and the FHWA agree that FHWA undertakings administered by TxDOT in the state of Texas shall be administered pursuant to the following stipulations to satisfy the requirements of Section 106 for all individual undertakings of the program.

STIPULATIONS

TxDOT, as assigned by FHWA under the NEPA Assignment MOU or acting on behalf of FHWA for the limited number of undertakings where FHWA retains the responsibilities of the Agency Official, shall ensure that the following stipulations are carried out. In coordination with TxDOT where FHWA’s responsibilities have not been assigned to and assumed by TxDOT, FHWA shall ensure that the following stipulations are carried out.

I. Definitions

A. Historic properties – cultural resources that meet the definition outlined per 36 CFR 800.16(l) and that may include the following categories and examples:

1. Archeological – artifacts, archeological sites, and cemeteries; or

2. Non-archeological – buildings, structures, sites, districts, objects, cemeteries, and traditional or tribal cultural landscapes.
B. Area of potential effects (APE) – the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist (36 CFR 800.16(d)) as defined below or identified through the consulting party process.

1. Archeological – The APE for archeological properties will be confined to the limits of the proposed project right-of-way (including permanent and temporary easements), utility relocations designated by TxDOT, and project-specific locations designated by TxDOT. The APE also extends to the depth of impacts caused by the undertaking.

2. Non-archeological – The APE for non-archeological properties shall be defined as follows and may vary within project limits based on proposed activities:

   a) 300 feet beyond the proposed edge of new right-of-way (including new permanent and temporary easements), for projects or portions of projects constructed on new location not involving an existing transportation corridor;

   b) 150 feet beyond the proposed edge of new and existing right-of-way (including new permanent and temporary easements), for:

      (1) trail projects on new location, and

      (2) projects or portions of projects constructed in existing transportation corridors, including abandoned railroad lines, where new ROW is going to be acquired; or

   c) Abutting features of adjacent parcels within 12 inches of the limits of construction for sidewalk or trail projects within existing ROW;

      (1) For purposes of this section, abutting features shall include, but are not limited to, building facades and landscape or streetscape features such as retaining walls, fencing, stairs, brick or other decorative pavement, or formal plantings;

      (2) Utilitarian elements alone, such as grass lawns and parking lots, shall not be considered abutting features;

   d) The existing right-of-way for project or portions of projects confined to existing right-of-way, excepting those projects with sidewalk components, as noted in letter c above;

   e) TxDOT and SHPO may consult on the need for specialized APEs to address:

      (1) Elevated roadways and multi-level interchanges;

      (2) Unusual design features;

      (3) The potential for cultural landscapes; or

      (4) Consulting party comments.
C. Department delegate – the TxDOT organizational unit delegated responsibility for approval of environmental work and documents by the Executive Director as defined in TxDOT’s rules at 43 TAC 2.8.

D. Minor widening – roadway projects resulting in pavement profile widened to less than double their original width, resulting from adding travel/center-turn lanes or paved shoulders.

E. New right-of-way – includes land incorporated into transportation uses, including through permanent easements, as well as temporary easements for the purposes of constructing the project.

F. Environmental Compliance toolkits – TxDOT’s online guidance that will be updated as needed to clarify procedures and maintain compliance with state and federal environmental regulations.

II. Responsibilities of the FHWA

A. For all transportation projects that entail Federal-aid funding or a FHWA approval, FHWA retains responsibility for conducting government to government consultation with federally recognized Indian tribes.

B. FHWA may re-assume the Section 106 responsibility for a project from TxDOT under limited circumstances as provided for and by following the procedures outlined in the NEPA Assignment MOU, in which case FHWA will follow the provisions of this PA. In particular, FHWA may re-assume Section 106 responsibility for a project if government to government consultation issues are not adequately resolved as explained at Section 3.2.3 of the NEPA Assignment MOU. When this occurs, FHWA will notify all consulting parties.

C. FHWA recognizes its oversight responsibilities regarding Section 106 compliance for Federal-aid projects or projects that require FHWA approval. In furtherance of this responsibility, FHWA may monitor, request information, or take other actions to ensure TxDOT is adequately complying with 36 CFR 800 and the provisions of this PA.

III. Responsibilities of the TxDOT

A. As provided for in the NEPA Assignment MOU, TxDOT has assumed FHWA’s responsibilities as lead federal agency for compliance with Section 106 for most undertakings with very few exceptions. TxDOT shall inform the SHPO when it is consulting in the instance when FHWA is the Agency Official.

B. TxDOT shall employ the risk assessment and scoping procedures described in Appendix 2 in order to consider the presence of historic properties and the potential for effects when categorizing projects under Stipulations VII, VIII, or IX of this agreement.

C. TxDOT shall employ personnel trained, experienced and qualified in the fields of archeology, architecture, architectural history, history and other closely related fields (as defined in 62 FR 33708) in ENV. Qualified ENV staff in the field applicable to the resources under consideration shall be responsible for the following actions:

1. the identification and evaluation of historic properties as described in Appendix 5;
2. the reporting or documentation of the actions described in Appendix 5;
3. treatment plan development, and reporting and documentation on the
treatment of historic properties.

D. TxDOT shall apply the procedures outlined in this PA to FHWA undertakings
sponsored by local government project sponsors, including – but not limited to –
documentation standards and consultation procedures.
   1. Local government project sponsors may produce documentation following
the standards of this PA.
   2. TxDOT retains responsibility for the conduct and conclusion of all
consultation.
E. TxDOT will conduct consultation in accordance with the procedures detailed in
Appendix 6.

IV. Responsibilities of the SHPO
A. The SHPO shall respond to TxDOT’s request for comment on a non-emergency
undertaking within twenty (20) calendar days of transmittal of the request by TxDOT.
B. The SHPO response to a request for comment will include:
   1. a statement of concurrence or non-concurrence with TxDOT’s findings
and recommendations; and/or
   2. a determination of eligibility or ineligibility for inclusion in the National
Register of Historic Places for all evaluated properties; and
   3. any comments related to effects findings.
C. The SHPO shall integrate archeological survey data into the archeological section
of the THC’s Texas Historic Sites Atlas and shall integrate new historical markers and
designated historic properties into the public section of the THC’s Texas Historic Sites
Atlas.

V. Responsibilities of the ACHP
A. The ACHP shall provide technical assistance upon request.
B. The ACHP shall assist with dispute resolution as described in Appendix 6,
Stipulation 4(f)(ii).
C. At the request of FHWA, the ACHP may assist review or monitoring conducted
of the Section 106 process.

VI. Cooperating Federal Agencies
Cooperating Federal agencies who recognize TxDOT as the lead agency for an undertaking and
notify TxDOT or SHPO in writing may fulfill their obligations under Section 106 according to
36 CFR 800.2(a)(2), provided that TxDOT follows the requirements of this PA and the
cooperating Federal agency’s undertaking does not have the potential to cause effects to historic
properties beyond those considered by TxDOT. TxDOT and SHPO agree to share with each
other any written notifications that they receive pursuant to this stipulation.
VII. Undertakings with No Potential to Cause Effects

Pursuant to 36 CFR 800.3(a)(1), FHWA defines undertakings to include any construction activities. Non-undertakings are those that require no construction, such as planning or design activities.

VIII. Undertakings with Minimal Potential to Cause Effects

A. The signatories to this PA agree that certain undertakings have minimal potential to cause effects on historic properties.

B. Undertaking types listed in Appendix 3 meet these requirements and shall be reviewed, documented, and approved under Section 106 by following the procedures described in Appendices 2 and 3. TxDOT and the SHPO may consult to identify other classes of undertakings with no potential to cause effects.

1. Other classes of undertaking may be added upon execution of a standard two-party agreement between TxDOT and the SHPO, following consultation between TxDOT and SHPO on the agreement.

2. TxDOT will notify FHWA and ACHP in writing of any other classes of undertaking added to Appendix 3; this notification will occur before those undertakings can be processed under Appendix 3.

3. TxDOT will announce the addition to the public through its Review and Reporting process (Stipulation XV).

C. Undertaking types listed in Appendix 4 shall be reviewed, documented, and approved under Section 106 by following the procedures described in Appendices 2 and 4.

D. TxDOT and the SHPO may consult to identify other classes of undertakings with minimal potential to cause effects.

1. Other classes of undertaking may be added upon execution of a standard two-party agreement between TxDOT and the SHPO, following consultation between TxDOT and SHPO on the agreement.

2. TxDOT will notify FHWA and ACHP in writing of any other classes of undertaking added to Appendix 4; this notification will occur before those undertakings can be processed under Appendix 4.

3. TxDOT will announce the addition to the public through its Review and Reporting process (Stipulation XV).

IX. Undertakings with the potential to cause effects per 36 CFR 800.16(i)

For undertaking types that are neither listed in Appendix 3 nor in Appendix 4, TxDOT shall follow the procedures in Appendices 5 and 6.

X. Treatment of Adverse Effects per 36 CFR 800.5(a)(1)

A. TxDOT shall consult with the SHPO and other consulting parties on FHWA undertakings with the potential to cause adverse effects.
B. TxDOT will notify ACHP on undertakings with the potential to cause adverse effects.
   1. TxDOT will provide ACHP with copies of technical reports and consultation correspondence produced per the standards and procedures of Appendices 5 and 6.
   2. ACHP will respond within fifteen (15) calendar days with a determination regarding whether ACHP will join consultation.

C. In cases where TxDOT determines through consultation that adverse effects to a historic property may occur, TxDOT shall further consult with appropriate parties in accordance with 36 CFR 800.2 and 800.6 to resolve adverse effects, and TxDOT shall document its decision regarding the resolution of adverse effects. Except as provided in subsections (1) and (2) of this section, TxDOT will execute a standard two-party agreement with the SHPO that documents this commitment, following consultation with SHPO and appropriate notification and documentation provided to ACHP.
   1. If a project is controversial or consulting parties have played a significant role in the resolution of adverse effects, TxDOT may memorialize the agreed upon resolution of adverse effects in a Memorandum of Agreement (MOA) executed by TxDOT and SHPO. TxDOT or SHPO may invite other parties to become a signatory to the MOA.
   2. If the resolution of adverse effects requires actions to be taken by a party other than TxDOT, TxDOT shall memorialize the agreed upon resolution of adverse effects in a MOA executed by TxDOT, SHPO, and any other parties with responsibilities for some aspect of the resolution of adverse effects.
   3. TxDOT will file any MOA executed under subsections (1) or (2) of this section with the ACHP.

D. TxDOT commits to finding mitigation solutions in response to consulting party needs and preservation goals. TxDOT’s mitigation consultation will include consideration of components identified by the public as meaningful and useful as documented in the ESPEP. Where possible, TxDOT will seek to develop mitigation that could compensate for a number of effects to similar historic properties, such as certain historic bridges or certain archeological sites following the procedures in Appendix 6.

XI. Consultation

TxDOT will adhere to the following stipulations in partial satisfaction of the consultation requirements of Section 106 and 36 CFR Part 800. Appendix 6 provides comprehensive details regarding TxDOT’s review and consultation process.

A. Consulting parties. Consulting parties will be identified as described in Appendix 6, Stipulation 1.
   1. TxDOT and FHWA have developed and executed agreements for the conduct of consultation with federally recognized Indian tribes in accordance with 36 CFR 800.2(c)(2)(ii)(E).
2. TxDOT, to the extent authorized under a separate agreement with FHWA, shall consult with federally recognized Indian tribes regarding FHWA undertakings based on those tribes’ areas of interest, previously developed in consultation with tribes (see Appendix 6, Stipulation 1(a)). Documentation of the areas of interest shall be revised as needed in consultation with the affected tribes and maintained at TxDOT.

