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3 **PROGRAMMATIC AGREEMENT AMONG**
4 **THE FEDERAL HIGHWAY ADMINISTRATION,**
5 **THE FEDERAL TRANSIT ADMINISTRATION,**
6 **THE FEDERAL RAILROAD ADMINISTRATION,**
7 **THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,**
8 **THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,**
9 **AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**
10 **REGARDING TRANSPORTATION PROGRAMS IN CONNECTICUT**

11 **WHEREAS**, the Federal Highway Administration (FHWA), under the authority of 23 U.S.C. § 101 et seq.,
12 implements the Federal-Aid Highway Program in the state of Connecticut by funding and approving some
13 state and locally sponsored transportation projects that are administered by the Connecticut Department of
14 Transportation (CTDOT); and

15 **WHEREAS**, the Federal Railroad Administration (FRA) issues a variety of grants; and pursuant to 49 CFR
16 § 1.81(a)(6), FRA carries out the responsibilities under Section 106 of the National Historic Preservation
17 Act of 1966 (Section 106) for rail projects for which credit assistance is provided by the U.S. Department
18 of Transportation's Build America Bureau, which administers the U.S. Department of Transportation's
19 credit and loan Programs; and

20 **WHEREAS**, CTDOT administers transportation projects throughout the State of Connecticut (State) as
21 authorized by Title 23 U.S.C § 302 and 49 U.S.C. § 52 and may receive financial assistance from the
22 FHWA, the FRA, and/or the FTA (herein collectively referred to as the "Federal Transportation Agencies"
23 or separately each as "Lead Federal Agency"); and

24 **WHEREAS**, the Federal Transit Administration (FTA), under the authority of 49 U.S.C. Chapter 53,
25 administers the Federal Transit Program in the state of Connecticut by approving the provision of Federal
26 funds for state and locally sponsored public transportation projects; and

27 **WHEREAS**, CTDOT has participated in the consultation and has been invited by the Federal
28 Transportation Agencies to be a Signatory to this programmatic agreement (Agreement); and

29 **WHEREAS**, "Programs" is used in this Agreement to refer to the Federal-Aid Highway Program, FRA
30 grants, Build America credit and loan program, and the Federal Transit Program collectively; and

31 **WHEREAS**, the Federal Transportation Agencies have determined that transportation projects funded
32 through the Programs are "Undertakings," as defined in 36 CFR § 800.16(y) pursuant to Section 106 (54
33 U.S.C. § 306108), as amended, and codified in its implementing regulations, 36 CFR Part 800, as amended
34 (August 5, 2004) and including any succeeding revisions to the regulations; and may have an effect on
35 Historic Properties; and

36 **WHEREAS**, the Connecticut FHWA Division Administrator, the FRA Administrator, and the FTA Region
37 1 Regional Administrator are the Agency Officials, as defined in 36 CFR § 800.2(a) responsible for ensuring
38 that the CTDOT projects receiving approvals or funding from their respective federal agencies in the state
39 of Connecticut comply with Section 106; and

40 **WHEREAS**, the responsibilities of the Connecticut State Historic Preservation Officer (CTSHPO) under
41 Section 106 and 36 CFR § 800 are to advise, assist, review, and consult with the Federal Transportation
42 Agencies as they carry out their historic preservation responsibilities, and respond to Federal Transportation
43 Agencies' requests within the timeframes detailed in 36 CFR Part 800 unless otherwise specified in this
44 Agreement; and

45 **WHEREAS**, the Federal Transportation Agencies have determined that certain types of Undertakings,
46 would have or may have potential to affect properties included in, or eligible for inclusion in, the National
47 Register of Historic Places (NRHP), hereafter referred to as “Historic Properties”, as defined in 36 CFR §
48 800.16(l), and have consulted on this Agreement with CTSHPO and ACHP pursuant to 36 CFR §
49 800.14(b)(ii) of the regulations implementing Section 106; and

50 **WHEREAS**, the Federal Transportation Agencies recognize that they have a unique legal relationship with
51 federally recognized Indian tribes as defined in 36 CFR § 800.16(m), (Tribes) set forth in the Constitution
52 of the United States, treaties, statutes, and court decisions, and therefore, consultation with an Indian tribe
53 must recognize the government-to-government relationship between the federal government and Tribes;
54 and

55 **WHEREAS**, the Federal Transportation Agencies acknowledge that Tribes possess special expertise in
56 assessing the NRHP eligibility of properties with tribal religious and cultural significance pursuant to 36
57 CFR § 800.4(c)(1); and

58 **WHEREAS**, the FHWA has consulted with Tribes with ancestral lands in Connecticut about this
59 Agreement on behalf of the Federal Transportation Agencies, requested the Tribes’ comments, consulted
60 with FTA and FRA concerning the consultation with and comments received from the Tribes, and taken
61 into account comments received from the Tribes. The Tribes consulted include the Mohegan Tribe,
62 Mashantucket Pequot Tribal Nation, Narragansett Indian Tribe, Delaware Tribe of Indians, Delaware
63 Nation, and Stockbridge Munsee Community; and

64 **WHEREAS**, the FHWA has invited Tribes to sign this Agreement as Concurring Parties and the
65 Stockbridge Munsee Community has accepted the invitation; and

66 **WHEREAS**, any Undertaking involving tribal lands as defined in 36 CFR § 800.16(x), or any Undertaking
67 that may affect a property identified by a Tribe as possessing traditional religious and cultural significance,
68 shall not be governed by this Agreement, but shall be reviewed in accordance with 36 CFR § 800; and

69 **WHEREAS**, a Memorandum of Understanding between FHWA and CTDOT sets forth the parties’
70 *Procedures for Consulting with Federally-Recognized Indian Tribes for Federal-Aid Undertakings in*
71 *Connecticut* and will be updated and attached to this Agreement when executed; and

72 **WHEREAS**, CTDOT employs cultural resources specialists and consultants who meet the Secretary of
73 Interior’s Professional Qualification Standards (Federal Register 48:44738-44739) in the fields of
74 archaeology and architectural history to carry out its cultural resource Programs and responsibilities and
75 are capable of completing the steps of the Section 106 review process on behalf of the Federal
76 Transportation Agencies; and

77 **WHEREAS**, pursuant to the consultation conducted under 36 CFR § 800.14(b)(2), the Federal
78 Transportation Agencies, CTSHPO, CTDOT and ACHP (hereafter Signatory or Signatories) have
79 developed this Agreement in order to establish an efficient and effective program alternative for taking into
80 account the effects of the Programs on Historic Properties in Connecticut and for affording ACHP a
81 reasonable opportunity to comment on Undertakings covered by this Agreement; and

82 **WHEREAS**, the Federal Transportation Agencies have notified regional planning organizations,
83 consulting parties, and the public about this Agreement, have requested their comments, and have taken
84 any comments received into account; and

85 **WHEREAS**, this Agreement supersedes the following previous Programmatic Agreement among FHWA,
86 CTSHPO, CTDOT, and ACHP: *Programmatic Agreement Among the Federal Highway Administration,*
87 *the Connecticut Department of Transportation, the Connecticut State Historic Preservation Officer, and*
88 *the Advisory Council on Historic Preservation Regarding Implementation of Minor Transportation*

Projects, corresponding amendments, executed May 4, 2018, amended twice to extend on May 1, 2023, and April 18, 2024 respectively; and

WHEREAS, all capitalized terms and definitions set forth herein are defined as set forth in the body of this Agreement and/or within **Attachment 1** to this Agreement; and

NOW, THEREFORE, the Federal Transportation Agencies, CTSHPO, CTDOT, and ACHP agree that the Programs in Connecticut shall be carried out in accordance with the following stipulations (**Stipulations**) in order to take into account the effects of the Programs on Historic Properties in Connecticut and that these **Stipulations** shall govern compliance of the Programs with Section 106 until this Agreement expires or is terminated, whichever occurs first.

The **Stipulations** are organized in the following order:

- I. Applicability and Scope
- II. Undertakings Where Multiple Federal Agencies Have Review or Approval Responsibilities
- III. Responsibilities
- IV. Consultation with Tribes
- V. Professional Qualifications and Staffing
- VI. Undertakings Excluded from Further Review
- VII. Project Review
- VIII. Changes in Project Scope
- IX. Participation of Other Consulting Parties and the Public
- X. Emergencies
- XI. Discoveries
- XII. Treatment of Human Remains
- XIII. Curation of Archaeological Collections
- XIV. Annual Review, Auditing, Reporting, and Monitoring
- XV. Amendment
- XVI. Termination
- XVII. Dispute Resolution
- XVIII. Confidentiality
- XIX. Duration
- XX. Execution of the Agreement

STIPULATIONS

The Federal Transportation Agencies, with the assistance of CTDOT, shall ensure that the following measures are carried out:

I. APPLICABILITY AND SCOPE

123 A. The purposes of this Agreement are:

- 124 1. for the Federal Transportation agencies to delegate certain responsibilities to CTDOT, as
125 identified in **Stipulation III** for the Programs covered by this Agreement in Connecticut
126 for Undertakings for which CTDOT is the applicant and/or project sponsor, and
- 127 2. to establish an effective and efficient program alternative to Section 106 for those
128 Programs.

