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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*

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

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

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

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

- 99 I. Applicability and Scope
- 100 II. Undertakings Where Multiple Federal Agencies Have Review or Approval Responsibilities
- 101 III. Responsibilities
- 102 IV. Consultation with Tribes
- 103 V. Professional Qualifications and Staffing
- 104 VI. Undertakings Excluded from Further Review
- 105 VII. Project Review
- 106 VIII. Changes in Project Scope
- 107 IX. Participation of Other Consulting Parties and the Public
- 108 X. Emergencies
- 109 XI. Discoveries
- 110 XII. Treatment of Human Remains
- 111 XIII. Curation of Archaeological Collections
- 112 XIV. Annual Review, Auditing, Reporting, and Monitoring
- 113 XV. Amendment
- 114 XVI. Termination
- 115 XVII. Dispute Resolution
- 116 XVIII. Confidentiality
- 117 XIX. Duration
- 118 XX. Execution of the Agreement

119 **STIPULATIONS**

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

122 **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 statues.
- 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

- 209 ACHP, either individually or programmatically. These determinations will be
 210 included in the annual report. The Lead Federal Agencies will be included in the
 211 consultation if either party requests their participation. Attachment 3 includes
 212 information on accessing available Program Alternatives. Documentation of SHPO
 213 consultation, and LFA participation, if applicable, shall be included in the CTDOT
 214 project file. Where FTA is the LFA, FTA shall make this determination regarding
 215 any application of the *Program Comment to Exempt Consideration of Effects to Rail*
 216 *Properties Within Rail Rights-of-Way* (Federal Register 84(125): 31075).
- 217 c. Solicit public comment and involvement on Undertakings pursuant to 36 CFR §
 218 800.3(c).
 - 219 d. Identify and invite additional consulting parties to participate in the Undertaking
 220 pursuant to 36 CFR § 800.3(f).
 - 221 e. Prepare and deliver appropriate documentation for the Federal Transportation
 222 Agency’s consultation with Tribes pursuant to 36 CFR § 800.4(a).
 - 223 f. Determine and document the scope of identification efforts and level of effort
 224 including defining the Undertaking’s area of potential effects (APE) pursuant to 36
 225 CFR § 800.4(a) and (b). Assess the need for additional investigation to identify and
 226 evaluate the NRHP eligibility of properties in an Undertaking’s APE.
 - 227 g. Perform archaeological or historic architectural field reconnaissance and/or
 228 intensive surveys, as warranted, in conformance with the Secretary of the Interior’s
 229 *Standards and Guidelines for Archeology and Historic Preservation: Identification*
 230 *(1983, as revised in the 48FR44716)* and CTSHPO’s *An Environmental Review*
 231 *Primer for Connecticut’s Archaeological Resources* (as amended).
 - 232 a. If Qualified Staff or CTDOT’s Qualified Consultants perform an
 233 archeological survey, Qualified Staff or Qualified Consultants shall
 234 complete an archeological survey report and prepare CTSHPO
 235 archeological resource inventory forms, for all identified archeological
 236 sites or districts. The inventory forms will be prepared in accordance with
 237 industry standards and will meet the expectations of CTSHPO.
 - 238 b. If CTDOT Qualified Staff or CTDOT’s Qualified Consultants conduct a
 239 historic architectural survey, Qualified Staff or Qualified Consultants will
 240 prepare a technical report and CTSHPO inventory forms for any Historic
 241 Property in the Undertaking’s APE that will be affected by the
 242 Undertaking and that is recommended as eligible for listing in the NRHP.
 243 The inventory forms will be prepared in accordance with industry
 244 standards and will meet the expectations of CTSHPO.
 - 245 h. In consultation with CTSHPO, identify and evaluate properties within the APE
 246 included in or eligible for listing in the NRHP pursuant to 36 CFR § 800.4. Qualified
 247 Staff will apply the NRHP criteria in 36 CFR § 60.4 to properties identified within
 248 the APE that CTDOT can ascertain, through research of relevant resources, have not
 249 been previously evaluated to determine if such properties are NRHP eligible in
 250 accordance with 36 CFR § 800.4(c)(1), and to the extent CTDOT concurs with the
 251 finding(s) of such previous evaluations. CTDOT will document this work and share
 252 their determination of eligibility with CTSHPO.
 - 253 i. In consultation with the Lead Federal Agency and CTSHPO, determine whether any
 254 Historic Properties may be affected by the Undertaking by applying the criteria of
 255 adverse effect pursuant to 36 CFR § 800.5(a)(1).