3. TxDOT will satisfy its obligation to consult with the general public on FHWA undertakings per 36 CFR 800.2(d) through incorporating Section 106 consultation requirements into public participation programs carried out under NEPA, and 43 TAC 2, Subchapter E. Communications to the public will reflect the nature and complexity of the undertaking and its effects on historic properties.

4. TxDOT need not conduct individual, project-specific consultation with SHPO or other consulting parties for undertakings with no potential to adversely affect historic properties. Undertakings with no potential to adversely affect historic properties include:
   a) those projects listed in Appendices 3 and 4, and
   b) those projects for which TxDOT determines through identification efforts that no historic properties are present per Appendix 6, Stipulation 1(e).

B. TxDOT may consult separately with SHPO and other consulting parties regarding archeological and non-archeological historic properties. See Appendix 6, Stipulation 1(c).

1. SHPO comments on archeological properties shall not be applied to non-archeological properties, and vice-versa. See Appendix 6, Stipulation 1(d).

2. Completion of consultation on archeological properties shall not constitute completion of consultation on non-archeological properties, and completion of consultation on non-archeological properties shall not constitute completion of consultation on archeological properties.

C. Per 36 CFR 800.8, TxDOT may conduct early consultation with SHPO and other parties in order to coordinate compliance with Section 106 and the requirements of the NEPA (42 USC 4321 through 4347 et seq.) and to assist in identification of historic properties. Where no historic properties are identified, TxDOT need not conduct additional coordination. See also Appendix 6, Stipulation 3.

D. TxDOT shall, when appropriate for streamlining the consultation process, address multiple steps under 36 CFR 800.3 through 800.6 in its consultation with appropriate parties. See Appendix 6, Stipulations 2(b) and 3(c).

E. In the event that required fieldwork cannot be completed when either access is denied to private lands by landowner refusal to grant right-of-entry or natural conditions (e.g., flooding, global pandemic) prevent the fieldwork from being conducted prior to the environmental decision:

1. Consultation may be deferred regarding the identification, evaluation and treatment of archeological properties within the APE until right-of-way is acquired or access otherwise obtained. In this case, pursuant to 36 CFR
800.4(b)(2), TxDOT may proceed with project planning, NEPA activities, and right-of-way acquisition prior to completing the identification and evaluation of archaeological properties in the APE, provided that:

a) when TxDOT obtains access, it will complete the requirements of this PA; and

b) in consultation with SHPO and other consulting parties, if any, TxDOT considers alternatives to avoid, minimize or mitigate any adverse effects that may occur to archaeological historic properties; and

c) TxDOT takes no action that precludes the consideration of the undertaking’s effects to archaeological historic properties.

2. Non-archeological historic property consultation may be based on findings drawn from additional archival research into a property’s history, including but not limited to public involvement results, aerial photography analysis, deed research, and links to specific historic contexts.

a) Properties will be considered non-historic based on conclusive findings that demonstrate a lack of historical significance within specific historic contexts or compromised aspects of integrity.

b) Properties will be assumed historic for purposes of coordination for a project if the research does not support conclusive findings on historical significance or compromised aspects of integrity.

c) Reevaluation of these findings at a future date may be warranted with additional research.

F. In the event of a dispute during consultation regarding proposed findings or proposals for resolution of adverse effects between TxDOT, SHPO and other consulting parties (see Appendix 6, Stipulation 4(f)):

1. TxDOT’s Director of the Environmental Affairs Division or his/her delegate will continue consulting with representatives of the consulting party.

2. SHPO will be represented by the Executive Director of the Texas Historical Commission or his/her delegate during any dispute resolution meetings in which it is involved.

3. If these dispute resolution meetings do not resolve the issue, the ordinary dispute resolution procedures in 36 CFR 800 shall be followed.

XII. Historic Bridge Program Inventory

The historic bridge program currently consists of the historic context and survey of all bridges both owned and inspected by TxDOT dating from 1965 and earlier. The bridges are evaluated for NRHP eligibility with each update of the inventory in batches based on bridge type or the period of study.
A. TxDOT completed the following bridge surveys and historic contexts to determine, in consultation with the FHWA, the SHPO, and other consulting parties, which bridges are eligible or not eligible for listing in the NRHP.


4. **Historic Road Infrastructure of Texas, 1866–1965, Multiple Property Documentation Form**, 2015.

5. **NRHP Listed and Eligible Bridges of Texas, GIS map and portal showing the location of all TxDOT-inventoried and listed bridges in the state**.

B. Once the SHPO concurs with the results of the context, survey, and eligibility recommendations for each bridge in the TxDOT inventory, additional individual evaluation of the eligibility of a given bridge is not required on a project-by-project basis, except as detailed in TxDOT’s Environmental Compliance toolkits.

C. Based on consultation with the SHPO, TxDOT determined that all remaining off-system metal truss bridges have NRHP significance. When part of a federal undertaking, each bridge shall be further evaluated to determine if the bridge retains sufficient historic integrity to convey that significance, especially in the aspects of design, materials, and workmanship.

D. TxDOT will implement the following procedures to update and address revisions to the inventory:

1. If new or additional information is found that may impact the NRHP eligibility status of a particular bridge, TxDOT shall provide the information, along with an eligibility recommendation based in the state’s approved historic contexts to the SHPO and the Historic Bridge Foundation, at a minimum. TxDOT will not change the eligibility of a bridge until consultation is concluded. Any changes to bridge eligibility will be reflected in the GIS portal, **NRHP Listed and Eligible Bridges of Texas**.

2. TxDOT or its consulting parties may identify a pre-1965 bridge as eligible for the NRHP under criteria other than Criterion C, which was used to determine eligibility of the bridges in the TxDOT inventory. This additional information on the significance of a particular bridge will be evaluated under the above section for new or additional information.

E. Beginning no later than two years after execution of this PA, TxDOT will review the population of bridges, which may result in the reevaluation of all or a portion of these bridges. Ideally, the review will update the inventory to include bridges at least 45 years old at the time of the review. TxDOT will prepare a written report summarizing the review, will prepare a report for any bridge population reevaluation, and will provide the reports to the signatories to this Agreement and to the public. The report will include recommended timing for future reviews of bridge population.

F. TxDOT may amend its list of historic bridges based on the passage of time or upon the changing perspective of significance.

**XIII. Treatment of Historic Bridges**
A. The following activities have a minimal potential to affect a historic bridge and do not need screening:

1. Routine maintenance activities, including:
   a) Asphalt overlays
   b) Cleaning deck drains
   c) Removing vegetation from the bridge
   d) Sealing concrete
   e) Cleaning the bridge

2. Installing rip rap and other scour protection

B. Any historic bridge undertaking that is not included in the management plans detailed in this Agreement will be treated under Stipulation IX of this Agreement.

XIV. Planning for Certain Historic Bridge Types

A. On-system metal truss bridges are those owned, maintained, and inspected by TxDOT as part of the TxDOT state system. These bridges are divided into two groups as described in Appendix 7. TxDOT conducted engineering and feasibility reviews of each bridge in this section and prioritized the bridges in Group A for continued preservation.

1. TxDOT commits to the following stipulations for the Group A on-system metal truss bridges:

   a) Based on the bridge inspection cycle, TxDOT will perform routine maintenance of the historic bridges, which shall include cleaning the bridge and removing any vegetation.

   b) Based on the bridge inspection cycle, TxDOT will perform necessary rehabilitation of the bridge, using the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

   c) If a historic bridge in this group suffers a catastrophic failure, TxDOT will:

      (1) Reevaluate the eligibility of bridge, recognizing that historic integrity may be lost based upon the type of failure.

      (2) TxDOT will assess the following alternatives to determine how to address the failure. TxDOT will not assess an alternative that allows leaving the historic bridge in place as a monument or moving the historic bridge, as neither alternative is prudent or feasible:

         (a) No build—leave the historic bridge in place without rehabilitation or further work.

         (b) Rehabilitation for continued two-way traffic—Rehabilitation of the historic bridge should meet the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

         (c) Rehabilitation for use as part of a one-way pair—rehabilitation of the historic bridge should meet the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).
(d) Bypassing the historic bridge using an alternative alignment—assess converting the historic bridge to pedestrian use.

(e) Replacement of the existing bridge on the existing alignment—assess demolition of the historic bridge.

(3) As part of the alternatives analysis, TxDOT will develop a list of potential consulting parties to discuss the alternatives, including the feasibility of finding a new owner for the historic bridge. Consultation shall follow the procedures detailed in TxDOT’s Environmental Compliance toolkits and in Appendix 6 of this Agreement.

2. TxDOT commits to the following stipulations for the Group B on-system metal truss bridges:

   a) Based on the bridge inspection cycle, TxDOT will perform routine maintenance of the historic bridges, which shall include cleaning the bridge and removing any vegetation.

   b) Based on the bridge inspection cycle, TxDOT will determine when significant rehabilitation or replacement of the bridge is necessary. At that time, TxDOT will plan for the replacement of the bridge.

   c) When it is time to replace the historic bridge, TxDOT will assess the following alternatives. TxDOT will not assess an alternative that allows leaving the historic bridge in place as a monument or moving the historic bridge, as neither alternative is prudent or feasible:

      (1) No build—leave the historic bridge in place without rehabilitation or further work.

      (2) Rehabilitation for continued two-way traffic—Rehabilitation of the historic bridge should meet the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

      (3) Bypassing the historic bridge using an alternative alignment—assess converting the historic bridge to pedestrian use.

      (4) Replacement of the existing bridge on the existing alignment—assess demolition of the historic bridge.

3. For any proposed replacement of a historic bridge in Group B, TxDOT shall follow the consultation procedures of this agreement. As programmatic mitigation for future adverse effects to the Group B historic bridges, TxDOT will create an education program to assist local historic museums and organizations to talk about bridges and other Science, Technology, Engineering, and Mathematics (STEM) topics in their museum or their organization’s educational programs. This educational program shall involve training, workshops, webinars, resources, lesson plans or curriculum, and educational activities, and shall be developed in consultation with the SHPO.

   Project-specific mitigation shall be determined based upon consultation and shall be documented in accordance with Stipulation X as appropriate. Standard project-specific mitigation may include the following, but other mitigation measures may be agreed upon through consultation:
Transferring ownership and maintenance responsibilities to a responsible entity, based upon any proposals and that entity’s ability to preserve and maintain the historic bridge.

Salvaging a portion of the bridge for display or other use, based upon any proposals from the consulting parties. This may include salvaging the historic bridge plaques.

Creating bridge-specific interpretation, which could result in outdoor interpretation panels, museum exhibits, digital exhibits or other outcomes, based upon consultation.

Creating an educational program to assist local history museums and organizations to talk about bridges and other Science, Technology, Engineering, and Mathematics (STEM) topics in their museum or organization education programs. This educational program shall involve training, workshops, webinars, resources, lesson plans or curriculum, and educational activities. This program shall be developed in consultation with the SHPO.

B. TxDOT completed an inventory of all bridges built between 1945 and 1965 in 2010. This inventory included all bridges inspected by TxDOT. As a result, FHWA, TxDOT, the SHPO, and the ACHP developed the Post-1945 Bridge PA resulting in the management planning for these types of bridges.