129 B. This Agreement sets forth the process by which the Federal Transportation Agencies, with the
130 assistance of CTDOT, will meet their responsibilities pursuant to Section 106 for Undertakings.
131 The Agreement defines the roles and responsibilities of each Signatory.

132 C. The objective of this Agreement is to make more efficient the methods by which the Federal
133 Transportation Agencies and CTDOT review individual Undertakings with the potential to affect
134 Historic Properties and to establish the process by which FHWA, FRA, FTA, CTDOT, CTSHPO,
135 and ACHP will be involved in such reviews.

136 D. Through this Agreement, the Federal Transportation Agencies authorize CTDOT to initiate,
137 and conclude, unless otherwise required by the Lead Federal Agency, consultation with CTSHPO
138 and other consulting parties for purposes of compliance with Section 106.

139 E. Through this Agreement, the Federal Transportation Agencies, CTSHPO, and CTDOT
140 establish categories of Undertakings in **Appendices A and B**, that have minimal potential to cause
141 effects to Historic Properties and do not require review and consultation with CTSHPO but that
142 may still require Tribal consultation.

143 F. For Undertakings that are not Excluded from further Section 106 review under **Appendix A**
144 **and B** or **Stipulation VI**, the Federal Transportation Agencies, CTSHPO and CTDOT establish
145 the procedures detailed in **Stipulation VII** for complying with Section 106.

146 G. At any point in the Section 106 process, the Federal Transportation Agencies may inquire with
147 CTDOT as to the status of any Undertaking and may participate directly in consultation for any
148 Undertaking at their discretion. CTDOT will process Undertakings pursuant to 36 CFR Part 800.3
149 through 800.7 if CTSHPO, ACHP, Tribes, or the Federal Transportation Agencies so requests.

150 **II. UNDERTAKINGS WHERE MULTIPLE FEDERAL AGENCIES HAVE REVIEW**

151 **OR APPROVAL RESPONSIBILITIES**

152 A. Once funding or financial assistance is identified for Undertakings with involvement of more
153 than one of the Federal Transportation Agencies, FHWA, FRA, or FTA, as appropriate, will
154 designate themselves as the Lead Federal Agency and other involved modes will acknowledge the
155 designation in accordance with 36 CFR § 800.2(a)(2). The designated Lead Federal Agency will
156 determine the Agency Official (as defined in **Attachment 1**) responsible for fulfilling the Federal
157 Transportation Agencies' collective responsibilities under Section 106.

- 158 1. The Lead Federal Agency may elect to use another Federal Transportation Agency's
159 previous findings and determinations, where applicable, to satisfy its Section 106
160 requirements.
- 161 2. The Lead Federal Agency electing to use existing Section 106 reviews will verify that the
162 scope of work remains unchanged from the previous Federal Transportation Agency's
163 findings and determinations and that no more than five (5) years have passed since the
164 conclusion of the previous Section 106 consultation.

- 165 3. The Lead Federal Agency is responsible for evaluating any portions of the Undertaking
166 not addressed during the previous Section 106 consultation.
- 167 B. Federal agencies who designate FHWA, FRA, or FTA as a Lead Federal Agency for an
168 Undertaking may fulfill their obligations under Section 106 according to 36 CFR §800.2 (a)(2)
169 utilizing this Agreement, provided that the Lead Federal Agency and CTDOT follow the
170 requirements of this Agreement and the agency's involvement in the Undertaking does not
171 have the potential to cause effects to Historic Properties beyond those considered by the Federal
172 Transportation Agencies and CTDOT.
- 173 C. In the event that another federal agency that is not a party to or subject to this Agreement receives
174 an application for funding/license/permit for an Undertaking subject to this Agreement, that
175 agency may fulfill its Section 106 responsibilities by stating in writing to the Federal
176 Transportation Agencies, CTDOT, CTSHPO, and ACHP that it would like to join the
177 Agreement through amendment in accordance with **Stipulation XV**.

178 III. RESPONSIBILITIES

179 A. Lead Federal Agency Responsibilities

- 180 1. Consistent with the requirements of 36 CFR § 800.2(a), the Lead Federal Agency remains
181 legally responsible for ensuring that the terms of this Agreement are carried out and for all
182 findings and determinations made pursuant to this Agreement by CTDOT under the
183 authority of the Lead Federal Agency notwithstanding any other provision of this
184 Agreement, and for ensuring compliance with all other applicable federal laws and statutes.
- 185 2. The Lead Federal Agency retains the responsibility for government-to-government
186 consultation with the Tribes as defined in 36 CFR § 800.16(f) and (m). The Lead Federal
187 Agency may ask CTDOT to assist in consultation if a Tribe agrees to alternative
188 procedures.
- 189 3. The Lead Federal Agency will notify ACHP of any findings of adverse effect and invite
190 ACHP to participate in resolving the adverse effect of an Undertaking in accordance with
191 36 CFR § 800.6(a)(1).
- 192 4. The Lead Federal Agency shall be responsible for resolving disputes and objections
193 pursuant to **Stipulation XVII** of this Agreement.
- 194 5. The Federal Transit Administration retains the authority for application of *Program*
195 *Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way*
196 (Federal Register 84(125): 31075). FHWA and FRA delegate this responsibility to
197 CTDOT Qualified Staff.

198 B. CTDOT Responsibilities

- 199 1. As a condition of the award of any assistance from the Federal Transportation Agencies,
200 CTDOT, using Qualified Staff, will independently perform the work and consultation
201 described in 36 CFR § 800.3–800.5 on behalf of the Federal Transportation Agencies for
202 the federally funded and/or authorized Programs in Connecticut for which CTDOT is the
203 applicant and/or project sponsor. CTDOT is not authorized to further delegate these
204 responsibilities. These responsibilities include carrying out the following requirements:
- 205 a. Determine whether the Undertaking is a type of activity that has the potential to
206 affect Historic Properties pursuant to 36 CFR § 800.3(a)(1).
- 207 b. Determine, in consultation with CTSHPO, if an Undertaking is eligible to utilize
208 any existing 36 CFR 800.14 program alternatives approved or promulgated by

ACHP, either individually or programmatically. These determinations will be included in the annual report. The Lead Federal Agencies will be included in the consultation if either party requests their participation. Attachment 3 includes information on accessing available Program Alternatives. Documentation of SHPO consultation, and LFA participation, if applicable, shall be included in the CTDOT project file. Where FTA is the LFA, FTA shall make this determination regarding any application of the *Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way* (Federal Register 84(125): 31075).

- c. Solicit public comment and involvement on Undertakings pursuant to 36 CFR § 800.3(c).
- d. Identify and invite additional consulting parties to participate in the Undertaking pursuant to 36 CFR § 800.3(f).
- e. Prepare and deliver appropriate documentation for the Federal Transportation Agency's consultation with Tribes pursuant to 36 CFR § 800.4(a).
- f. Determine and document the scope of identification efforts and level of effort including defining the Undertaking's area of potential effects (APE) pursuant to 36 CFR § 800.4(a) and (b). Assess the need for additional investigation to identify and evaluate the NRHP eligibility of properties in an Undertaking's APE.
- g. Perform archaeological or historic architectural field reconnaissance and/or intensive surveys, as warranted, in conformance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation: Identification* (1983, as revised in the 48FR44716) and CTSHPO's *An Environmental Review Primer for Connecticut's Archaeological Resources* (as amended).
 - a. If Qualified Staff or CTDOT's Qualified Consultants perform an archeological survey, Qualified Staff or Qualified Consultants shall complete an archeological survey report and prepare CTSHPO archeological resource inventory forms, for all identified archeological sites or districts. The inventory forms will be prepared in accordance with industry standards and will meet the expectations of CTSHPO.
 - b. If CTDOT Qualified Staff or CTDOT's Qualified Consultants conduct a historic architectural survey, Qualified Staff or Qualified Consultants will prepare a technical report and CTSHPO inventory forms for any Historic Property in the Undertaking's APE that will be affected by the Undertaking and that is recommended as eligible for listing in the NRHP. The inventory forms will be prepared in accordance with industry standards and will meet the expectations of CTSHPO.
- h. In consultation with CTSHPO, identify and evaluate properties within the APE included in or eligible for listing in the NRHP pursuant to 36 CFR § 800.4. Qualified Staff will apply the NRHP criteria in 36 CFR § 60.4 to properties identified within the APE that CTDOT can ascertain, through research of relevant resources, have not been previously evaluated to determine if such properties are NRHP eligible in accordance with 36 CFR § 800.4(c)(1), and to the extent CTDOT concurs with the finding(s) of such previous evaluations. CTDOT will document this work and share their determination of eligibility with CTSHPO.
- i. In consultation with the Lead Federal Agency and CTSHPO, determine whether any Historic Properties may be affected by the Undertaking by applying the criteria of adverse effect pursuant to 36 CFR § 800.5(a)(1).