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

289 C. CTSHPO Responsibilities

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

299 D. ACHP Responsibilities

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

302 Lead Federal Agency, ACHP shall provide correspondence to the Lead Federal Agency to
303 document receipt of notifications and required filings and decisions about participation in
304 continuing consultation.
305 2. Participate, in accordance with **Stipulation XVII**, in the resolution of disputes that may
306 occur through the implementation of this Agreement.

307 **IV. CONSULTATION WITH TRIBES**

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

314 B. CTDOT shall make a reasonable and good faith effort to identify any Tribes that might attach
315 religious and cultural significance to Historic Properties in the APE of an Undertaking and the
316 Lead Federal Agency shall invite them to be consulting parties, in accordance with 36 CFR §
317 800.3(f)(2).

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

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

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

328 **V. PROFESSIONAL QUALIFICATIONS AND STAFFING**

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

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

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

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

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

349

350 VI. UNDERTAKINGS EXCLUDED FROM FURTHER REVIEW

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

352 1. Projects with no potential to cause effects on Historic Properties, pursuant to 36 CFR §
353 800.3(a)(1) are defined as those actions that by their nature, will not result in effects to
354 Historic Properties. Notwithstanding the provisions of **Stipulation VII.B-C**, all
355 construction-related actions with a federal nexus must comply with 36 CFR § 800.4 --§
356 800.6. Questions about applicability of 36 CFR § 800.3(a)(1) should be referred to the Lead
357 Federal Agency's Federal Preservation Officer designated pursuant to 54 U.S.C. § 306104.
358 The Lead Federal Agency decision shall be final and binding.

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

361 1. Undertakings set forth in **Appendix A** consist of actions that have minimal potential to
362 affect Historic Properties, even if there are Historic Properties present in the APE. An
363 Undertaking that has minimal potential to affect Historic Properties will not require
364 additional Section 106 review or consultation with CTSHPO as long as the Undertaking is
365 limited to the actions specified in **Appendix A** and do not include any additional scope
366 items other than those set forth in **Appendix A**.

367 2. For Undertakings that fall within **Appendix A**, CTDOT Trained Staff will document that
368 the Undertaking is excluded from further review and maintain that documentation in its
369 project files.

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

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

374 1. The Federal Transportation Agencies, CTDOT, and CTSHPO have determined the
375 Undertakings listed in **Appendix B** have minimal potential to affect Historic Properties.
376 To be excluded from further consultation, the Undertakings require internal review and
377 finding by CTDOT Qualified Staff to determine whether the Undertaking including the
378 listed actions meets all of the terms and conditions in **Appendix B**, and that no particular
379 circumstances exist that would call for additional review.

380 a. If Qualified Staff determine no additional review is required, CTDOT will document
381 their finding that the Undertaking is excluded from further review and maintain that
382 documentation in the project file.

383 b. If Qualified Staff determine that the Undertaking does not meet the requirements in
384 **Appendix B**, it shall be reviewed under the provisions of **Stipulation VII**.

385 VII. PROJECT REVIEW

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

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

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

- 392 1. CTDOT shall identify and engage parties for consultation per 36 CFR § 800.2. If, after
393 satisfying the requirements of 36 CFR § 800.3 -- 800.4(c), Qualified Staff determines that
394 either there are no Historic Properties within the Undertaking’s APE, or Historic Properties
395 are present within the APE but will not be affected by the Undertaking, CTDOT will issue
396 a finding of “No Historic Properties Affected.”
- 397 2. During the Section 106 consultation process, CTDOT may consult with CTSHPO, as
398 applicable, regarding the application of the 36 CFR § 800.4 criteria. Qualified Staff shall
399 document such consultation in the CTDOT project file. No further review under Section
400 106 is required for a finding of “No Historic Properties Affected” unless the scope of work
401 or limits change, thus requiring additional review. Any conditions or commitments will be
402 monitored by CTDOT staff.