1. Group I bridges are those bridges determined as Exceptionally Significant. TxDOT commits to the following stipulations for Group I bridges:

   a) Based on the bridge inspection cycle, TxDOT will perform routine maintenance of any on-system historic bridges, which shall include cleaning the bridge and removing any vegetation. TxDOT shall provide all bridge inspection reports, with recommendations, to any off-system historic bridge owners.

   b) Based on the bridge inspection cycle, TxDOT will determine when significant rehabilitation or replacement of the bridge is necessary or recommended.

   c) TxDOT will assess the following alternatives to determine how to address the inspection findings for rehabilitation or replacement:

      (1) No build—leave the historic bridge in place without rehabilitation or further work.

      (2) Rehabilitation for continued two-way traffic—Rehabilitation of the historic bridge should meet the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

      (3) Rehabilitation for use as part of a one-way pair—rehabilitation of the historic bridge should meet the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

      (4) Bypassing the historic bridge using an alternative alignment—assess leaving the historic bridge in place as a “monument” or converting the historic bridge to pedestrian use.

      (5) Replacement of the existing bridge on the existing alignment—assess moving the historic bridge prior to replacement and demolition of the historic bridge.
As part of the alternatives analysis, TxDOT will develop a list of potential consulting parties to discuss the alternatives, including the feasibility of finding a new owner for the historic bridge and moving the historic bridge to a new location. Consultation shall follow the procedures detailed in TxDOT’s Environmental Compliance toolkits and in Appendix 6 of this Agreement.

2. Group II bridges are those historic bridges that are significant when considered together as a group. The significance of the Group II bridges lies in their history, rather than their potential for preservation in place. TxDOT commits to the following stipulations for Group II bridges:

a) Based on the bridge inspection cycle, TxDOT will perform routine maintenance of any on-system historic bridges, which shall include cleaning the bridge and removing any vegetation. TxDOT shall provide all bridge inspection reports, with recommendations, to any off-system historic bridge owners.

b) Based on the bridge inspection cycle, TxDOT will determine when significant rehabilitation or replacement of the bridge is necessary or recommended. At that time, TxDOT will plan for the replacement of the bridge.

c) When it is time to replace the historic bridge, TxDOT will assess the following alternatives as required by 49 USC 303 and 23 USC 138, typically referred to as Section 4(f) of the US DOT Act of 1966 (hereafter referred to as Section 4(f)). TxDOT will not assess an alternative that allows leaving the historic bridge in place as a monument or moving the historic bridge, as neither alternative is prudent or feasible:

   (1) No build—leave the historic bridge in place without rehabilitation or further work.

   (2) Rehabilitation for continued two-way traffic—Rehabilitation of the historic bridge should attempt to meet the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

   (3) Bypassing the historic bridge using an alternative alignment—assess converting the historic bridge to pedestrian use.

   (4) Replacement of the existing bridge on the existing alignment—assess demolition of the historic bridge.

d) TxDOT will notify the SHPO, the Historic Bridge Foundation, and the appropriate County Historical Commission when it proposes replacement of a Group II bridge.

e) TxDOT completed programmatic mitigation for the replacement of all bridges in Group II. This programmatic mitigation is a public-facing education campaign about these bridges, which includes videos, a webpage, glossaries, photographs, educational activities, and continued promotion of these materials. TxDOT will not conduct any further mitigation for the replacement of any Group II bridge.

3. Group III bridges are those bridges that are significant primarily for their technological innovations. The significance of these bridges lies in their physical
representation of these innovations, rather than their potential for preservation in place. TXDOT commits to the following stipulations for Group III bridges:

a) Based on the bridge inspection cycle, TXDOT will perform routine maintenance of any on-system historic bridges, which shall include cleaning the bridge and removing any vegetation. TXDOT shall provide all bridge inspection reports, with recommendations, to any off-system historic bridge owners.

b) Based on the bridge inspection cycle, TXDOT will determine when significant rehabilitation or replacement of the bridge is necessary or recommended. At that time, TXDOT will plan for the replacement of the bridge.

c) When it is time to replace the historic bridge, TXDOT will assess the following alternatives as required by Section 4(f). TXDOT will not assess an alternative that allows leaving the historic bridge in place as a monument or moving the historic bridge, as neither alternative is prudent or feasible:

(1) No build—leave the historic bridge in place without rehabilitation or further work.

(2) Rehabilitation for continued two-way traffic—Rehabilitation of the historic bridge should attempt to meet the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

(3) Bypassing the historic bridge using an alternative alignment—assess converting the historic bridge to pedestrian use.

(4) Replacement of the existing bridge on the existing alignment—assess demolition of the historic bridge.

d) TXDOT will notify the SHPO, the Historic Bridge Foundation, and the appropriate County Historical Commission when it proposes replacement of a Group III bridge.

e) TXDOT completed mitigation for the replacement of all bridges in Group III. The mitigation for this group of bridges included the documentation of each historic bridge in TXDOT’s inventory and the development of a management plan for historic bridges built between 1945 and 1965. TXDOT will not conduct any further mitigation for the replacement of any Group III bridge.

XV. Historic Bridge Preservation Planning, Stewardship, and Education

A. As bridge types are re-inventoried and re-assessed, TXDOT shall develop a management plan for the treatment of the historic bridges within that bridge type. Management planning shall prioritize the preservation of significant bridges and those important to local communities. TXDOT shall consult with appropriate consulting parties on the development of all future management plans.

B. To assist potential consulting parties in understanding the rich history of Texas’s historic bridges and innovations, TXDOT shall host and maintain a webpage on the history of Texas bridges. At a minimum, the webpage shall include:

1. Histories of the types of bridges found in Texas
2. Information for owners of historic bridges
3. Historic bridge preservation success stories
4. Information and resources for responsibility entities interested in acquiring a historic bridge
5. Links to consulting party websites
6. Ways to contact TxDOT’s historic bridge program managers

C. TxDOT shall maintain a list of interested recipients with a potential use for a relocated historic bridge, should one become available. TxDOT will continue to solicit organizations for inclusion on this list and will make the list available to all TxDOT staff involved in the historic bridge process.

D. TxDOT shall periodically update and maintain its Historic Bridge Manual to provide detailed steps for the historic bridge process for TxDOT engineers and designers. In addition, TxDOT will identify training opportunities on historic bridges for engineers, designers, and consultants as appropriate.

XVI. Emergency Undertakings
If TxDOT determines that an emergency situation exists, resulting from a hazardous materials incident; tree, wind, water, earthquake, fire, or landslide damage; sudden failure of water, sewer, storm drainage, electrical, or telephone lines; or the failure of a roadway or bridge structure; TxDOT shall undertake emergency repairs.

A. Notification of and consultation with SHPO are not required for any emergency repair project that conforms to a type that does not require review and consultation, as described in Appendices 2 and 3.

B. If the emergency repair project is a type with potential to affect historic properties, TxDOT shall notify the SHPO as soon as possible under the circumstances. This provision applies only to emergency undertakings initiated within thirty (30) calendar days after the declaration of the emergency or disaster as stipulated in 36 CFR 800.12(d).

1. In the event of a large-scale disaster where local communications could be interrupted, TxDOT may undertake facility repairs or stabilization without prior consultation with the SHPO. Where possible, emergency actions will be undertaken in a manner that does not foreclose future preservation or restoration of historic properties affected by the emergency action.

2. Otherwise, TxDOT will consult with the SHPO on all emergency undertakings that affected or will affect historic properties.

XVII. Post-Review Discoveries
When potential historic properties are identified during implementation of an undertaking or unanticipated effects on historic properties are determined, the process for addressing the discovery shall be as follows:

A. Work in the immediate area of the discovery shall cease, and TxDOT shall be notified of the discovery; if appropriate, security measures will be initiated to protect the discovery.

B. TxDOT will notify the SHPO and, if the property or properties may be of religious or cultural significance to federally recognized Indian tribes, TxDOT will notify such tribes within 48 hours of the discovery.
C. For unanticipated discoveries of archeological materials that do not contain human burials, TxDOT will undertake the following additional actions:

1. TxDOT will verify that the discovery does not contain human burials.

2. Upon confirmation that the discovery does not contain human burials, TxDOT may allow construction at the site to proceed.

3. TxDOT shall complete or update a State of Texas Archeological Site Data Form based on the available information.

4. TxDOT will find that the property comprises an archeological historic property that is valuable chiefly for the data that it contains and does not warrant preservation in place.

5. TxDOT will develop a mitigation proposal to resolve the adverse effects of the undertaking on the archeological historic property. This proposal shall not necessarily involve any further excavations at the historic property.

6. The level of effort described in the proposal shall be commensurate with the nature of the resource, based on the available information.

7. TxDOT will develop the proposal in consultation with SHPO and other consulting parties with a demonstrated interest in the undertaking’s effects, including federally recognized Indian tribes, following the consultation procedures for resolution of adverse effects described under 36 CFR Part 800 and this PA.

D. For unanticipated discoveries that include, but are not limited to, human burials, TxDOT shall follow the post-review discovery procedures of 36 CFR Part 800.13 and the applicable requirements of the Health and Safety Code, Title 1, Section 711, with the following amendments and additions

1. The ACHP will not be included in the consultation unless the property is adversely affected.

2. Work may resume in areas outside the boundaries of the cemetery.

3. Work may resume in a cemetery area if that cemetery has been removed in compliance with 36 CFR 800 and the applicable requirements of the Health and Safety Code, Title 1, Section 711.

E. Upon the discovery of a previously unidentified historic property or the determination of unanticipated effects on non-archeological historic properties, TxDOT will resume consultation regarding project effects, following the procedures of Appendix 6. Construction may resume following completion of consultation in accordance with Appendix 6.

XVIII. Amendment

Any signatory to this PA may at any time propose amendments, whereupon all signatories shall consult to consider such amendment. Such amendment requires the written concurrence of all signatory parties, with the exception of the FHWA as provided for in the NEPA Assignment MOU.
XIX. Review and Reporting

Pursuant to the terms of the NEPA Assignment MOU, TxDOT is responsible for providing FHWA any information FHWA considers necessary to ensure that TxDOT is adequately carrying out its assigned responsibilities. Consequently, TxDOT agrees to provide file access for the purposes of monitoring the effectiveness of this agreement by the signatories.

A. Upon request from any signatory to this agreement, TxDOT shall furnish project information in the format and on the schedule requested.

B. The SHPO shall meet quarterly with TxDOT to assess the effectiveness of the programs, projects, and activities developed to facilitate this agreement and to assist with the development or implementation of such programs, projects, and activities.

C. TxDOT will make summary information of its activities under this PA available to the general public.

1. The summary information will be provided on an annual basis.

2. TxDOT will make summary information available by December 1st of each calendar year.

3. The summary information will cover the activities during the previous fiscal year (September through August).

4. The summaries may separately address archeological and non-archeological historic properties.

5. The summaries will include both measures that quantify the scale and effectiveness of the program and highlights from noteworthy projects or program-initiatives.

6. The summaries may take any form, including paper copies and electronic formats, as long as they are accessible to the public.

XX. Alternative Consultation Options

In the event that the terms of this PA cannot be met for specific individual undertakings, consultation shall comply with standard procedures outlined in 36 CFR 800.3 through 800.6.

XXI. Termination

A. Any signatory party to this PA may terminate it by submitting a thirty (30) calendar day notice in writing to all signatory parties, provided the parties continue to consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination.

B. In the event of termination of this PA, consultation for undertakings shall comply with the standard procedures outlined in 36 CFR 800.3 through 36 CFR 800.6 through TxDOT as assigned by FHWA under the NEPA Assignment MOU, or under FHWA’s authority where their responsibilities have not been assigned to and assumed by TxDOT.