- j. In consultation with the Lead Federal Agency, CTSHPO, ACHP (if it has chosen to participate), and any other consulting parties, resolve any adverse effects through the development, circulation, and execution of a Memorandum of Agreement (MOA) or Undertaking-specific Programmatic Agreement (PA), pursuant to 36 CFR § 800.6, as appropriate. CTDOT will provide documentation specified in 36 CFR § 800.11(e) to support the Lead Federal Agency's notice to ACHP in the event of an adverse effect finding.
2. Copy the Lead Federal Agency on all correspondence sent out on its behalf.
 3. Document any conditions which must be imposed on any Undertaking to reach a determination of effect under this Agreement and ensure the conditions are met throughout the life of the Undertaking.
 4. Conduct or supervise work required to fulfill any mitigation commitments, including avoidance and minimization measures required as conditions of a finding of effect related to the Undertaking.
 5. Review Undertaking-related contract documents to ensure inclusion of appropriate provisions intended to ensure the implementation of Section 106 commitments prior to, during, and after Undertaking construction.
 6. Organize an annual meeting and invite the Federal Transportation Agencies, Tribes, ACHP, and CTSHPO to assess the activities conducted under this Agreement and the status of the Agreement.
 7. Share information with CTSHPO and the Federal Transportation Agencies as they develop or generate data and processes related to the identification, evaluation, management, and treatment of Connecticut's cultural resources, including technological innovations and Geographic Information Systems (GIS) data.
 8. Identify and invite appropriate consulting parties to participate in the Section 106 consultation process in accordance with 36 CFR § 800.2.
 9. Consult with the Tribes as requested by the Lead Federal Agency, or in a manner agreed upon between CTDOT, Lead Federal Agency, and Tribes.
 10. Within one (1) year of the Effective Date of this Agreement, prepare a standard operating procedure (SOP) document that will be utilized for implementing and reviewing projects under this Agreement. The SOP will be shared with all Signatories for comment and approval prior to finalization. The SOP will be incorporated into this Agreement as an Attachment when final.

C. CTSHPO Responsibilities

1. Pursuant to Section 106 and 36 CFR § 800, advise, assist, review, and consult with the Lead Federal Agency and CTDOT as delegated as they carry out their Section 106 responsibilities and respond to the Federal Transportation Agencies' and CTDOT's requests within the time frames detailed in 36 CFR § 800 unless otherwise specified in this Agreement.
2. Share information with CTDOT and the Federal Transportation Agencies as CTSHPO develops or generates data and processes related to the identification, evaluation, management, and treatment of Connecticut's cultural resources, including technological innovations and GIS.

D. ACHP Responsibilities

1. Upon notification of findings of adverse effect and an invitation to participate in resolving the adverse effect of an Undertaking in accordance with 36 CFR § 800.6(a)(1) from the

Lead Federal Agency, ACHP shall provide correspondence to the Lead Federal Agency to document receipt of notifications and required filings and decisions about participation in continuing consultation.

2. Participate, in accordance with **Stipulation XVII**, in the resolution of disputes that may occur through the implementation of this Agreement.

IV. CONSULTATION WITH TRIBES

A. Where formal consultation agreements with Tribes exist, CTDOT may provide general coordination information to Tribes, but the Lead Federal Agency shall retain ultimate responsibility for complying with all federal requirements pertaining to government-to-government consultation with Tribes. Notwithstanding any other provision of this **Stipulation IV.A**, the Lead Federal Agency shall honor the request of any Tribe for government-to-government consultation regarding an Undertaking covered by this Agreement.

B. CTDOT shall make a reasonable and good faith effort to identify any Tribes that might attach religious and cultural significance to Historic Properties in the APE of an Undertaking and the Lead Federal Agency shall invite them to be consulting parties, in accordance with 36 CFR § 800.3(f)(2).

C. Where no formal consultation agreements with Tribes exist, CTDOT shall provide the Lead Federal Agency information from which the Lead Federal Agency can initiate consultation with Tribes early in the project planning process to identify cultural, confidentiality, and/or other concerns and to allow adequate time for consideration.

D. The Lead Federal Agency shall ensure that consultation continues with Tribes throughout the Section 106 consultation process whenever such Tribes express a concern about an Undertaking or about Historic Properties that may be affected by an Undertaking. CTDOT will assist in such consultation if requested by the Lead Federal Agency.

E. The Lead Federal Agency may ask CTDOT to assist in consultation if the individual Tribes agree to alternative procedures as defined in 36 CFR § 800.2(c)(2)(ii)(E).

V. PROFESSIONAL QUALIFICATIONS AND STAFFING

A. CTDOT shall employ, at a minimum, two (2) full-time Qualified Staff members, including an archaeologist and an architectural/structural historian who meet the SOI Professional Qualifications Standards, as set forth in **Attachment 1**.

B. CTDOT will consult with CTSHPO in the selection of individuals to fill Qualified Staff positions. To ensure appropriate consultation coordination between CTDOT and CTSHPO, Section 106 review staff from both offices will meet at a frequency mutually agreed upon by CTDOT and CTSHPO. CTSHPO will provide access to all relevant CTSHPO records, reports, and inventories required by Qualified Staff.

C. If CTDOT does not maintain the employment of the two specified Qualified Staff or if Qualified Staff are unable to meet their Agreement responsibilities due to extended leave or other circumstances, CTDOT will notify the Federal Transportation Agencies and CTSHPO within thirty (30) days of the staffing shortage. CTDOT may, in consultation with the Federal Transportation Agencies and CTSHPO, utilize acting Qualified Staff who meet the Secretary of the Interior's Professional Qualifications Standards (Federal Register 48:44738-39). If the vacancy is not filled with permanent Qualified Staff within one hundred and eighty (180) days of

the start of the staffing shortage, this Agreement will be suspended until permanent Qualified Staff, are retained unless the Federal Transportation Agencies, CTDOT, and CTSHPO agree in writing to an extension.

D. Qualified Staff may direct consultants and/or other CTDOT staff to assist in Section 106 work, however Qualified Staff shall remain responsible for all final determinations and findings.

VI. UNDERTAKINGS EXCLUDED FROM FURTHER REVIEW

A. Undertakings that have no potential to cause effects to Historic Properties:

1. Projects with no potential to cause effects on Historic Properties, pursuant to 36 CFR § 800.3(a)(1) are defined as those actions that by their nature, will not result in effects to Historic Properties. Notwithstanding the provisions of **Stipulation VII.B-C**, all construction-related actions with a federal nexus must comply with 36 CFR § 800.4 --§ 800.6. Questions about applicability of 36 CFR § 800.3(a)(1) should be referred to the Lead Federal Agency's Federal Preservation Officer designated pursuant to 54 U.S.C. § 306104. The Lead Federal Agency decision shall be final and binding.

B. Undertakings with minimal potential to affect Historic Properties (Undertakings Excluded from Further Review):

1. Undertakings set forth in **Appendix A** consist of actions that have minimal potential to affect Historic Properties, even if there are Historic Properties present in the APE. An Undertaking that has minimal potential to affect Historic Properties will not require additional Section 106 review or consultation with CTSHPO as long as the Undertaking is limited to the actions specified in **Appendix A** and do not include any additional scope items other than those set forth in **Appendix A**.
2. For Undertakings that fall within **Appendix A**, CTDOT Trained Staff will document that the Undertaking is excluded from further review and maintain that documentation in its project files.

C. CTDOT, CTSHPO, and the Federal Transportation Agencies may petition to add or remove actions to the list in **Appendix A** upon amendment to this Agreement in accordance with **Stipulation XV**.

D. Undertakings with minimal potential to affect Historic Properties (Screened Undertakings)

1. The Federal Transportation Agencies, CTDOT, and CTSHPO have determined the Undertakings listed in **Appendix B** have minimal potential to affect Historic Properties. To be excluded from further consultation, the Undertakings require internal review and finding by CTDOT Qualified Staff to determine whether the Undertaking including the listed actions meets all of the terms and conditions in **Appendix B**, and that no particular circumstances exist that would call for additional review.
 - a. If Qualified Staff determine no additional review is required, CTDOT will document their finding that the Undertaking is excluded from further review and maintain that documentation in the project file.
 - b. If Qualified Staff determine that the Undertaking does not meet the requirements in **Appendix B**, it shall be reviewed under the provisions of **Stipulation VII**.

VII. PROJECT REVIEW

For Undertakings that are not Excluded under the provisions of **Stipulation VI**, CTDOT Qualified Staff will employ an approach that meets the requirements of 36 CFR § 800.3–800.5 and may address multiple steps simultaneously.

A. ‘No Historic Properties Affected’ for Undertakings Subject to this Agreement.

Qualified Staff will issue a finding of “No Historic Properties Affected” only after conducting the following steps:

1. CTDOT shall identify and engage parties for consultation per 36 CFR § 800.2. If, after satisfying the requirements of 36 CFR § 800.3 -- 800.4(c), Qualified Staff determines that either there are no Historic Properties within the Undertaking’s APE, or Historic Properties are present within the APE but will not be affected by the Undertaking, CTDOT will issue a finding of “No Historic Properties Affected.”
2. During the Section 106 consultation process, CTDOT may consult with CTSHPO, as applicable, regarding the application of the 36 CFR § 800.4 criteria. Qualified Staff shall document such consultation in the CTDOT project file. No further review under Section 106 is required for a finding of “No Historic Properties Affected” unless the scope of work or limits change, thus requiring additional review. Any conditions or commitments will be monitored by CTDOT staff.

