### QUESTIONNAIRE FOR CONSULTANTS

### NCHRP 25-25, TASK 116, “POTENTIAL SECTION 106 EXEMPTED CATEGORIES OR PROGRAM COMMENTS FOR FEDERAL HIGHWAY ADMINISTRATION PROJECTS: NATIONAL STREAMLINING OPPORTUNITIES”

**INTRODUCTION**

NCHRP 25-25, Task 116, “Potential Section 106 Exempted Categories or Program Comments for Federal Highway Administration Projects: National Streamlining Opportunities,” examines how the Federal Highway Administration (FHWA) and state Departments of Transportation (DOTs) have used program alternatives (pursuant to 36 CFR 800.14) to streamline and enhance their Section 106 programs and project delivery efforts. Another goal of this NCHRP study is to identify additional national-level program alternatives that FHWA, state DOTs, and the Advisory Council on Historic Preservation (ACHP) might be able to use to improve and expedite Section 106 compliance associated with transportation project delivery. These include, but are not limited to, Exempted Categories (36 CFR 800.14(c)) and Program Comments (36 CFR 800.14(e)). For more information on program alternatives, see <https://www.achp.gov/program_alternatives>.

There are currently three program alternatives that involve transportation projects and programs. These include:

Exempted Category for the Interstate Highway System:

<https://www.achp.gov/sites/default/files/exemptions/2017-01/final_interstate_exemption_notice.pdf>

Program Comment on Post-1945 Concrete and Steel bridges:

<https://www.achp.gov/sites/default/files/program_comments/2017-01/program%20comment%20concrete%20and%20steel%20bridges.pdf>

Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way:

<https://www.achp.gov/sites/default/files/program_comments/2018-09/FR%20Notice%20Rail%20ROW%20Program%20Comment_0.pdf>

**QUESTIONNAIRE**

Below is the questionnaire. If you want, you can insert your answers after each question, and then email us your responses. Or, we can set up a time to go through these questions over the phone in an interview. Whatever works best for you. If you want to submit a completed questionnaire or set up a time to go through the questions over the phone, please contact either project Principal Investigator: Paul Graham at [pgraham@louisberger.com](mailto:pgraham@louisberger.com), or Terry Klein at [tklein@srifoundation.org](mailto:tklein@srifoundation.org). If possible, we would like to receive a completed questionnaire by April 19, 2019. If you want to discuss the questionnaire over the phone in an interview, please let us know by April 12, 2019, and then we will set up a time to call you.

* Have you had personal experience in the implementation of the ACHP’s 2012 Program Comment for Common Post-1945 Concrete and Steel Bridges? If so:
  + Did the use of this program comment streamline Section 106 compliance and project delivery, and if so, how?
  + Did the use of this program comment streamline compliance with Section 4(f) or any other environmental laws and regulations, and if so, how?
  + Did you encounter any difficulties in using this program comment? If you did, please briefly describe these difficulties.
  + Did you encounter any conflicts with the use of this program comment in terms of complying with Section 4(f) or any other environmental laws and regulations? If you did, please briefly describe these conflicts.
* Have you had personal experience in the implementation of the 2018 Program Comment to Exempt Consideration of Effects to Rail Properties within Rail Rights of Way? If so:
  + Did the use of this program alternative streamline Section 106 compliance and project delivery, and if so, how?
  + Did the use of this program alternative streamline compliance with Section 4(f) or any other environmental laws and regulations, and if so, how?
  + Did you encounter any difficulties in using this program alternative? If you did, please briefly describe these difficulties.
  + Did you encounter any conflicts with the use of this program alternative in terms of complying with Section 4(f) or any other environmental laws and regulations? If you did, please briefly describe these conflicts.
* In terms of streamlining Section 106 compliance, are there other types of ubiquitous properties, such as historic roads, irrigation systems, and unassociated historical features (such as refuse dumps and scatters), that can be addressed through a program alternative? [Note: we have a separate question about post-World War II housing and commercial properties, below.]
* Would you recommend the development of a program comment or exempted action or other type of program alternative for post-World War II housing? Please briefly explain your answer.
* In terms of streamlining Section 106 compliance, are there classes of projects that can be addressed through a program alternative, whereby these projects would be exempted from Section 106 review (i.e., an exempted category)? Examples might include certain types of pavement resurfacing, restoration, and replacement projects; in-kind replacement of roadway and streetscape features; certain types of bridge maintenance and repairs; certain types of roadway monitoring and surveillance facilities; or vegetation control activities. Please briefly explain your answer.
* Do you have any other recommendations for a program alternative that would further streamline Section 106 consultation for transportation projects?