XXII. Duration of this Agreement
This PA remains in effect for a period of five (5) years from the date of its execution by the ACHP unless it is terminated pursuant to Stipulation XII. For the duration of time this PA is in effect, TxDOT agrees to post a copy so that it is publicly available on its website. For extensions of this agreement, the following process will be used.

A. No later than sixty (60) calendar days prior to the conclusion of the five (5)-year period, TxDOT will notify all signatories in writing that it seeks to extend this PA.

B. If there are no objections from the signatories, the term of this PA will be extended by using the FHWA and ACHP extension process.

C. If any signatory objects to extending this PA or proposes amendments, TxDOT will consult with the signatory to consider amendments or other actions to avoid termination.

D. The sixty (60)-day notification requirement in this Stipulation may be waived by the parties.
EXECUTION AND IMPLEMENTATION of this PA evidences that the FHWA and TxDOT, when it is deemed to be a federal agency, have afforded the ACHP a reasonable opportunity to comment on FHWA undertakings in Texas, and that the FHWA and TxDOT have taken into account the effects of their subject undertakings on historic properties.

SIGNATORIES include the Federal Highway Administration, Advisory Council on Historic Preservation, Texas State Historic Preservation Officer (Texas Historical Commission) and the Texas Department of Transportation. Separate signature pages for each agency follow.

FEDERAL HIGHWAY ADMINISTRATION

By: ________________________________ Date: ______________
Achille Alonzi, Division Administrator
EXECUTION AND IMPLEMENTATION

SIGNATORIES include the Federal Highway Administration, Advisory Council on Historic Preservation, Texas State Historic Preservation Officer (Texas Historical Commission) and the Texas Department of Transportation, with separate pages for each agency provided.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:____________________________________ Date:________________

Reid Nelson, Acting Executive Director
EXECUTION AND IMPLEMENTATION

SIGNATORIES include the Federal Highway Administration, Advisory Council on Historic Preservation, Texas State Historic Preservation Officer (Texas Historical Commission) and the Texas Department of Transportation, with separate pages for each agency provided.

TEXAS STATE HISTORIC PRESERVATION OFFICER

By: ___________________________ Date: __________________

Mark Wolfe, Executive Director
EXECUTION AND IMPLEMENTATION

**SIGNATORIES** include the Federal Highway Administration, Advisory Council on Historic Preservation, Texas State Historic Preservation Officer (Texas Historical Commission) and the Texas Department of Transportation, with separate pages for each agency provided.

**TEXAS DEPARTMENT OF TRANSPORTATION**

Recommended by:

__________________________________  Dated: _________________________

Marc Williams  
Executive Director  
Texas Department of Transportation

Executed for the State of Texas by the State’s Chief Executive Officer in accordance with Texas Constitution, Article IV, Section 10:

By: __________________________________  Dated: _________________________

Greg Abbott  
Governor, State of Texas
APPENDIX 1

FEDERALLY RECOGNIZED INDIAN TRIBES, FEDERAL AGENCIES, AND ORGANIZATIONS PROVIDED AN OPPORTUNITY TO REVIEW AND COMMENT ON THIS PROGRAMMATIC AGREEMENT

Tribes

Absentee Shawnee Tribe of Oklahoma
Alabama-Coushatta Tribe of Texas
Alabama-Quassarte Tribal Town
Apache Tribe of Oklahoma
Caddo Nation
Cherokee Nation
Choctaw Nation of Oklahoma
Comanche Nation of Oklahoma
Coushatta Tribe of Louisiana
Delaware Nation
Jena Band of Choctaw Indians
Jicarilla Apache Nation
Kialegee Tribal Town
Kickapoo Traditional Tribe of Texas
Kickapoo Tribe of Oklahoma
Kiowa Tribe
Mescalero Apache Tribe
Muscogee Nation
Osage Nation
Poarch Band of Creek Indians
Seminole Nation of Oklahoma
Shawnee Tribe
Thlopthlocco Tribal Town
Tonkawa Tribe of Oklahoma
Tunica-Biloxi Tribe of Louisiana
United Keetoowah Band of Cherokee Indians
Wichita and Affiliated Tribes
Ysleta del Sur Pueblo
**Federal Agencies**

- Bureau of Indian Affairs, Southern Plains Regional Office
- General Services Administration
- International Boundary and Water Commission
- Office of the Adjutant General
- US Army Corps of Engineers, Albuquerque District
- US Army Corps of Engineers, Fort Worth District
- US Army Corps of Engineers, Galveston District
- US Army Corps of Engineers, Tulsa District
- US Army, Fort Bliss
- US Army, Fort Hood
- US Department of Homeland Security (Coast Guard)
- US Department of Customs and Border Protection
- US Environmental Protection Agency
- US Fish and Wildlife Service

**Local Governments and Non-Profit Organizations**

- Certified Local Governments
- County Historical Commissions
- Main Street Communities
- Texas Heritage Trails
- Abilene Preservation League
- AIA Headquarters
- AIA: College Station Society
- AIA: Dallas
- AIA: Houston Society
- AIA: Lubbock Society
- AIA: Southwest Texas Archeological Society
- Archaeological Institute of America: Central Texas (Austin)
- Austin History Center
- Baytown Historical Preservation Association
- City of Lakeway Heritage Center
Council of Texas Archeologists
Cypress Historical Society
Dallas Historical Society
Docomomo
Docomomo North Texas Chapter
East Texas Historical Association
Ennis Historical Society
Franklin County Historical Association
Galveston Historical Foundation
Georgetown Texas Heritage Society
Heritage of Odessa Foundation
Historic Bridge Foundation
Historic Fort Worth
Historic Houston
Historic Waco Foundation
Houston Archeological Society
Houston Mod
Jim Ned Valley Heritage Preservation
Mid Tex Mod
National Trust for Historic Preservation
North Texas Archeological Society
Old Town Spring Preservation League
Paradise Historical Society
Parker County Heritage Society
Preservation Austin
Preservation Dallas
Preservation Houston
Preservation Texas
San Antonio Living History Association
Shelby County Historical Society
Smith County Historical Society
Texarkana Museums System
Texas Archeological Society
Texas Association of Museums
Texas Beyond History
Texas Freedom Colonies Project
Texas Heritage Trails
Texas Historical Foundation
The Conservation Society of San Antonio
The Friends of Archeology
The Heritage Society
West Texas Historical Association
Wichita County Heritage Society
Wilson County Historical Society

**Historic Bridge Consulting Parties**

- **Historic Bridges Working Group:**
  - Denton County Historical Commission
  - Kirk Farris, bridge historian
  - City of Fort Worth Historic Preservation Officer
  - Historic Bridge Foundation
  - Preservation Texas
  - City of San Antonio
  - Texas A&M Engineering Heritage Center
  - Texas Historical Commission
  - Walter P. Moore engineering firm

**Specific On-System Historic Truss Bridges in PA:**

**County Historical Commissions:**

- Atascosa
- Bell
- Bexar
- Collingsworth
- Colorado
- Comal
Crockett 1015
DeWitt 1016
Fayette 1017
Hill 1018
Jasper 1019
Jefferson 1020
Kimble 1021
Lampasas 1022
Llano 1023
Mason 1024
Mills 1025
Newton 1026
Palo Pinto 1027
Parker 1028
Shackelford 1029
Somervell 1030
Travis 1031
Trinity 1032
Val Verde 1033
Wharton 1034
Wichita 1035
Uvalde 1036

Certified Local Governments
Uvalde 1039

Main Street Communities
Cuero 1042
La Grange 1043
Llano 1044
Mineral Wells 1045
Seguin 1046
Uvalde 1047
The following procedures summarize the conditions that trigger different levels of TxDOT review. TxDOT follows separate procedures regarding potential effects on archeological and non-archeological historic properties, since proposed projects do not necessarily affect such resources in the same manner. All evaluations thus begin with a consideration of the project and whether that project is of a type that has potential to cause effects to historic properties.

**Risk Assessment for Potential Effects on Archeological Historic Properties**

- TxDOT staff review project descriptions and other project information to evaluate whether the project conforms to a type with no potential to cause effects to historic properties, a type listed in Appendix 3 as a project with minimal potential to cause effects to archeological historic properties or to a type listed in Appendix 4 as a type that has low potential to cause effects to archeological historic properties.

- Review, consultation, and further documentation are not needed if the project is a non-construction project. Such projects have no potential to cause effects to archeological historic properties.

- Projects listed in Appendix 3 are “unscreened” projects that also require no further review or consultation. Such projects have minimal potential to cause effects to archeological historic properties.

- Projects listed in Appendix 4 are “screened” projects with a low potential to cause effects to archeological historic properties. Screened projects warrant limited further evaluation. As part of this evaluation, TxDOT may follow the documentation standards in Appendix 5 for screened undertakings and consult with federally recognized tribes following the procedures of Appendix 6. At the discretion of professionally qualified staff, a screened project may be subject to a full review following the documentation standards of Appendix 5 and consultation following the procedures of Appendix 6.

- If a project is listed neither on Appendix 3 nor on Appendix 4, TxDOT will proceed with review of potential project effects, using the review and consultation procedures in Appendix 6 and the documentation standards in Appendix 5.

**Risk Assessment for Potential Effects on Non-Archeological Historic Properties**

- TxDOT staff review project descriptions and other project information to evaluate whether the project conforms to a type listed in Appendix 3 as a type that has minimal potential to cause effects to non-archeological historic properties or to a type listed in Appendix 4 as a type that has low potential to cause effects to non-archeological historic properties.

- Projects listed in Appendix 3 are “unscreened” projects that also require no further review or consultation. Such projects have minimal potential to cause effects to non-archeological historic properties.
Projects listed in Appendix 4 are “screened” projects with a low potential to cause effects to non-archeological historic properties. Screened projects warrant limited further evaluation. As part of this evaluation, TxDOT staff will follow guidance including screening for sensitive properties, as listed below.

If the project is listed in Appendix 4 as a type that has low potential to cause effects to non-archeological historic properties, TxDOT will evaluate the project to determine if the APE contains sensitive property types, which are defined for the purposes of this PA to be those likely to be determined historic or that trigger consideration under state and federal cultural resource statutes and regulations. TxDOT will maintain guidance related to identifying sensitive properties, and TxDOT and SHPO will continually update maps and inventories related to these properties, which include:

- Properties previously identified as eligible or listed in the NRHP,
- County courthouse squares,
- Downtown commercial areas,
- Historic residential neighborhoods,
- Parcels with historic features, such as signage, portals, or gates, in direct-effects APE,
- Historic parks,
- Historic road corridors as mapped, and
- Certain bridges as defined by TxDOT guidance in TxDOT’s Environmental Compliance toolkits.

On projects where such sensitive property types occur within the project’s APE, TxDOT will undertake further evaluation per the documentation standards in Appendix 5 and will undertake consultation per Stipulation XI.

No further review or consultation will be done on projects where such sensitive property types do not occur within the project’s APE. TxDOT will retain documentation per the standards in Appendix 5.

If the project is listed neither on Appendix 3 nor on Appendix 4, TxDOT will proceed with review of potential project effects, using the review and consultation procedures in Appendix 6 and the documentation standards in Appendix 5.
APPENDIX 3

UNSCREENED UNDERTAKINGS WITH MINIMAL POTENTIAL TO CAUSE EFFECTS ON HISTORIC PROPERTIES

TxDOT staff will review project descriptions and other project information as necessary to evaluate whether a project is a type with minimal potential to affect historic properties.

Undertaking types listed in this Appendix shall not be further reviewed under Section 106.