B. ‘No Adverse Effect’ for Undertakings Subject to this Agreement.

For an Undertaking that includes Historic Properties within its APE, Qualified Staff will apply the criteria of adverse effect set forth in 36 CFR § 800.5(a) to evaluate the effects of the Undertaking on Historic Properties. Qualified Staff shall make a finding of ‘No Adverse Effect’ to Historic Properties after completing the following steps, specific to each Lead Federal Agency:

1. CTDOT shall identify and engage parties for consultation per 36 CFR § 800.2. If Qualified Staff determine that the effects of an Undertaking are not adverse, or if certain conditions are met such that there are no adverse effects or adverse effects are avoided pursuant to 36 CFR § 800.5(b), Qualified Staff shall make a finding of No Adverse Effect.
2. If Qualified Staff determine that the Undertaking will have No Adverse Effect on Historic Properties, CTDOT will provide documentation of its determination to CTSHPO, and any other consulting parties, as appropriate. CTSHPO shall review the determination and provide written comments within thirty (30) days of receiving CTDOT’s finding and supporting documentation as set forth in 36 CFR § 800.11(e).
 - a. If an Undertaking is modified to avoid adverse effects, CTDOT shall submit such conditions to CTSHPO and other consulting parties for their review and concurrence prior to making a finding of No Adverse Effect. If CTSHPO does not respond within thirty (30) days, CTDOT shall assume no objection to the finding.
 - b. All conditions required to avoid adverse effects shall be referenced as “commitments” in the project file maintained by CTDOT and CTDOT shall be responsible to ensure and document the implementation of these commitments throughout the life of the Undertaking.
3. CTDOT shall make documentation concerning a finding of No Adverse Effect, including conditions, if applicable, available for public inspection (subject to applicable confidentiality provisions, laws, or regulations) upon request. Contact information and

instructions for public inspection of documentation for each Undertaking shall be posted on CTDOT's website.

- a. After thirty (30) days of making such documentation available, if there are any objections arising from the No Adverse Effect determination, CTDOT will follow the dispute resolution process in **Stipulation XVII**.

C. "Adverse Effect" for Undertakings Subject to this Agreement.

1. Undertakings that include Historic Properties within the APE that may be adversely affected by the Undertaking, as assessed by applying the criteria of adverse effect set forth in 36 CFR § 800.5(a), shall be reviewed in accordance with the procedures of 36 CFR § 800.3 through 800.7. CTDOT Qualified Staff will recommend to the Lead Federal Agency that the Undertaking may have an adverse effect on Historic Properties.
2. If Qualified Staff recommend that an Undertaking may adversely affect a National Historic Landmark, CTDOT shall notify the Lead Federal Agency and request CTSHPO, ACHP, and the Secretary of the Interior participate in consultation to resolve any adverse effects, as outlined in 36 CFR § 800.10.
3. CTDOT will provide an adverse effect notification for ACHP to the Lead Federal Agency, which will review and transmit to ACHP. The Lead Federal Agency will notify CTDOT of ACHP's decision to participate (or not) in the Undertaking.
4. The Lead Federal Agency with assistance from CTDOT will draft, circulate, and execute an agreement document to resolve the adverse effect in consultation with CTSHPO, Tribes, and consulting parties.

VIII. CHANGES IN PROJECT SCOPE

A. When an Undertaking undergoes a Scope Change, or a new element is added to an Undertaking after Section 106 review has concluded, CTDOT, in consultation with the Lead Federal Agency, shall assess the need for additional consultation with CTSHPO and other consulting parties in accordance with their respective responsibilities or rights under **Stipulation VII**.

B. CTDOT is not required to conduct additional consultation under the following conditions:

1. The APE has not changed beyond the vertical and horizontal limits of previous identification efforts; and
2. The Scope Change does not change the APE or effect finding; and
3. Less than three (3) years have passed since Historic Properties have been documented within the APE under the previous Section 106 determination and original construction on all Historic Properties within the APE has been completed within forty-five (45) years within this three (3) year period; and
4. All Scope Change, additions, or modification is an action listed in **Appendix A**.

C. There has been no change to ground surface visibility due to natural or manmade causes.

IX. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC

A. Other Consulting Parties

1. Upon consultation with CTSHPO, CTDOT shall identify additional consulting parties as described in 36 CFR § 800.3 and invite them to participate in the Undertakings covered by this Agreement. Written requests by individuals, organizations, and/or agencies to become

consulting parties will be evaluated on a case-by-case basis by CTDOT and the Lead Federal Agency, and the Lead Federal Agency retains final approval or denial authority regarding requesting consulting parties.

2. Consulting parties shall be identified in writing by CTDOT in consultation with the Lead Federal Agency and CTSHPO pursuant to 36 CFR § 800.3(c-f) and their participation in reviews for Undertakings covered under this Agreement shall be governed by 36 CFR § 800.3(f)(3).

- a. Individuals and organizations with a demonstrated interest in an Undertaking shall be invited by CTDOT, in consultation with the Lead Federal Agency, to participate in the Section 106 consultation process.

- b. Any land-managing agency whose land may be affected by an Undertaking shall be invited by CTDOT to participate in the Section 106 consultation process.

B. Public Involvement

1. CTDOT shall conduct all public involvement in planning and implementing Undertakings pursuant to 36 CFR § 800.2(d) and CTDOT's current Public Involvement Procedures (**Attachment 3**). Any release of information shall be in accordance with 36 CFR § 800.11(c)(1) and (3).

2. For those actions that do not require public review and comment (e.g., Excluded Undertakings), appropriate public involvement should be based on the specifics of the situation and commensurate with the type and location of Historic Properties, and the Undertaking's potential impacts on them in accordance with 36 CFR § 800.2(d). CTDOT shall inform the Lead Federal Agency and CTSHPO of any and all public controversy related to the Historic Properties potentially affected by an Undertaking. Disclosure of any and all public controversy to the Lead Federal Agency and CTSHPO shall be made as soon as practicable once CTDOT is aware of such public controversy.

X. EMERGENCIES

A. Actions to address Emergency situations can occur regardless of funding category, and regardless of declarations made by federal, state, or local agencies in accordance with 36 CFR § 800.12.

B. If CTDOT proposes an emergency undertaking in response to a disaster or emergency that could affect Historic Properties, Qualified Staff shall notify CTSHPO, the Federal Transportation Agencies, Tribes, and ACHP prior to any work taking place. CTSHPO, the Federal Transportation Agencies, ACHP, and any Tribe that may attach religious and cultural significance to Historic Properties likely to be affected shall have seventy-two (72) hours to respond with any concerns. Documentation of the notification and any responses shall be placed in the project file.

C. For situations where the undertaking must be implemented within thirty (30) days of the occurrence of the event that caused the Emergency or the declaration of the Emergency by an appropriate authority, the processing of Section 106 documentation will happen concurrently or after the fact. In these cases, CTDOT will comply with the procedures in **Stipulation X**.

D. For Undertakings taking longer than thirty (30) days to complete after an emergency has been declared, CTDOT will comply with the procedures set forth in **Stipulations VI and VII**, as appropriate, unless an extension is requested from the ACHP in accordance with 36CFR§800.12(d).

E. Emergency Undertakings are often solely state-funded; however, CTDOT will proceed in accordance with this Agreement should federal funding reimbursement become available after the Emergency took place.

XI. DISCOVERIES

A. Post-Review Discoveries

1. When property access is not feasible until construction or other circumstances prohibit the identification of Historic Properties prior to construction and CTDOT's identification efforts indicate that Historic Properties are likely to be discovered during an Undertaking, CTDOT shall, in accordance with 36 CFR § 800.13(a), execute a formal Section 106 agreement between the Lead Federal Agency, and CTSHPO and the Tribes as applicable, setting forth a plan for identification of such properties, and include such agreement in the project file. CTDOT shall implement such plan in accordance with 36 CFR § 800.4 - 800.6.

B. Discoveries Without Prior Planning

1. If previously unidentified archaeological or Historic Properties, or unanticipated effects, are discovered during implementation of the Undertaking after CTDOT has completed its Section 106 review pursuant to this Agreement, CTDOT shall immediately suspend work in that area of the Undertaking, in accordance with CTDOT Form 819, *The Standard Specifications for Roads, Bridges, Facilities and Incidental Construction*, as amended (or current CTDOT Form), Section 1.10.06 – Protection of Archaeological and Paleontological Remains and Materials.
2. CTDOT shall notify the appropriate Lead Federal Agency as soon as is practicable, or within twenty-four (24) hours, of any discovery under this **Stipulation XI**. CTDOT shall ensure that no further construction occurs within 100 feet of the area of the discovery until the requirements of 36 CFR § 800.13(b)(3) have been satisfied, including but not limited to consultation with Tribes that may attach traditional cultural and religious significance to the discovered property.
3. CTDOT, in coordination with the Lead Federal Agency, will record, document, and evaluate NRHP eligibility of the property and assess the Undertaking's effect on the property, then consult with CTSHPO and Tribes and notify other consulting parties, as appropriate, regarding design of a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property.
4. If neither CTSHPO nor a Tribe file an objection within seventy-two (72) hours of CTDOT's plan for addressing the discovery, CTDOT may carry out the plan as proposed and provide a report of the actions when complete on behalf of the Lead Federal Agency, and is not required to notify ACHP.

XII. TREATMENT OF HUMAN REMAINS

The Federal Transportation Agencies and CTDOT recognize the importance of providing respectful consideration for burial sites, human remains, and funerary objects.