This Appendix contains separate lists of undertakings that have minimal potential to cause effects on archeological versus non-archeological historic properties. These two lists generally contain different types of projects. Consequently, inclusion of a project type on one list does not indicate that the project has no potential to cause effects to both archeological and non-archeological historic properties.

Archeological Historic Properties:

Projects with ground disturbance of less than 100 cubic yards of impacts to undisturbed sediments, by their nature and definition, have minimal potential to affect archeological historic properties. Such projects do not require review or consultation regarding their potential project impacts on archeological historic properties. Refer to the Environmental Compliance toolkits for guidance on project types and activities likely to qualify as Appendix 3 projects.

Non-Archeological Historic Properties:

Refer to the Environmental Compliance toolkits for guidance on project types and activities likely to qualify as Appendix 2 projects. These include the following activities that do not require review or consultation regarding project effects on non-archeological historic properties.

1. installation, repair, or replacement of fencing, signage, traffic signals, railroad warning devices, safety end treatments, cameras and intelligent highway system equipment;
2. in-kind repair, replacement of lighting, signals, and non-native stone curbs and gutters;
3. maintenance, repair, or replacement of non-brick roadway surfacing, including crack seal, overlay, milling, grooving, resurfacing, and restriping; and/or
4. removing sediment, debris, and vegetation from drainage ditches and swales;
5. addition or removal of turn lanes, crossovers, shoulders within current paved right-of-way (ROW);
6. purchase, construction, replacement, or rehabilitation of ferry vehicles;
7. installation, repair, or replacement of ferry fenders on docks or fenders/dolphins near any bridge;
8. installation, repair, widening, or replacement of non-masonry culverts less than 45 years old at time of let date;
9. replacement, upgrade, and repair of safety barriers, non-irrigation ditches, and storm drains;
10. replacement of or repair/rehabilitation of buildings and structures at TxDOT facilities and picnic and rest areas that are less than 45 years old at time of let date or have been previously determined to be not eligible for listing in the National Register of Historic Places (NRHP);
11. Installation of landscaping and cable barriers within current right-of-way;
112. Relocation or new construction of turn lanes and exit ramps between existing main
lanes and existing frontage roads within current right-of-way (ROW);
113. Bridge projects comprised of the following activities, as long as such undertakings
are not within or adjacent to a historic district listed in or eligible for listing in the
National Register of Historic Places (NRHP), do not require any new ROW or
permanent easements, and involve one of the types of bridges outlined in items i–v
below:
   a. Routine maintenance, such as asphalt overlays, cleaning deck drains and
      vegetation, sealing concrete, installing rip rap and other scour protection, and
      bridge cleaning;
   b. Widening;
   c. Upgrades, including rail/guardrail repair and/or replacement;
   d. Repair;
   e. Replacement;
   f. Bridge undertakings in these categories only apply to the following types of bridges:
      i. Bridges less than 45 years old at the time of construction letting;
      ii. Bridges on the interstate system not previously listed in the NRHP or
          exempted from Section 106 as part of the Interstate Highway System
          (cannot be one of the six on this list: https://www.environment.fhwa.dot.gov/histpres/highways_list.asp);
      iii. Concrete or steel bridges constructed after 1945 and part of the
          Program Comment for Common Post-1945 Concrete or Steel bridges
          (cannot be one of the bridges in Groups I, II, or III as listed in
          Appendix 7);
      iv. Concrete bridge-class culverts; and
      v. Timber stringer bridges.
APPENDIX 4
SCREENED UNDERTAKINGS WITH LOW POTENTIAL TO AFFECT HISTORIC PROPERTIES

Consistent with 36 CFR 800.4, some project types require limited identification efforts to evaluate the undertaking’s potential to cause effects on historic properties. TxDOT staff will review project descriptions and other project information as necessary to evaluate whether a project is a type with low potential to cause effects on historic properties. The department delegate has authority to approve a finding that the project has low potential to cause effects on historic properties. The department delegate shall retain documentation that establishes the basis of any such findings.

Project types listed in this Appendix will be reviewed following the procedures in Appendix 2. Undertakings that require no further review under Appendix 2 will be found to have no effect on historic properties.

This Appendix contains separate lists of undertakings that have low potential to cause effects on archeological versus non-archeological historic properties. These two lists generally contain different types of projects. Consequently, inclusion of a project type on one list does not indicate that the project has low potential to cause effects to both archeological and non-archeological historic properties.

Further consultation may be required for compliance with other applicable state laws, including the Antiquities Code of Texas (Texas Natural Resources Code, Chapter 191) and the courthouse protection provision of Texas Government Code Section 442.008.

Archeological Historic Properties
The following activities do not require additional review or consultation regarding their potential effects on archeological historic properties, if they meet the criteria specified in Appendix 2.

1. project activities occurring entirely within existing right of way in which no archeological historic properties or cemeteries have been previously documented; and
2. design changes for projects that have completed all applicable review and consultation where the new project elements comprise only one or more of the activities listed in this section or in the Archeological Historic Properties section of Appendix 3.

Non-Archeological Historic Properties
The following activities do not require additional review or consultation regarding their potential effects on non-archeological historic properties, if they meet the criteria specified in Appendix 2.

1. routine structural maintenance and repair of highways, railroad crossings, picnic areas and rest areas;
2. maintenance, repair, reconfiguration, or correction of roadway geometrics, including intersection improvements and driveway and street connections;
3. maintenance, repair, installation or modification of pedestrian and cycling-related features, including Americans with Disabilities Act (ADA) ramps and landings, trails, sidewalks, and bicycle and pedestrian lanes;
4. maintenance, repair, relocation, addition, or minor widening of roadway, highway, or freeway features, including turn bays, center turn lanes, shoulders, U-turn bays, right turn lanes, travel lanes, interchanges, medians, and ramps; and/or
5. maintenance, repair, replacement, or relocation of features at crossings of irrigation canals, including bridges, new vehicle crossings, bank reshaping, pipeline and standpipe components, canal conversion to below-grade siphons, and utilities;
6. Installation of new safety or mast lighting.
7. Intersection improvements within existing ROW outside of historic districts;
8. Bridge projects comprised of the following activities, as long as such undertakings are not within or adjacent to a historic district listed in or eligible for the NRHP, require less than two (2) acres of new ROW or permanent easements for the project, and involve one of the types of bridges outline in items a-e below:
   a. Routine maintenance, such as asphalt overlays, cleaning deck drains and vegetation, sealing concrete, installing rip rap and other scour protection, and cleaning the bridge
   b. Widening
   c. Upgrades, including rail/guardrail repair and/or replacement
   d. Repair
   e. Replacement

Bridge undertakings in these categories only apply to the following types of bridges:
   a. Bridges less than 45 years old at the time of construction letting;
   b. Bridges on the interstate system not previously listed in the NRHP or exempted from Section 106 as part of the Interstate Highway System (cannot be one of the six on this list: https://www.environment.fhwa.dot.gov/histpres/highways_list.asp);
   c. Concrete or steel bridges constructed after 1945 and part of the Program Comment for Common Post-1945 Concrete or Steel bridges (cannot be one of the bridges cannot be one of the bridges in Groups I, II, or III as defined in Appendix 7);
   d. Concrete bridge-class culverts; and
   e. Timber stringer bridges.
APPENDIX 5

REPORTING AND DOCUMENTATION STANDARDS FOR TxDOT REVIEW

The following standards govern TxDOT’s conduct of investigations and reporting for the identification and evaluation of historic properties. Different standards apply to the documentation and reporting of archeological historic properties and non-archeological historic properties. The next two sections present these standards.

Archeological Historic Properties

1. Background Studies for Archeological Resources and Cemeteries.
   a. For projects subject to review for archeological resources and cemeteries under this PA, based on the results of background research, TxDOT will identify projects or portions of projects’ APEs that require archeological field investigation.
   b. Eligibility determinations that TxDOT performs under this PA will not require field investigations if sufficient background information exists to demonstrate that the portion of the site to be affected does not have potential research value.
   c. Determinations that TxDOT makes under this PA regarding the presence of archeological historic properties and cemeteries in project APEs may be made through the use of maps, project-area photographs, or other background research.

For screened undertakings listed in Appendix 4, background research shall be limited to review of the Texas Archeological Sites Atlas. TxDOT will document that the APE is confined to existing ROW and that no known archeological historic properties or cemeteries occur within the APE.

2. Surveys for Archeological Resources and Cemeteries.
   a. Surveys may be limited to an evaluation of existing impacts or stratigraphic integrity when these activities are sufficient to determine that any sites present are unlikely to be eligible.
   b. Eligibility determinations that TxDOT performs under this PA do not require subsurface investigation if it can be demonstrated that the portion of the site to be affected is not likely to have sufficient integrity to be eligible.
   c. For portions of the APE where deposits may retain sufficient integrity for sites to be eligible, TxDOT survey methods will conform with the Texas Historical Commission's Archeological Survey Standards or with other appropriate methods, except as provided in subsection (i) of this section:
      i. TxDOT reserves the right to depart from published survey standards in cases where it deems appropriate.
      ii. SHPO reserves the right to review non-standard procedures for their adequacy.
   d. Survey methods will be considered adequate for the identification of burials and cemetery boundaries when the portions of the APE within 25 feet of a known cemetery have been investigated and the survey included scraping to a depth adequate to determine whether grave shafts or burials occur in the APE.
e. A survey to identify burials does not comprise an activity with the potential to cause an adverse effect to a historic property.

3. Archeological Eligibility Testing Phase.

a. The following methods will be employed for test excavations:
   i. Mechanical trenches will be excavated and profiles documented in order to characterize the area's potential for archeological deposits with sufficient integrity to be eligible to occur at the site.
   ii. The extent of the site within the APE will be sampled through some combination of shovel-testing, column sampling, auguring, surface collection, and geophysical prospection in order to characterize the distribution of archeological materials across the site.
   iii. Additional units will be excavated and screened to evaluate site areas that appear to have the best potential for yielding important data with good integrity, based on the results of previous work.
   iv. The materials analyzed will comprise those materials most likely to contribute important information about prehistory or history.

b. TxDOT reserves the right to depart from these methods in cases where it deems appropriate and shall justify deviations in the report.

4. Documentation for Archeological Resources and Cemeteries.

a. Projects subject to review for archeological resources and cemeteries under this PA will be documented by TxDOT in the manner described in this section. Documentation for each such project will include, at a minimum:
   i. a description of the project, defining the APE or the investigated portion of the APE in three dimensions;
   ii. a project location map, plotting the project location on 7.5' Series USGS quadrangle maps;
   iii. information regarding the setting that is relevant for the assessment of the integrity of any archeological sites within the APE;
   iv. information on previously recorded archeological sites in the project location;
   v. description and justification of the level of effort undertaken for the investigation; and
   vi. results and recommendations.

b. All TxDOT survey and testing reports will also include:
   i. description and justification of field methods, including the sampling strategy;
   ii. description and quantification of any archeological materials identified;
   iii. accurate plotting of any sites found on 7.5' Series USGS quadrangle maps;
   iv. submission of electronic TexSite archeological site survey forms to the Texas Archeological Research laboratory; and
   v. recommendations regarding whether any site(s) merit further investigation.
Non-Archeological Historic Properties

1. For review-exempt projects under Appendices 3 and 4, documentation shall be limited to that maintained in TxDOT’s official project files. THC may audit TxDOT files for specific projects upon request. TxDOT will provide assistance or guidance in accessing TxDOT files as appropriate.