- A. In the event that human remains are encountered, CTDOT shall immediately cease construction and/or work within 100 feet of the general area of the discovery, in accordance with CTDOT Form 819, *The Standard Specifications for Roads, Bridges, Facilities and Incidental Construction*, as amended (or current CTDOT form), Section 1.10.06 – Protection of Archaeological and Paleontological Remains and Materials.

B. CTDOT will notify the Lead Federal Agency within twenty-four (24) hours of the discovery of human remains and contact the State Medical Examiner and the Connecticut Office of State Archaeology, in accordance with Connecticut General Statute § 10-388.

C. CTDOT shall undertake all practical measures to secure and protect the location from damage and disturbance.

D. CTDOT shall not remove and shall ensure that no human remains or materials associated with the remains will be collected or removed, until appropriate consultations have occurred in accordance with 36 CFR § 800.13(b)(3). CTDOT shall ensure that no further work in the area of discovery proceeds until the Lead Federal Agency has determined that the requirements of 36CFR§800.13(b)(3) have been satisfied.

E. CTDOT will develop a treatment plan in consultation with the Lead Federal Agency and CTSHPO within forty-eight (48) hours of the discovery or a timeline agreed upon during consultation. If, in the course of consultation, CTDOT learns or determines that the human remains are associated with a Historic Property of religious or cultural significance to the Tribes, CTDOT and the Lead Federal Agency will consult with the Tribes prior to the development or execution of a treatment plan.

XIII. CURATION OF ARCHAEOLOGICAL COLLECTIONS

CTDOT shall administer the curation of any cultural material collected during the course of archaeological reconnaissance and archaeological intensive surveys on State-owned land or for donated materials recovered from privately-owned land. CTDOT will transfer all materials to the Office of the State Archaeologist pursuant to the ‘Memorandum of Understanding between State of Connecticut, Department of Transportation and Office of State Archaeology/Connecticut State Museum of Natural History,’ dated August 1, 2023, as amended, or the Office of State Archaeology/Connecticut State Museum of Natural History’s successor

XIV. ANNUAL REVIEW, AUDITING, REPORTING, AND MONITORING

A. CTDOT, the Federal Transportation Agencies, and CTSHPO will consult as needed to review implementation of the terms of this Agreement.

B. CTDOT will prepare and submit quarterly reports to CTSHPO and the Federal Transportation Agencies, which must include:

1. Summary information on all Undertakings processed under this Agreement;
2. Copies of all ACHP approved exemptions and program comments applied to any Undertakings
3. Copies of all **Appendix A** findings signed by Trained Staff;
4. Copies of all **Appendix B** findings signed by Qualified Staff;
5. Copies of all determinations of NRHP eligibility signed by Qualified Staff; and
6. Copies of all documentation of Undertakings with conditional findings of effect and associated commitments; and
7. Copies of all determinations of effect made under **Stipulation VII** by Qualified Staff.

C. CTDOT will prepare and submit annual reports to the Federal Transportation Agencies, ACHP, and CTSHPO, which shall include an assessment of the effectiveness of the Agreement, concerns

with the Agreement, and implementation to the Agreement, if any. CTDOT may include the identification of actions or categories of Undertakings that have minimal potential to impact Historic Properties and may be considered for amendment to the Appendices of this Agreement.

1. CTDOT will provide the Federal Transportation Agencies, ACHP, and CTSHPO with a copy of this annual report by March 1 each calendar year.
2. The annual report will be made available to consulting parties and for public inspection.
3. The Federal Transportation Agencies, ACHP, and CTSHPO will review CTDOT's annual report and, if requested by any Signatory, all parties shall consult to resolve issues identified in the annual report.

D. Federal Transportation Agencies, ACHP, and CTSHPO may monitor activities carried out pursuant to this Agreement. CTDOT will cooperate with these parties in carrying out their monitoring efforts.

E. CTDOT will organize an annual meeting with the Federal Transportation Agencies and CTSHPO to discuss the status of the findings of the annual report prepared per **Stipulation XIV.B**. The meeting will take place by April 30 of each calendar year for the duration of this Agreement.

F. Training: As part of each year's annual meeting described in **Stipulation XIV.E.**, CTDOT will organize training session(s) with the Federal Transportation Agencies and CTSHPO. Training topics could include, but are not limited to, cultural resources management, Section 106, implementation procedures of this Agreement, and/or presentation of highlighted projects from the preceding year. CTDOT will also provide training to staff in CTDOT's Office of Environmental Planning for the application of **Appendix A** of this Agreement. The training will be required for CTDOT staff to be considered Trained Staff.

XV. AMENDMENT

Any Signatory to this Agreement may request that it be amended, whereupon the Signatories will consult to consider such an amendment. Any resulting amendments to the Agreement or any Appendix shall be developed and executed between the Signatories in the same manner as the original Agreement. Changes to Attachments to this Agreement do not require a full amendment to the PA. Should a Signatory request a change to an Attachment, the Signatory will notify all Signatories of the requested change, and if no objection is raised in thirty (30) days, CTDOT will make the change and document it in the annual report.

XVI. TERMINATION

Any Signatory to this Agreement may request to terminate it by providing thirty (30) calendar days notice in writing to the Signatories explaining the reason for termination, provided that the Signatories will consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, the Federal Transportation Agencies will comply with 36 CFR Part 800 with regard to Undertakings covered by this Agreement.

XVII. DISPUTE RESOLUTION

A. Objections from a Signatory or Consulting Party.

1. If any Signatory or consulting party objects regarding the way the terms of this Agreement are carried out, the objecting Signatory will notify in writing all other Signatories. The Signatories will consult to resolve the objection. The Federal Transportation Agencies shall establish a reasonable timeframe commensurate with the nature of the objection for such consultations.
2. If the objection—other than a determination of eligibility which shall be resolved pursuant to **Stipulation XVII.C**—is resolved through consultation, the Lead Federal Agency may authorize the disputed action to proceed in accordance with the terms of such resolution.
3. If after initiating such consultation, the Lead Federal Agency determines that the objection cannot be resolved through consultation, the Lead Federal Agency shall forward all documentation relevant to the objection to ACHP and other Signatories, including the Lead Federal Agency's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, ACHP shall exercise one of the following options:
 - a. Advise the Lead Federal Agency that ACHP concurs with the Lead Federal Agency's proposed response to the objection, whereupon the Lead Federal Agency will respond to the objection accordingly; or
 - b. Provide the Lead Federal Agency with recommendations, which the Lead Federal Agency shall take into account in reaching a final decision regarding its response to the objection; or
 - c. Notify the Lead Federal Agency that the objection will be referred for comment pursuant to 36 CFR § 800.7(a)(4) and proceed to refer the objection and comment. In this event, the Lead Federal Agency, as the Agency Official shall ensure that the resulting comments are taken into account in accordance with 36 CFR § 800.7(c)(4).
4. If ACHP does not exercise one of the options in **Stipulation XVII.A.3** within thirty (30) days after receipt of all pertinent documentation, the Lead Federal Agency may assume there is no objection from the ACHP in its proposed response to the objection.
5. The Lead Federal Agency shall provide all other Signatories with a written copy of its final decision regarding any objection addressed pursuant to this Section.
6. The Lead Federal Agency shall take into account any ACHP recommendation or comment, and any comments from the other Signatories, in reaching a final decision regarding the objection. All Signatories shall remain responsible for all obligations under this Agreement that are not the subject of the objection.
7. The Lead Federal Agency may authorize any action subject to objection under this **Stipulation XVII** to proceed, provided the objection has been resolved in accordance with the terms of this **Stipulation XVII**.

B. Objections from the Public.

1. At any time during implementation of this Agreement, if any member of the public raises an objection in writing pertaining to such implementation to any Signatory, that Signatory shall immediately notify the Lead Federal Agency. The Lead Federal Agency shall immediately notify the other Signatories in writing of the objection. Any Signatory may choose to comment on the objection to the Lead Federal Agency. The Lead Federal Agency shall establish a reasonable timeframe for this comment period. The Lead Federal Agency shall consider the objection, and in reaching its decision, take all comments from the other Signatories into account. Within fifteen (15) days following closure of the comment period, the Lead Federal Agency will render a decision regarding the objection and respond to the objecting party. The Lead Federal Agency will promptly notify the other Signatories to its

686 decision in writing and shall include a copy of its response to the objecting party. The Lead
687 Federal Agency's decision regarding resolution of the objection will be final. Following
688 the issuance of its final decision, the Lead Federal Agency may authorize the Undertaking
689 subject to dispute hereunder to proceed in accordance with the terms of that decision.

690 C. Objections to Determination of Eligibility

- 691 1. If any Signatory or Tribe objects in writing to a determination of eligibility, the Lead
692 Federal Agency will submit the determination to the 'Keeper of the National Register of
693 Historic Places' at the National Park Service for resolution in accordance with 36 CFR §
694 63.

695 **XVIII. CONFIDENTIALITY**

696 All parties to this Agreement acknowledge that information about Historic Properties, potential
697 Historic Properties, or properties considered historic for purposes of this Agreement are or may
698 be subject to the provisions of Section 304 of the National Historic Preservation Act (NHPA).
699 Section 304 allows the Federal Transportation Agencies to withhold from disclosure to the public,
700 information about the location, character, or ownership of a Historic Property if the Lead
701 Transportation Agency, in consultation with CTDOT, determines that disclosure may 1) cause a
702 significant invasion of privacy; 2) risk harm to the Historic Property; or 3) impede the use of a
703 traditional religious site by practitioners. Having so acknowledged, all parties to this Agreement
704 will ensure that all actions and documentation prescribed by this Agreement are, where necessary,
705 consistent with the requirements of 36CFR800.11(c).

706 **XIX. DURATION**

707 This Agreement shall remain in effect for a period of five (5) years after the date the last party
708 executes this Agreement (Effective Date), unless extended pursuant to **Stipulation XV** of this
709 Agreement or it is terminated prior to that time pursuant to **Stipulation XVI**. CTDOT shall
710 provide written notification to the Signatories regarding extension of the Agreement at least six
711 (6) months prior to the conclusion of the five (5) year Term. If there are no objections from the
712 Signatories, the Term will be extended for an additional five (5) years by written amendment up
713 to a maximum of ten (10) total years. If any Signatory objects to extending the Agreement,
714 CTDOT will consult with the Signatories to consider amendments or other actions to avoid the
715 Agreement's expiration.

716 **XX. EXECUTION OF THE AGREEMENT**

717 Execution and implementation of this Agreement are evidence that the Federal Transportation
718 Agencies have delegated certain Section 106 responsibilities to CTDOT, and have afforded ACHP
719 a reasonable opportunity to comment on the Program and its treatment of individual Undertakings
720 in Connecticut; that the Federal Transportation Agencies have taken into account the effects of the
721 Program and will evaluate its individual Undertakings on Historic Properties accordingly, and that
722 the Federal Transportation Agencies have laid out a process for compliance with Section 106 and
723 36 CFR § 800 for the Programs and their individual Undertakings.

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE FEDERAL RAILROAD ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**

ADVISORY COUNCIL ON HISTORIC PRESERVATION



Reid Nelson
Executive Director

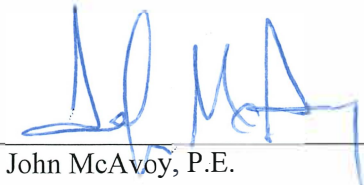
May 5, 2025

Date

751 PROGRAMMATIC AGREEMENT AMONG
752 THE FEDERAL HIGHWAY ADMINISTRATION,
753 THE FEDERAL TRANSIT ADMINISTRATION,
754 THE FEDERAL RAILROAD ADMINISTRATION,
755 THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
756 THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
757 AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
758 REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT
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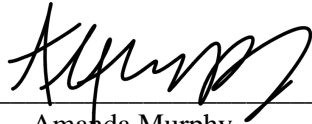
John McAvoy, P.E.
Connecticut Division Administrator

1 May 2025

Date

780 **PROGRAMMATIC AGREEMENT AMONG**
781 **THE FEDERAL HIGHWAY ADMINISTRATION,**
782 **THE FEDERAL TRANSIT ADMINISTRATION,**
783 **THE FEDERAL RAILROAD ADMINISTRATION,**
784 **THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,**
785 **THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,**
786 **AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**
787 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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795 **FEDERAL RAILROAD ADMINISTRATION**
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802 Amanda Murphy
803 Deputy Federal Preservation Officer
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4/22/25

Date

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE FEDERAL RAILROAD ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**

FEDERAL TRANSIT ADMINISTRATION




Peter Butler
Regional Administrator
FTA Region 1

4/30/25

Date

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE FEDERAL RAILROAD ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**

CONNECTICUT STATE HISTORIC PRESERVATION OFFICE



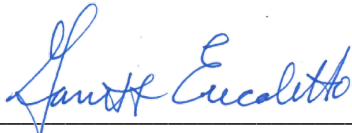
Jonathan Kinney
Connecticut State Historic Preservation Officer

April 25, 2025

Date

859 **PROGRAMMATIC AGREEMENT AMONG**
860 **THE FEDERAL HIGHWAY ADMINISTRATION,**
861 **THE FEDERAL TRANSIT ADMINISTRATION,**
862 **THE FEDERAL RAILROAD ADMINISTRATION,**
863 **THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,**
864 **THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,**
865 **AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**
866 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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874 **CONNECTICUT DEPARTMENT OF TRANSPORTATION**
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882 Garrett Eucalitto
883 Commissioner
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Date

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE FEDERAL TRANSIT ADMINISTRATION,
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THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**

CONCURRING PARTY

Mohegan Tribe

Date

938 **PROGRAMMATIC AGREEMENT AMONG**
939 **THE FEDERAL HIGHWAY ADMINISTRATION,**
940 **THE FEDERAL TRANSIT ADMINISTRATION,**
941 **THE FEDERAL RAILROAD ADMINISTRATION,**
942 **THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,**
943 **THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,**
944 **AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**
945 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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977 **PROGRAMMATIC AGREEMENT AMONG**
978 **THE FEDERAL HIGHWAY ADMINISTRATION,**
979 **THE FEDERAL TRANSIT ADMINISTRATION,**
980 **THE FEDERAL RAILROAD ADMINISTRATION,**
981 **THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,**
982 **THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,**
983 **AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**
984 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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990 CONCURRING PARTY
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993 Narragansett Indian Tribe
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Date

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE FEDERAL RAILROAD ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**

CONCURRING PARTY

Delaware Tribe of Indians

Date

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**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE FEDERAL TRANSIT ADMINISTRATION,
THE FEDERAL RAILROAD ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**

CONCURRING PARTY

Delaware Nation

Date

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CONCURRING PARTY

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Stockbridge Munsee Community

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1119 **APPENDIX A**

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1121 **UNDERTAKINGS EXCLUDED FROM FURTHER REVIEW NOT REQUIRING QUALIFIED**

1122 **STAFF REVIEW**

1123

1124 CTDOT, CTSHPO, and the Federal Transportation Agencies concur that the following list of activities

1125 have minimal potential to affect Historic Properties provided they are limited to the activities listed below

1126 and are not part of a larger Undertaking. CTDOT Trained Staff will review Undertakings to ensure that the

1127 proposed exemptions are consistent with this **Appendix A**. Undertakings limited to these activities shall

1128 not require Section 106 consultation with CTSHPO nor any further consideration under Section 106

1129 provided that:

1130

- 1131
- The Undertaking is limited to the activities specified below; and
 - The Undertaking is not within or adjacent to a National Historic Landmark or National Park, or
 - The Undertaking has no known public controversy based on historic preservation issues; and The
- 1132 property under the jurisdiction of the National Park Service;
- 1133
- 1134 Undertaking requires no permanent or temporary right-of-way action (acquisition of land
- 1135 easements or other property rights) and activities are located within the Previously Disturbed
- 1136 Right-of-Way
- 1137

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1139 **Federal Highway Administration Transportation Mode Actions**

1140

1141 Undertakings for which FHWA is the Lead Federal Agency may be Exempted from Section 106 review if

1142 they meet the following:

1143

1144 **Maintenance / Surface Treatments of Existing Roadways / Transportation Facilities**

- 1145 1. New, renewal, or reconfigurations of new highway markings along existing roadways, to include
- 1146 post mounted signs no larger than 36x36"
- 1147 2. Pothole filling, crack sealing, joint repair
- 1148 3. Pavement milling or grooving, including installation of rumble strips and traffic sensors
- 1149 4. Surface treatments: including pavement milling, grooving, gridding, crack repair, chip seal, high
- 1150 friction surface treatments, rumble strips, and resurfacing treatments down to existing subbase on
- 1151 non-historic parkways or roadways
- 1152 5. Resurfacing or repair of existing ramps within the Previously Disturbed Right-of-Way
- 1153 6. Resurfacing of roadways within the Previously Disturbed Right-of-Way
- 1154 7. New or renewal of traffic control devices such as rumble strips, post mounted signs no larger than
- 1155 36x36", pavement markings, traffic sensors/detection systems (loops), snow and ice detectors, or
- 1156 other similar features on existing ramps and roadways.

1157

1158 **Repair / Replacement-in-Kind of Existing Facilities**

- 1159 8. Repair or in-kind replacement (essentially the same size, material, color, and texture) of curbs,
- 1160 curbing, and sidewalks, including street furniture, highway signage, existing traffic signals, and
- 1161 existing lighting. This exemption does not include Undertakings that require new underground
- 1162 work.

1163 9. In-kind replacement or relocation of existing utility poles between edge of sidewalk and roadway
1164 except those that are within a State Archaeological Preserve or within fifty (50) feet of a marked
1165 cemetery boundary.

1166

1167 Maintenance / Repair of Non-Historic Bridges

1168 10. Beam end and bearing repair of bridges less than fifty (50) years old or exempt under the ACHP
1169 Interstate Highway Exemption.