2. For internally reviewed projects, documentation for each such project will include, at a minimum:

   a. project description and scope;
   b. project location map with delineation of the APE and location of historic properties;
   c. methodology used to identify historic properties;
   d. photographic and descriptive information for each identified property;
   e. description of public involvement activities;
   f. justification for findings of historic properties, including setting, integrity, and contextual information; and
   g. justification of effects on historic properties, including evaluations, reports, and other information relevant to the findings by TxDOT.

3. For individually coordinated projects, documentation submitted to THC will include items a–g of this subsection, and a description of efforts to avoid or minimize harm, proposed mitigation, and commitments.
APPENDIX 6

PROCESSES FOR REVIEW AND CONSULTATION REGARDING PROJECTS WITH POTENTIAL TO CAUSE EFFECTS TO HISTORIC PROPERTIES

Per Stipulation XI of this agreement, the following procedures specify the process to be followed by TxDOT for all undertakings not otherwise found to have no or minimal potential to cause effects on archeological and/or non-archeological historic properties or for non-project based programs or programmatic decisions.

1. Consulting Parties
   a. Unless otherwise directed per the terms of tribe-specific programmatic agreements for consultation under Section 106, TxDOT will contact federally recognized tribal consulting parties to seek their assistance in the identification of any property or properties within the APE that may be of religious and cultural significance and to consult with them about proposed findings.
   b. TxDOT may also identify and invite other consulting parties with a demonstrable interest in the project’s effects on historic properties to participate in consultation. Potential consulting parties include but are not limited to County Historical Commissions, Certified Local Governments, Preservation Texas, Historic Bridge Foundation, and tribal groups that lack formal federal recognition.
   c. TxDOT may scale its consultative efforts proportionate to the potential effects of the undertaking on historic properties. When determining the level of effort, TxDOT shall consider factors including but not limited to the amount of proposed new right of way and the number of historic properties known to exist within the APE.
   d. TxDOT will undertake the following methods to identify and engage potential consulting parties, when appropriate, consistent with paragraphs (a) to (c):
      i. Publications, presentations, participation in events, social media posts, and/or webinars that provide information on TxDOT’s archeology and history programs and historic preservation;
      ii. Training to understand the Section 106 process, TxDOT’s historic preservation process, consulting party role in the Section 106 process, or other topics of interest; and
      iii. Maintaining contact information for potential consulting parties gathered under this Appendix.
   e. TxDOT may invite separate sets of consulting parties regarding potential project effects to archeological and potential effects to non-archeological historic properties.
   f. TxDOT will request a written confirmation from the consulting party that governs participation in the Section 106 process. This written confirmation may include a consulting parties understanding of the following requests:
      i. Review and provide comments within a 30-day period, unless otherwise requested
      ii. Provide comments, either written or verbal, on TxDOT documents, reports, plans, and mitigation proposals
      iii. Participate in project and stakeholder meetings
iv. Participate until the project is determined to have no effects on historic properties, no adverse effects on historic properties, or adverse effects to historic properties have been resolved.

g. TxDOT may separately conduct and conclude consultation regarding potential effects to archaeological properties and potential effects to non-archaeological historic properties.

h. If identification efforts resulted in a determination that no historic properties occur within the APE, TxDOT does not need to conduct individual, project-specific consultation with SHPO or other consulting parties. Such undertakings will be determined to have no effect on historic properties as a result of this finding.

2. **Public Involvement**—TxDOT does not limit participation in the Section 106 process to formal consulting parties and commits to involve the public in the process as well. The public may include those individuals, organizations, or groups that TxDOT provides copies of appropriate reports, documents, and correspondence.

   a. The public may choose to participate in only a portion of the TxDOT Section 106 process, such as historic property identification or resolution of adverse effects, and not the entire process.

   b. TxDOT will provide interested members of the public the opportunity to formalize status as a consulting party at any time during the Section 106 process.

   c. TxDOT will consider any public input when making decisions under Section 106.

   d. TxDOT will undertake the following methods to identify and engage the public, when appropriate:

      i. Publications, presentations, participation in events, social media posts, and/or webinars that provide information on TxDOT’s archeology and history programs and historic preservation;

      ii. Training to understand the Section 106 process, TxDOT’s historic preservation process, consulting party role in the Section 106 process, or other topics of interest; and

      iii. Maintaining contact information for members of the public that may be interested in future TxDOT Section 106 consultation gathered under this Appendix.

3. **Early Consultation**—When feasible, TxDOT will undertake early consultation to determine that project’s potential to cause effects on historic properties.

   a. This consultation may be initiated prior to the development and/or availability of detailed plans about the undertaking and prior to the identification of historic properties in an appropriate APE. Documentation provided as part of early consultation will describe the general type of undertaking (highway improvement or bridge replacement, for example) and define the APE.

   b. TxDOT will disclose the APE and the level of investigative effort per the procedures in Appendix 2. Consultation may include multiple steps under 36 CFR 800.3 through 800.6.

   c. If TxDOT review determines that no historic properties are likely to be affected by the undertaking and no consulting party provides substantive comment on the undertaking, TxDOT will conclude its review and consultation.

   d. If TxDOT review determines that historic properties may be affected by the undertaking, or a consulting party provides substantive comment on the
e. TxDOT will resume its review and consultation for any design change that alters
the APE beyond the boundaries previously considered, except for those minor
design changes permitted under Appendices 3 and 4.

4. **Standard Consultation**—In cases where early consultation is not undertaken, TxDOT
will adhere to the following procedures for determining an undertaking’s potential effects
on historic properties:

a. TxDOT will determine the appropriate level of effort for review.
b. TxDOT will follow the standards in Appendix 5.
c. TxDOT will present the results of its review and propose findings in consultation
   with consulting parties. This consultation may include multiple steps under 36
   CFR 800.3 through 800.6.
d. If TxDOT review determines that no historic properties will be affected and
   TxDOT receives no substantive comments from consulting parties, TxDOT will
   conclude its review and consultation.
e. If TxDOT review determines that historic properties may be affected by the
   undertaking or a consulting party provides substantive comment on the
   undertaking, TxDOT will continue consultation, per Stipulation 5 in this
   Appendix.
f. TxDOT will resume its review and consultation for any design change that alters
   the APE beyond the boundaries previously considered, except for those minor
   design changes permitted under Appendices 3 and 4.

5. **Continuing Consultation**—TxDOT will continue consultation with consulting parties
when a project may affect historic properties or TxDOT receives substantive comments
from a consulting party on a project’s potential effects:

a. TxDOT may identify and invite additional consulting parties with a demonstrable
   interest in the project’s effects on historic properties to participate in consultation.
b. TxDOT will provide all consulting parties with the documentation following the
   reporting and documentation standards of Appendix 5.
   i. TxDOT will invite consulting parties to comment on project alternatives
      insofar as the alternatives under consideration may have different effects
      on historic properties.
   ii. TxDOT will invite consulting parties to propose mitigation measures to
       resolve any potential adverse effects on historic properties.
   iii. TxDOT will make reasonable efforts to accommodate requests for
       additional information during the consultation process.
   c. TxDOT will use its documentation and consulting party comments to propose
      explicit findings about project effects and to propose resolutions to adverse
      effects, if any adverse effects may occur.
   d. If TxDOT receives no substantive comments or no further substantive comments
      from consulting parties, TxDOT will conclude its review and consultation.
   e. TxDOT will respond to substantive comments from consulting parties and
      document the response.
   f. If TxDOT staff cannot resolve disputes about proposed findings or plans for the
      resolution of adverse effects with any consulting party, the issue will be escalated

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PA Among FHWA, TxDOT, Texas SHPO, and ACHP
to the Director of the Environmental Affairs Division.

i. The Division Director will work with representatives of the consulting party and continue consultation to attempt to resolve the dispute.

ii. If the Division Director cannot resolve the dispute, the dispute will be resolved following the dispute resolution procedures in 36 CFR 800.

1) If the SHPO disagrees whether a property is eligible for the National Register of Historic Places for Section 106 purposes or the if the Secretary of the Interior (Secretary) or the ACHP request it, TxDOT shall obtain a determination of eligibility from the Keeper pursuant to 36 CFR 63.

2) If the SHPO disagrees with a finding of no historic properties affected, SHPO may request ACHP comment pursuant to 36 CFR 800.4(d)(1)(ii).

3) If the SHPO or another consulting party disagrees with a finding of no historic properties adversely affected, TxDOT will request ACHP comment pursuant to 36 CFR 800.5(c)(2).

4) If the SHPO disagrees on how adverse effects should be resolved, TxDOT will request ACHP comment pursuant to 36 CFR 800.6(b)(1)(v).

5) For any other dispute circumstances, TxDOT will consider consulting party comments and provide a recommendation for approval by the Division Director.

6. If the SHPO or the ACHP requests an opportunity to comment on a specified undertaking, or if a consulting party requests SHPO participation in review, TxDOT shall follow the consultation procedures of 36 CFR Part 800 and this PA.

7. TxDOT may initiate consultation with the SHPO on an individual basis for undertakings that otherwise do not require SHPO consultation.

8. If disclosure of location information could result in disturbance of a historic property, all parties to this PA shall ensure that shared data, including data concerning the precise location and nature of historic properties and properties of religious and cultural significance, are protected from public disclosure to the greatest extent permitted by law, including conformance to Section 304 of the NHPA, as amended, Section 9 of the Archaeological Resource Protection Act (ARPA) of 1979, and Executive Order on Sacred Sites 13007 FR 61-104 dated May 24, 1996.

9. Non-project Consultation—TxDOT will conduct consultation on certain program or programmatic decisions that TxDOT determines may affect consulting parties.

a. The following items are examples of program or programmatic decisions on which TxDOT will consult:

   a. Programmatic treatment plans for particular property types, and

   b. Programmatic studies for the evaluation of particular property types.

b. The following items are examples of program or programmatic decisions on which TxDOT need not consult:

   a. Decisions related to the issuance and award of contracts;

   b. Development and implementation of procedures, guidance, and training; and

   c. Development and implementation of outreach programs.
APPENDIX 7
CERTAIN HISTORIC BRIDGES IN TxDOT’S HISTORIC BRIDGE MANAGEMENT PLAN

The bridges listed in this Appendix are subject to the alternatives, reviews, and mitigation outlined in Stipulations XII–XIV.