1170 11. “SPMO” (Strip, Patch, Membrane installation on deck, and Overlay) repairs to bridges

1171 12. Repair/replace bridge expansion joints

1172 13. Bridge washing, cleaning, and sealing. Includes clean drainage scuppers and drainpipes, as well as
1173 removal or vegetation to allow access for inspection team or repairs

1174

1175 Federal Transit Administration Transportation Mode Actions

1176

1177 [Reserved]

1178

1179 Federal Railroad Administration Transportation Mode Actions

1180

1181 [Reserved]

1182 **APPENDIX B**

1183
1184 **UNDERTAKINGS EXCLUDED FROM FURTHER REVIEW REQUIRING QUALIFIED STAFF**
1185 **REVIEW**
1186

1187 CTDOT, CTSHPO, and the Federal Transportation Agencies concur that the following Undertakings have
1188 minimal potential to cause effects to Historic Properties but require screening by Qualified Staff prior to
1189 approval. In accordance with this Agreement, Qualified Staff may determine that an Undertaking will
1190 require no consultation with CTSHPO provided that:

- 1191
- 1192 • The Undertaking is limited to the activities specified below;
 - 1193 • The Undertaking is not within or adjacent to a National Historic Landmark or National Park, or
1194 property under the jurisdiction of the National Park Service;
 - 1195 • The Undertaking has no known public controversy based on historic preservation issues; and
 - 1196 • The Undertaking requires no permanent or temporary right-of-way action (acquisition of land
1197 easements or other property rights

1198 An Undertaking may not be Exempted under this **Appendix B** if Qualified Staff determine that there is a
1199 reasonable potential for effects to Historic Properties due to the particular location, circumstances,
1200 character, or context of a below-listed project types. In such circumstances, Qualified Staff will follow the
1201 procedures established in **Stipulation VII** of this Agreement.

1202 **Undertakings where the Federal Highway Administration is the Lead Federal Agency**

1203
1204 **Interstate Related Projects**

- 1205 1. Interstate bridge or roadway projects (excluding air rights development) where all work occurs
1206 within the Previously Disturbed Right-of-Way.

1207
1208 **Roadway Related Projects**

- 1209 2. Reconstruction activities on the existing roadway within the Previously Disturbed Right-of-Way.
1210 Reconstruction activities may include roadway restoration, roadway rehabilitation, repair,
1211 replacement or resetting of existing guiderail (wood or weathering steel guardrail to be consistent
1212 with that existing), widening less than one (1) full travel lane, addition of shoulders, construction
1213 of cross-overs on median strips, and addition or extension of emergency turnouts.
- 1214 3. Correcting substandard roadway geometrics and intersections, provided that such improvements
1215 do not extend beyond the limits of Previously Disturbed Right-of-Way. These improvements would
1216 include, but are not limited to, turn lanes, improved turning radii, channelization, divisional, and
1217 refuge islands, acceleration/deceleration lanes; and installation of curbs and gutters.
- 1218 4. Modifications to existing sidewalks and curbs to satisfy the requirements of the Americans with
1219 Disabilities Act.
- 1220 5. Removal of trees by flush cutting, as part of a roadway project, except within NRHP eligible or
1221 listed Parkways. Exemption does not include subsurface stump grinding or removal or installation
1222 access outside the existing Previously Disturbed Right-of-Way.
- 1223 6. Landscaping, including weeding; thinning; in-kind replacement of existing specimens; and shallow
1224 bed preparation in areas previously landscaped within the existing right-of-way except within
1225 NRHP eligible or listed Parkways.

- 1226 7. Installation of new underground utilities or the replacement/repairing of existing underground
1227 utilities within existing roadway footprints.
- 1228 8. The in-kind replacement or relocation of existing utility poles between the edge of the sidewalk
1229 and roadway except within a State Archaeological Preserve or within fifty (50) feet of a marked
1230 cemetery boundary.
- 1231 9. Rehabilitation, reconstruction or refurbishing of existing active at-grade railroad crossings,
1232 including installation of railroad warning signs and devices, such as flashing lights and gates.
- 1233 10. Construction of wetland mitigation areas in Previously Disturbed Right-of-Way.

1234
1235 **Bridge/Culvert Related Projects**

- 1236 11. All bridge/culvert related work, up to and including replacement of bridges with a NRHP eligibility
1237 determination of “Not Eligible” on file with CTDOT and CTSHPO, provided that all project related
1238 work is confined to the existing Previously Disturbed Right-of-Way.
- 1239 12. All bridge/culvert related work, up to and including replacement of steel stringer bridges (except
1240 those with documented pre-1900 construction dates) and concrete slab bridges, provided that all
1241 project related work is confined to the existing Previously Disturbed Right-of-Way.
- 1242 13. All bridge/culvert related work with an APE wholly confined to disturbed soils; and excluding
1243 stone slab culverts, stone arches, brick arches, and stone abutment bridges or culverts.
- 1244 14. All bridge/culvert related work, up to and including replacement of common concrete and steel
1245 bridges and culverts built after 1945, as defined in ACHP’s *Program Comment for Streamlining*
1246 *Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges* and excluding
1247 bridges identified as “exceptional” in **Attachment 2**, provided that all project related work is
1248 confined to the existing Previously Disturbed Right-of-Way.
- 1249

1250 **Roadside Safety Related Projects**

- 1251 15. Highway safety improvement activities within Previously Disturbed Right-of-Way, including
1252 installation, replacement, modification, or removal of safety appurtenances, such as impact
1253 attenuators, median glare screens, roadway delineators, guiderails, and safety barriers. These
1254 improvements may also include post-mounted countermeasures (reflectors, breakaway devices,
1255 and shielding systems), installation of panel mounted reflective object markers, installation of
1256 reflective object markers not mounted on panels, and removal of fixed objects (utility poles, non-
1257 breakaway signs, and pipe headwalls).

1258
1259 **Drainage Related Projects**

- 1260 16. Routine cleaning, maintenance, and repair of existing drainage system elements, such as catch
1261 basins, pipes, outlet protection, stormwater management, and water quality facilities and devices.
- 1262 17. Retrofitting or redesign of existing drainage system elements as long as such work occurs within
1263 the Previously Disturbed Right-of-Way.
- 1264 18. Minor safety-related improvement activities involving drainage system elements, including but not
1265 limited to, converting existing drop inlets to traversable designs; installation, replacement, or
1266 removal of pipes and headwalls; installation, replacement, and extensions of pipes; and addition of
1267 pipe end sections as long as such work occurs within the Previously Disturbed Right-of-Way.

1268
1269 **Electrical Related Projects**

- 1270 19. Traffic signal and safety improvement projects where all work occurs within Previously Disturbed
1271 Right-of-Way. Note: This would only involve existing traffic signal replacement or upgrade
1272 projects. CTDOT is not expected to conduct subsurface archaeological identification efforts for
1273 traffic signal replacement or revisions projects, provided that no acquisition of new transportation

1274 right-of-way is involved and there are no known archaeological resources in the immediate vicinity
1275 of the APE.

1276 20. Intelligent Transportation System Projects (except for NRHP eligible or listed bridges, districts, or
1277 properties), such as installation of ramp metering systems; installation of closed circuit television
1278 cameras or highway advisory radio systems, support structures; and installation of computer links
1279 to monitor and control traffic volumes throughout the roadway system.

1280 21. Any undertaking determined to meet the criteria of an ACHP exempted action under 36 CFR
1281 800.14(c) in accordance with Stipulation III.B.1.b of this Agreement.
1282

1283 **Roadway Related Facilities Projects**

1284 22. Excluding NRHP eligible or listed parkways, maintenance and minor improvements to existing rest
1285 areas, fringe parking facilities, park and ride lots, weigh stations and other highway-related
1286 maintenance, storage, and office facility construction provided that no new right-of-way is required,
1287 and that no excavation occurs outside of previously disturbed areas. (Examples of “minor
1288 improvements” include repaving parking lots and access ramps, re-striping, installing truck-car
1289 related conveniences such as electric plug-in equipment, interstate fencing repairs, routine
1290 maintenance/repair of weight-in-motion equipment, adding lighting, picnic benches, sidewalks
1291 within previously-disturbed right-of-way)
1292

1293 **Bicycle/Pedestrian Facility Projects**

1294 23. Projects, including Safe Routes to School program activities, that involve construction of bicycle
1295 and pedestrian lanes, paths, and facilities; and multi-use paths and facilities provided that work is
1296 confined to areas of previous ground disturbance. These projects include, but are not limited to,
1297 handicapped access ramps and ways, designations of certain highways as bike routes, painting of
1298 existing paved shoulders as bike lanes, and bikeway/pedestrian ways.

1299 24. Rail-to-Trail projects provided that all disturbance activities occur within the existing railroad
1300 alignment; and the project does not require the modification or removal of existing bridges or
1301 viaducts.
1302

1303 **Lighting and Signing Projects**

1304 25. Excluding NRHP eligible or listed parkways, restoration, replacement, upgrading, or addition of
1305 highway lighting systems (includes under-deck, conventional, high mast and offset lighting
1306 systems) on controlled access highways. For other highways, in-kind replacement or repair of
1307 highway lighting systems (essentially the same size, material, color or texture).

1308 26. Excluding NRHP eligible or listed parkways, installation or replacement of highway signs
1309 (including overhead and electronic variable message signs) on controlled access highways. For
1310 other highways, in-kind replacement or repair of highway signs (essentially the same size, material,
1311 color or texture).
1312

1313 **Miscellaneous Projects**

1314 27. Removal and disposal of any hazardous waste materials from the existing right-of-way.

1315 28. Replacement or repair of highway fencing where the location of the fencing is unchanged.

1316 29. The installation, repair, and maintenance of noise barriers within the existing roadway right-of-way
1317 or alterations to existing publicly owned buildings to provide for noise reduction.