**Group A: On-System Metal Truss Bridges:**

<table>
<thead>
<tr>
<th>NBI</th>
<th>County</th>
<th>Roadway</th>
<th>Crossing</th>
<th>Year Built</th>
<th>Truss Type</th>
<th>Span Configuration</th>
</tr>
</thead>
<tbody>
<tr>
<td>021820025002018</td>
<td>Palo Pinto</td>
<td>US 281</td>
<td>Brazos River</td>
<td>1939</td>
<td>Warren Through Truss</td>
<td>One three-span continuous truss unit</td>
</tr>
<tr>
<td>022130025903046</td>
<td>Somervell</td>
<td>US 67 southbound</td>
<td>Brazos River</td>
<td>1947</td>
<td>Continuous Through Truss</td>
<td>Continuous through truss; one-way pair</td>
</tr>
<tr>
<td>082090010703012</td>
<td>Shackelford</td>
<td>FM 601</td>
<td>Hubbard Creek</td>
<td>1930</td>
<td>Pratt Through Truss</td>
<td>One truss span</td>
</tr>
<tr>
<td>090140001505060</td>
<td>Bell</td>
<td>FM 817</td>
<td>Leon River</td>
<td>1939</td>
<td>Parker Through Truss</td>
<td>One truss span</td>
</tr>
<tr>
<td>130450002701001</td>
<td>Colorado</td>
<td>US 90</td>
<td>Colorado River</td>
<td>1932</td>
<td>Parker Through Truss</td>
<td>Three truss spans</td>
</tr>
<tr>
<td>ID</td>
<td>Location</td>
<td>Reference</td>
<td>River</td>
<td>Year</td>
<td>Span Type</td>
<td>Notes</td>
</tr>
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<td>------</td>
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</tr>
<tr>
<td>130450026608043</td>
<td>Colorado</td>
<td>Business SH 71 F</td>
<td>Colorado River</td>
<td>1949</td>
<td>Parker Through Truss</td>
<td>Three truss spans; one-way pair</td>
</tr>
<tr>
<td>130620014308037</td>
<td>De Witt</td>
<td>US 87</td>
<td>Guadalupe River</td>
<td>1938</td>
<td>Parker Through Truss</td>
<td>One truss span</td>
</tr>
<tr>
<td>130760026514038</td>
<td>Fayette</td>
<td>Business SH 71 E</td>
<td>Colorado River</td>
<td>1941</td>
<td>Parker Through Truss</td>
<td>Five truss spans; one-way pair</td>
</tr>
<tr>
<td>132410008910039</td>
<td>Wharton</td>
<td>Business 59 southbound</td>
<td>Colorado River</td>
<td>1930</td>
<td>Pennsylvania Through Truss; Parker Through Truss; Warren Pony Truss</td>
<td>Two effective truss spans after rehabilitation; one-way pair</td>
</tr>
<tr>
<td>141500029001023</td>
<td>Llano</td>
<td>SH 16</td>
<td>Llano River</td>
<td>1936</td>
<td>Parker Through Truss</td>
<td>Four truss spans</td>
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<tr>
<td>150150002502011</td>
<td>Bexar</td>
<td>IH 10 north frontage road</td>
<td>Cibolo Creek</td>
<td>1933</td>
<td>Parker Through Truss</td>
<td>One truss span; one-way frontage road</td>
</tr>
<tr>
<td>150460025303019</td>
<td>Comal</td>
<td>US 281 southbound main lane</td>
<td>Guadalupe River</td>
<td>1936</td>
<td>Parker Through Truss</td>
<td>Two truss spans; one-way pair</td>
</tr>
<tr>
<td>201240030603015</td>
<td>Jefferson</td>
<td>SH 73/SH 87 westbound</td>
<td>Neches River (Rainbow Bridge)</td>
<td>1939</td>
<td>Cantilever Truss</td>
<td>One-way pair</td>
</tr>
<tr>
<td>Route Number</td>
<td>Name</td>
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<td>Year Built</td>
<td>Type</td>
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</tr>
<tr>
<td>222330002206068</td>
<td>Val Verde</td>
<td>US 90</td>
<td>Pecos River (High Bridge)</td>
<td>1957</td>
<td>Continuous Deck Truss</td>
<td>One truss span</td>
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<tr>
<td>250440023001006</td>
<td>Collingsworth</td>
<td>SH 203</td>
<td>Salt Fork of Red River</td>
<td>1939</td>
<td>Parker Through Truss</td>
<td>Four truss spans, one-way pair</td>
</tr>
<tr>
<td>112280010908023</td>
<td>Trinity</td>
<td>SH 19 southbound bypass</td>
<td>Trinity River</td>
<td>1941</td>
<td>Parker Through Truss</td>
<td>One truss span; one-way pair</td>
</tr>
<tr>
<td>071340014216031</td>
<td>Kimble</td>
<td>LP (Loop) 481</td>
<td>South Llano River (Junction Bridge)</td>
<td>1937</td>
<td>Continuous Through Truss</td>
<td>Three ~ three span continuous truss units; one truss</td>
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<tr>
<td>071340014201035</td>
<td>Kimble</td>
<td>IH 10 N frontage road</td>
<td>Johnson Fork Creek</td>
<td>1938</td>
<td>Parker Through Truss</td>
<td>Two truss spans; one-way frontage road</td>
</tr>
<tr>
<td>231410027205023</td>
<td>Lampasas</td>
<td>US 190</td>
<td>Colorado River</td>
<td>1940</td>
<td>Continuous Through Truss</td>
<td>One continuous truss unit</td>
</tr>
<tr>
<td>142270070003004</td>
<td>Travis</td>
<td>SH 71 westbound</td>
<td>Pedernales River</td>
<td>1949</td>
<td>Continuous Deck Truss</td>
<td>Four truss spans; one-way pair</td>
</tr>
<tr>
<td>231670028903040</td>
<td>Mills</td>
<td>SH 16</td>
<td>Colorado River</td>
<td>1939</td>
<td>Parker Through Truss</td>
<td>Two truss spans</td>
</tr>
<tr>
<td>141570007104018</td>
<td>Mason</td>
<td>US 87 southbound</td>
<td>Llano River</td>
<td>1931</td>
<td>Warren Through Truss</td>
<td>Two truss spans</td>
</tr>
<tr>
<td>NBI</td>
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<td>Roadway</td>
<td>Crossing</td>
<td>Year Built</td>
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<td>Span Configuration</td>
</tr>
<tr>
<td>--------------</td>
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</tr>
<tr>
<td>201240236701001</td>
<td>Jefferson</td>
<td>SH 82</td>
<td>Intracoastal Canal (MLK, formerly Gulfgate Bridge)</td>
<td>1970</td>
<td>Continuous Through Truss</td>
<td>One truss span</td>
</tr>
</tbody>
</table>

**Group B: On-System Metal Truss Bridges:**

<table>
<thead>
<tr>
<th>NBI</th>
<th>County</th>
<th>Roadway</th>
<th>Crossing</th>
<th>Year Built</th>
<th>Truss Type</th>
<th>Span Configuration</th>
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<tbody>
<tr>
<td>032430221502002</td>
<td>Wichita</td>
<td>FM 2326 scenic bypass</td>
<td>Beaver Creek</td>
<td>1925</td>
<td>Warren Pony Truss</td>
<td>Three truss spans; bypassed bridge</td>
</tr>
<tr>
<td>091100051902005</td>
<td>Hill</td>
<td>SH 174*</td>
<td>Brazos River</td>
<td>1950</td>
<td>Continuous Deck Truss</td>
<td>One ~ three span continuous truss unit</td>
</tr>
<tr>
<td>021840031401006</td>
<td>Parker</td>
<td>IH 20 north frontage road</td>
<td>Brazos River</td>
<td>1934</td>
<td>Parker Through Truss</td>
<td>Three truss spans</td>
</tr>
<tr>
<td>150070007313014</td>
<td>Atascosa</td>
<td>US 281A</td>
<td>Atascosa River</td>
<td>1925</td>
<td>Warren Pony Truss</td>
<td>One truss span</td>
</tr>
<tr>
<td>152320002305038</td>
<td>Uvalde</td>
<td>US 90 eastbound main lanes</td>
<td>Nueces River</td>
<td>1933</td>
<td>Parker Through Truss</td>
<td>Four truss spans; one-way pair</td>
</tr>
<tr>
<td>070530014008051</td>
<td>Crockett</td>
<td>SH 290</td>
<td>Pecos River</td>
<td>1933</td>
<td>Parker Through Truss</td>
<td>One truss span</td>
</tr>
</tbody>
</table>
201220021308074 | Jasper | US 190 | Neches River (Steinhagen) | 1943 | Parker Through Truss | Two truss spans
201760021404005 | Newton | SH 63* | Sabine River (Burr's Ferry) | 1937 | Parker Through Truss | Three truss spans

*Note: these bridges are currently undergoing individual Section 106 consultation and alternatives analysis to determine their ultimate disposition. Alternatives analysis may result in adding these bridges to Group A, based on engineering and consultation for these bridges.

**Group I: Historic Bridges Constructed between 1945 and 1965**

<table>
<thead>
<tr>
<th>Bridge Number</th>
<th>Name</th>
<th>Location</th>
<th>Bridge Type</th>
<th>Year Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>150150B21985011</td>
<td>W Martin St over Alazan Creek</td>
<td>Bexar County</td>
<td>Continuous prestressed concrete slab-full depth</td>
<td>1964</td>
</tr>
<tr>
<td>090180042201025</td>
<td>FM 927 over Bosque River</td>
<td>Bosque County</td>
<td>Prestressed concrete girder-multiple/cantilevered</td>
<td>1962</td>
</tr>
<tr>
<td>170210223601001</td>
<td>FM 2038 over Bowman Creek</td>
<td>Brazos County</td>
<td>Prestressed concrete girder</td>
<td>1957</td>
</tr>
<tr>
<td>State Route</td>
<td>Location</td>
<td>County</td>
<td>Type</td>
<td>Year</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------------------------</td>
<td>--------------</td>
<td>-------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>SH 35</td>
<td>over Lavaca Bay</td>
<td>Calhoun County</td>
<td>Continuous plate girder</td>
<td>1961</td>
</tr>
<tr>
<td>FM 106</td>
<td>Lift over Arroyo Colorado</td>
<td>Cameron County</td>
<td>Vertical lift</td>
<td>1953</td>
</tr>
<tr>
<td>Joe Wilson Rd</td>
<td>over Bentle Branch</td>
<td>Dallas County</td>
<td>Box girder-multiple</td>
<td>1950</td>
</tr>
<tr>
<td>Seawolf Pkwy</td>
<td>over Pelican Island</td>
<td>Galveston County</td>
<td>Bascule</td>
<td>1960</td>
</tr>
<tr>
<td>Craft Rd</td>
<td>over Draw</td>
<td>Grayson County</td>
<td>Half-through Camelback truss</td>
<td>1950</td>
</tr>
<tr>
<td>Number</td>
<td>Location</td>
<td>County</td>
<td>Type</td>
<td>Year</td>
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<tr>
<td>090980018303051</td>
<td>SH 36 over Pecan Creek</td>
<td>Hamilton County</td>
<td>Continuous I-beam</td>
<td>1948</td>
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<tr>
<td>121020B44185016</td>
<td>Ped Crossing over Memorial Dr</td>
<td>Harris County</td>
<td>Prestressed concrete box girder - single, spread</td>
<td>1955</td>
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<tr>
<td>121020002710063</td>
<td>US 90A southbound over Buffalo Bayou &amp; St</td>
<td>Harris County</td>
<td>Continuous plate girder</td>
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<tr>
<td>121020002710062</td>
<td>US 90A northbound over Buffalo Bayou &amp; St</td>
<td>Harris County</td>
<td>Continuous plate girder</td>
<td>1956</td>
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<tr>
<td>121020B44185009</td>
<td>Waugh Dr over Memorial Dr</td>
<td>Harris County</td>
<td>Post-tensioned concrete slab</td>
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<tr>
<td>211090G000900001</td>
<td>SB US 281 over Rio Grande</td>
<td>Hidalgo County</td>
<td>Other prestressed concrete</td>
<td>1965</td>
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<td>221590B00290001</td>
<td>Garrison St over Rio Grande</td>
<td>Maverick</td>
<td>Continuous I-beam</td>
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<tr>
<td>231600007101065</td>
<td>US 87 northbound over Brady Creek</td>
<td>McCulloch County</td>
<td>Variable depth continuous concrete slab</td>
<td>1960</td>
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<td>Reference</td>
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<td>Year</td>
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<td>231600007101072</td>
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<td>McCulloch County</td>
<td>Variable depth continuous concrete slab</td>
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<tr>
<td>201810AA2690006</td>
<td>E Round over Cow Bayou</td>
<td>Orange County</td>
<td>Horizontal swing</td>
<td>1960</td>
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<tr>
<td>241890AA0107001</td>
<td>Pinto Canyon Rd over Arroyo Escondido</td>
<td>Presidio County</td>
<td>Steel multi-plate arch bridge</td>
<td>1960</td>
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<tr>
<td>142270B01381001</td>
<td>Speedway over West Waller Creek</td>
<td>Travis County</td>
<td>Reinforced concrete closed-spandrel arch</td>
<td>1946</td>
</tr>
<tr>
<td>142270B00099013</td>
<td>E 38th St over Waller Creek</td>
<td>Travis County</td>
<td>Variable depth concrete tee beam</td>
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<td>Bridge Number</td>
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<td>Bridge Type</td>
<td>Year Built</td>
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<td>2223002209070</td>
<td>US 90 over Devils River/Amistad Reservoir</td>
<td>Val Verde County</td>
<td>Plate girder-cantilever with suspended span, multiple</td>
<td>1965</td>
</tr>
<tr>
<td>222400B00250001</td>
<td>Convent Ave over Rio Grande</td>
<td>Webb County</td>
<td>Prestressed concrete girder-multiple/cantilever</td>
<td>1956</td>
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### Group II: Historic Bridges Constructed between 1945 and 1965

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<tr>
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<th>Year Built</th>
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<tr>
<td>16013073805012</td>
<td>FM 2441 over Medio Creek</td>
<td>Bee County</td>
<td>I-beam cantilevered with suspended span</td>
<td>1946</td>
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<tr>
<td>150150B07510004</td>
<td>W Commerce St over railroads, Medina, Comal, Etc.</td>
<td>Bexar County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1959</td>
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<tr>
<td>120200AA0862004</td>
<td>CR 210 over Austin Bayou</td>
<td>Brazoria County</td>
<td>Tee beam</td>
<td>1959</td>
</tr>
<tr>
<td>1805709H7350001</td>
<td>Santa Fe Ave over Ervay St</td>
<td>Dallas County</td>
<td>Variable depth rigid frame concrete slab</td>
<td>1950</td>
</tr>
<tr>
<td>010920C02620001</td>
<td>W Pecan St over Post Oak Creek</td>
<td>Grayson County</td>
<td>Continuous I-beam</td>
<td>1949</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>County</td>
<td>Type</td>
<td>Year</td>
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<tr>
<td>090980012001012</td>
<td>SH 22 over Leon River</td>
<td>Hamilton County</td>
<td>Steel I-beam</td>
<td>1948</td>
</tr>
<tr>
<td>141060028503003</td>
<td>RM 12 over Blanco River</td>
<td>Hays County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1959</td>
</tr>
<tr>
<td>181300009504108</td>
<td>CR 217 over US 80 main lane</td>
<td>Kaufman County</td>
<td>Rigid frame</td>
<td>1958</td>
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<tr>
<td>181300009504109</td>
<td>FR Crossover over US 80 main lane</td>
<td>Kaufman County</td>
<td>Rigid frame</td>
<td>1958</td>
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<tr>
<td>231410103201016</td>
<td>FM 580 over Lampasas River</td>
<td>Lampasas County</td>
<td>I-beam cantilevered with suspended span</td>
<td>1965</td>
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<tr>
<td>131430044601007</td>
<td>US 90A over Navidad River</td>
<td>Lavaca County</td>
<td>Steel I-beam</td>
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<tr>
<td>191550056903017</td>
<td>SH 43 over Big Cypress Bayou</td>
<td>Marion County</td>
<td>Plate girder</td>
<td>1965</td>
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<tr>
<td>091610004901141</td>
<td>Spur 484 southbound over US 77 BUS northbound</td>
<td>McLennan County</td>
<td>Continuous plate girder</td>
<td>1958</td>
</tr>
<tr>
<td>091610004901124</td>
<td>US 77 BUS northbound over SP 484 southbound CONN</td>
<td>McLennan County</td>
<td>Continuous I-beam</td>
<td>1958</td>
</tr>
<tr>
<td>091610005515001</td>
<td>US 77 (BUS) southbound over US 84 frontage road</td>
<td>McLennan County</td>
<td>Continuous I-beam</td>
<td>1955</td>
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<tr>
<td>091610005515380</td>
<td>US 84 over US 77 BUS</td>
<td>McLennan County</td>
<td>Continuous I-beam</td>
<td>1955</td>
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<tr>
<td>Bridge Number</td>
<td>Name</td>
<td>Location</td>
<td>Bridge Type</td>
<td>Year Built</td>
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<tr>
<td>091610005515006</td>
<td>US 77 (BUS) northbound over US 84 frontage road</td>
<td>McLennan County</td>
<td>Continuous I-beam</td>
<td>1955</td>
</tr>
<tr>
<td>021820000710057</td>
<td>US 180 over Brazos River</td>
<td>Palo Pinto County</td>
<td>Multiple plate girder</td>
<td>1948</td>
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<tr>
<td>232150103101022</td>
<td>FM 578 over Hubbard Creek</td>
<td>Stephens County</td>
<td>Continuous I-beam</td>
<td>1949</td>
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**Group III: Historic Bridges Constructed between 1945 and 1965**

<table>
<thead>
<tr>
<th>Bridge Number</th>
<th>Name</th>
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<th>Bridge Type</th>
<th>Year Built</th>
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<tbody>
<tr>
<td>150150B24750003</td>
<td>Nogalitos St main lane over San Pedro Creek</td>
<td>Bexar County</td>
<td>Prestressed concrete girder multiple/I-beam</td>
<td>1959</td>
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<tr>
<td>090180051903001</td>
<td>SH 174 over Steele Creek</td>
<td>Bosque County</td>
<td>I-beam cantilevered with suspended span</td>
<td>1948</td>
</tr>
<tr>
<td>070410040701057</td>
<td>SH 70 northbound over US 277 southbound</td>
<td>Coke County</td>
<td>Prestressed concrete girder-multiple/I- beam</td>
<td>1959</td>
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<tr>
<td>180570K01415002</td>
<td>Cedar Hill Rd over Ten Mile Creek</td>
<td>Dallas County</td>
<td>Box girder-multiple</td>
<td>1950</td>
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<tr>
<td>180570915100009</td>
<td>Inwood Rd over Freeman Branch</td>
<td>Dallas County</td>
<td>Variable depth rigid frame concrete slab</td>
<td>1953</td>
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<tr>
<td>ID</td>
<td>Location</td>
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<td>Type</td>
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<td>180570058101038</td>
<td>Loop 12 over Lawther Drive</td>
<td>Dallas County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1959</td>
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<tr>
<td>180570009201048</td>
<td>S.H. 310 over T&amp;NO Railroad</td>
<td>Dallas County</td>
<td>Continuous I-beam</td>
<td>1953</td>
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<tr>
<td>130620234601001</td>
<td>FM 884 over Smith Creek</td>
<td>DeWitt County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1958</td>
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<tr>
<td>160890288501001</td>
<td>FM 2441 over Sarco Creek</td>
<td>Goliad County</td>
<td>Prestressed concrete box girder-multiple</td>
<td>1955</td>
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<tr>
<td>250970031102006</td>
<td>SH 70 over Mulberry Creek</td>
<td>Hall County</td>
<td>Continuous I-beam</td>
<td>1949</td>
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<tr>
<td>090980025101054</td>
<td>US 281 over Leon River</td>
<td>Hamilton County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
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<td>Type</td>
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<tr>
<td>090980012001011</td>
<td>SH 22 over Pecan Creek</td>
<td>Hamilton</td>
<td>I-beam cantilevered with suspended span</td>
<td>1948</td>
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<tr>
<td>121020B53960647</td>
<td>Reseda Rd over HCFCD Ditch</td>
<td>Harris</td>
<td>Box girder-multiple</td>
<td>1965</td>
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<tr>
<td>121020B57009003</td>
<td>San Felipe Rd over Bering Ditch</td>
<td>Harris</td>
<td>Prestressed concrete box girder-multiple</td>
<td>1962</td>
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<tr>
<td>091100001405083</td>
<td>US 81 over Island Creek</td>
<td>Hill</td>
<td>Continuous I-beam</td>
<td>1948</td>
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<tr>
<td>021200039107056</td>
<td>FM 4 over Keetchi Creek</td>
<td>Jack</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1958</td>
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<tr>
<td>021270159904015</td>
<td>FM 916 over Nolan River</td>
<td>Johnson</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1959</td>
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<tr>
<td>171450064301027</td>
<td>FM 39 over BNSF Railroad</td>
<td>Leon</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1958</td>
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<tr>
<td>071640039605025</td>
<td>US 190 over Dry Creek</td>
<td>Menard</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1958</td>
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<tr>
<td>081770026401043</td>
<td>E First St over BUS 70</td>
<td>Nolan</td>
<td>I-beam</td>
<td>1954</td>
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<tr>
<td>161780226302004</td>
<td>SH 361 over Gulf Intra-Coastal W-Way</td>
<td>Nueces</td>
<td>Continuous plate girder</td>
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<td>TXDOT Number</td>
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<td>Year</td>
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<td>FM 4 over Keechi Creek</td>
<td>Palo Pinto County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1958</td>
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<tr>
<td>161960044704029</td>
<td>SH 202 over Blanco Creek</td>
<td>Refugio County</td>
<td>I-beam cantilevered with suspended span</td>
<td>1947</td>
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<tr>
<td>171980020409061</td>
<td>US 79 / US 190 over Brazos River</td>
<td>Robertson County</td>
<td>Continuous plate girder</td>
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<tr>
<td>171980026203045</td>
<td>FM 485 over Brazos River</td>
<td>Robertson County</td>
<td>Continuous plate girder</td>
<td>1957</td>
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<tr>
<td>102120042401030</td>
<td>Saunders Ave over SH 31</td>
<td>Smith County</td>
<td>Rigid frame</td>
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<tr>
<td>102120042401031</td>
<td>Fleishel Ave over SH 31</td>
<td>Smith County</td>
<td>Rigid frame</td>
<td>1960</td>
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<tr>
<td>022130077801001</td>
<td>FM 199 over Georges Creek</td>
<td>Somervell County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1958</td>
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<td>022200009405030</td>
<td>SH183 westbound lanes over Carswell Access Rd</td>
<td>Tarrant County</td>
<td>Variable depth concrete flat slab</td>
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<tr>
<td>022200009405029</td>
<td>SH183 eastbound lanes over Carswell Access Rd</td>
<td>Tarrant County</td>
<td>Variable depth concrete flat slab</td>
<td>1954</td>
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<tr>
<td>022200106803020</td>
<td>White Settlement Rd over Spur 341</td>
<td>Tarrant County</td>
<td>Rigid frame</td>
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<tr>
<td>142270015106031</td>
<td>Loop 111 over MKT Railroad</td>
<td>Travis County</td>
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<td>E Seventh St. eastbound over Tillery St and Austin Northwest Railroad</td>
<td>Travis County</td>
<td>Steel I-beam</td>
<td>1948</td>
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<tr>
<td>142270B00022003</td>
<td>E Seventh Street westbound over Tillery St and Austin Northwest Railroad</td>
<td>Travis County</td>
<td>Steel I-beam</td>
<td>1948</td>
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<tr>
<td>172390018606043</td>
<td>Old Mill Creek Rd over US 290</td>
<td>Washington County</td>
<td>Prestressed concrete girder-multiple/I-beam</td>
<td>1958</td>
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<tr>
<td>032520AA0237001</td>
<td>CR 237/ Hot Wells over Clear Fork of Brazos River</td>
<td>Young County</td>
<td>T beam</td>
<td>1954</td>
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