1318 30. Emergency erosion control measures such as the emplacement of riprap or grout bags to prevent
1319 undermining or other major damage to culverts, bridges, dams, or roadways caused by flooding
1320 events.

1321
1322 **Federal Railroad Administration Related Projects**
1323

1324 All activities specified in Appendix A of ACHP's *Program Comment to Exempt Consideration of Effects*
1325 *to Rail Properties Within Rail Rights-of-Way*.
1326

1327 **Federal Transit Administration Related Projects**
1328

1329 **Installation of Passenger Amenities**

- 1330 31. Installation of new or replacement bus stop pads; pole(s) for signage, lighting, or utilities; benches;
1331 sidewalks; bike racks and other passenger amenities entirely within areas of previously disturbed
1332 soils.
- 1333 32. Repair and/or maintenance of existing shelters, signs, pads, sidewalks, lighting and other passenger
1334 amenities, including installation of ADA improvements.
- 1335 33. Replacement at bus stop sites of existing shelters, provided the replacements are in-kind (i.e., the
1336 same or comparable in size, appearance, and function) and they are within the horizontal and
1337 vertical footprint of the existing site.
- 1338 34. Enhancement of existing bus stations and stops with passenger information systems (variable
1339 message signs), lighting, ticket vending machines, and bicycle racks/lockers.
- 1340 35. Installation of a new bus shelter where one does not already exist. The bus shelter must be installed
1341 in an area of previously disturbed soils.
1342

1343 **Transit Signal Priority (TSP) and Transit Signal Modernization (TSM)**

- 1344 36. TSP projects involving the installation of TSP communication equipment (network switch, access
1345 point and traffic detection camera) on existing traffic signal poles.
- 1346 37. TSM projects, involving substantial replacement of signalization equipment at an already
1347 signalized intersection, which may include interconnect work, replacement of an extant controller,
1348 and installation a new controller cabinet and foundation. Scopes of work for such projects may
1349 also include: adding countdown pedestrian signals and painting existing signal poles, installation
1350 of ADA ramps and minor roadway improvements, sidewalk, curb and gutter replacement, and new
1351 signage. All work must take place in areas of previously disturbed soils.
1352

1353 **Minor Construction Activities at Existing Transit Buildings and Properties**

- 1354 38. Minor alterations or additions, as defined below, to existing transit-related maintenance, storage,
1355 and office facilities that are more than 45 years old. The area of work must be entirely with areas
1356 of previously disturbed soils and limited to the following activities:
- 1357 a. Maintenance, repair, or replacement of HVAC systems.
- 1358 b. Maintenance, repair, or replacement of pumps, air compressors, or fueling stations.
- 1359 c. Paving, painting, or striping of existing parking surfaces.
- 1360 d. In-kind maintenance or repair of architecturally distinctive light poles and fixtures.
- 1361 e. Maintenance, repair, or replacement activities that are not included elsewhere on this
1362 list and involve non-structural elements, features, systems, hardware, and fixtures in
1363 the interior or on the exterior of non-station bus transit buildings. The new equipment
1364 and infrastructure shall be minor in scale and not visually incompatible with existing
1365 infrastructure at the site. Ground-level equipment and infrastructure shall not exceed

1366 the height of existing transit buildings and equipment at the property. Roof-mounted
1367 equipment must be placed where it is not highly visible from the street. The location
1368 must be entirely within an area of previously disturbed soils.

1369 f. Installation of roof-mounted and/or ground-based solar panels and associated electrical
1370 infrastructure. Ground-based solar panels must be installed in areas of previously
1371 disturbed soils. At existing transit buildings or other transportation support facilities
1372 that were constructed more than 45 years ago, such equipment must be situated where
1373 it is not visible or intrusive and does not compromise the integrity of any character-
1374 defining features as determined by an SOI-qualified architectural historian

1375 39. Installation of new equipment and infrastructure at existing transit buildings and properties that
1376 were constructed within the last 45 years and properties to support operations, restricted to existing
1377 footprints and levels of previous ground disturbance and would use reversible, non-permanent
1378 techniques for installation where appropriate. Such improvements should take place in existing
1379 parking facilities with no major electrical infrastructure modifications and are located as close to
1380 an existing electrical service panel as practicable; use reversible, minimally invasive, non-
1381 permanent techniques to affix the infrastructure; minimize ground disturbance to the maximum
1382 extent possible, and ensure that it does not exceed previous levels of documented ground
1383 disturbance; use the lowest profile equipment reasonably available; is minimally visually intrusive;
1384 and uses colors complementary to the surrounding environment, where possible.

1385

ATTACHMENT 1

DEFINITIONS OF TERMS SPECIFIC TO THIS AGREEMENT

This Agreement will use the definitions provided in 36CFR§800.16(a) through (z). The terms listed below either are not defined in 36CFR§800 or have specific meanings in this Agreement. These terms are capitalized in the Agreement and defined here.

Term	Definition
“Agency Official”	As defined in 36CFR§800.2(a), the Agency Officials for this Agreement are the FHWA Division Administrator, the FRA Administrator, or the FTA Regional Administrator
“Agreement”	Section 106 Programmatic Agreement between FHWA, FTA, FRA, CTDOT and ACHP Regarding Transportation Programs in Connecticut
“Area of Potential Effects (APE)”	As defined in 36CFR§800.16(d)
“Effective Date”	Date the last party executes the Agreement (Effective Date)
“Emergency” or “Emergencies”	Occurrences that require that immediate action be taken on any highway, railroad, transit system or its facilities, or other transportation infrastructure that are necessary to 1) protect the life, safety, or health of the public; 2) minimize the extent of damage to the transportation system and facilities; 3) protect remaining transportation facilities; or 4) restore essential travel
“Exempted Undertakings”	Undertakings or projects with minimal potential to affect Historic Properties
“Federal Transportation Agencies”	Collective term for FHWA, FRA, and FTA
“Historic Properties”	As defined in 36CFR§800.16(l)
“Lead Federal Agency”	Refers singly to FHWA, FRA, or FTA
“Previously Disturbed Right-of-Way”	The horizontal and vertical extent of the Right-of-way that has been demonstrably disturbed or physically impacted by prior construction or other ground-disturbing activities beyond the depth where cultural materials are likely to be present. As a result, such ROW soils are not likely to possess intact and distinct soil horizons and have minimal potential of possessing archaeological artifacts and features within their original depositional contexts. This does not include potential intact cultural soil horizons below non-historic fills
“Programs”	Collective term for FHWA’s Federal Highway Program, FRA’s various grants, and FTA’s Federal Transit Program
“Qualified Consultant”	Consultants hired to perform work on behalf of CTDOT and who meet the Secretary of the Interior’s Professional Qualifications Standards (Federal Register 48:44738-44739)
“Qualified Staff”	CTDOT full-time staff members that meet the Secretary of the Interior’s Professional Qualifications Standards (Federal Register

	48:44738-44739) in the fields of archaeology, or architectural history.
“Scope Change”	Any deviation in design or construction that spatially expands the APE of an Undertaking, either horizontally or vertically, or potentially changes impacts to or treatment of an Historic or potentially Historic Property(ies)
“Signatories”	Collective term for Federal Transportation Agencies, CTSHPO, CTDOT, and ACHP as the Signatories of this Section 106 Programmatic Agreement
“Term”	Duration of the Agreement, commencing on the Effective Date through a period of five (5) years after the Effective Date, unless it is extended or terminated prior to that time pursuant to Stipulation XVI .
“Trained Staff”	Full-time CTDOT staff trained by Qualified Staff to apply Appendix A of this PA
“Tribes”	Federally-recognized Indian tribes with ancestral lands in Connecticut that have been consult ed on this Agreement. Specifically, the Mohegan Tribe, Mashantucket Pequot Tribal Nation, Narragansett Indian Tribe, Delaware Tribe of Indians, Delaware Nation, and Stockbridge Munsee Community
“Undertaking(s)”	As defined in 36CFR§800.16(y), undertakings refers to transportation projects funded through the Programs

ATTACHMENT 2

“EXCEPTIONAL” POST-1945 CONCRETE AND STEEL BRIDGES IN CONNECTICUT

The following bridges have been identified as exceptions to the ACHP *Program Comment for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges*. As such, Undertakings with the potential to affect the following bridges must take into consideration the potential impacts to these bridges as part of the Section 106 evaluation process.

Bridge No.	Town(s)	Location	Year Built	Description
00417	Glastonbury-Wethersfield	Route 3 over Connecticut River	1959	Steel continuous girder; 14 spans, overall length, 2,339.9’
00609	Litchfield	Route 8 over Naugatuck River	1960	Steel continuous girder; notable Route 8 bridge
00658	Hamden	Route 15 over Whitney Avenue	1946	Parkway bridge with applied ornament
00796	Wallingford	Yale Avenue over Route 15	1947	Concrete continuous beam; ornamental parkway bridge
03697	Fairfield	Brookside Drive over Mill River	1955	Concrete slab (ornamental railing)

ATTACHMENT 3

CTDOT PUBLIC INVOLVMENT PROCEDURES

<https://portal.ct.gov/dot/-/media/dot/contract-compliance/final-pip-12282020.pdf>

ACHP PROGRAM ALTERNATIVES

https://www.achp.gov/program_alternatives

This page will be updated by CTDOT at least annually, and a copy of the current information will be included in the annual report