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

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

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

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

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

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

437 1. Undertakings that include Historic Properties within the APE that may be adversely
438 affected by the Undertaking, as assessed by applying the criteria of adverse effect set forth
439 in 36 CFR § 800.5(a), shall be reviewed in accordance with the procedures of 36 CFR §
440 800.3 through 800.7. CTDOT Qualified Staff will recommend to the Lead Federal Agency
441 that the Undertaking may have an adverse effect on Historic Properties.

442 2. If Qualified Staff recommend that an Undertaking may adversely affect a National Historic
443 Landmark, CTDOT shall notify the Lead Federal Agency and request CTSHPO, ACHP,
444 and the Secretary of the Interior participate in consultation to resolve any adverse effects,
445 as outlined in 36 CFR § 800.10.

446 3. CTDOT will provide an adverse effect notification for ACHP to the Lead Federal Agency,
447 which will review and transmit to ACHP. The Lead Federal Agency will notify CTDOT
448 of ACHP's decision to participate (or not) in the Undertaking.

449 4. The Lead Federal Agency with assistance from CTDOT will draft, circulate, and execute
450 an agreement document to resolve the adverse effect in consultation with CTSHPO, Tribes,
451 and consulting parties.

452 **VIII. CHANGES IN PROJECT SCOPE**

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

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

458 1. The APE has not changed beyond the vertical and horizontal limits of previous
459 identification efforts; and

460 2. The Scope Change does not change the APE or effect finding; and

461 3. Less than three (3) years have passed since Historic Properties have been documented
462 within the APE under the previous Section 106 determination and original construction on
463 all Historic Properties within the APE has been completed within forty-five (45) years
464 within this three (3) year period; and

465 4. All Scope Change, additions, or modification is an action listed in **Appendix A**.

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

467 **IX. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC**

468 A. Other Consulting Parties

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

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

475 2. Consulting parties shall be identified in writing by CTDOT in consultation with the Lead
476 Federal Agency and CTSHPO pursuant to 36 CFR § 800.3(c-f) and their participation in
477 reviews for Undertakings covered under this Agreement shall be governed by 36 CFR §
478 800.3(f)(3).

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

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

485 B. Public Involvement

486 1. CTDOT shall conduct all public involvement in planning and implementing Undertakings
487 pursuant to 36 CFR § 800.2(d) and CTDOT's current Public Involvement Procedures
488 (**Attachment 3**). Any release of information shall be in accordance with 36 CFR §
489 800.11(c)(1) and (3).

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

498 X. EMERGENCIES

499 A. Actions to address Emergency situations can occur regardless of funding category, and
500 regardless of declarations made by federal, state, or local agencies in accordance with 36 CFR §
501 800.12.

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

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

512 D. For Undertakings taking longer than thirty (30) days to complete after an emergency has been
513 declared, CTDOT will comply with the procedures set forth in **Stipulations VI and VII**, as
514 appropriate, unless an extension is requested from the ACHP in accordance with
515 36CFR§800.12(d).

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

519 **XI. DISCOVERIES**

520 A. Post-Review Discoveries

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

528 B. Discoveries Without Prior Planning

529 1. If previously unidentified archaeological or Historic Properties, or unanticipated effects,
530 are discovered during implementation of the Undertaking after CTDOT has completed its
531 Section 106 review pursuant to this Agreement, CTDOT shall immediately suspend work
532 in that area of the Undertaking, in accordance with CTDOT Form 819, *The Standard*
533 *Specifications for Roads, Bridges, Facilities and Incidental Construction*, as amended (or
534 current CTDOT Form), Section 1.10.06 – Protection of Archaeological and
535 Paleontological Remains and Materials.

536 2. CTDOT shall notify the appropriate Lead Federal Agency as soon as is practicable, or
537 within twenty-four (24) hours, of any discovery under this **Stipulation XI**. CTDOT shall
538 ensure that no further construction occurs within 100 feet of the area of the discovery until
539 the requirements of 36 CFR § 800.13(b)(3) have been satisfied, including but not limited
540 to consultation with Tribes that may attach traditional cultural and religious significance to
541 the discovered property.

542 3. CTDOT, in coordination with the Lead Federal Agency, will record, document, and
543 evaluate NRHP eligibility of the property and assess the Undertaking's effect on the
544 property, then consult with CTSHPO and Tribes and notify other consulting parties, as
545 appropriate, regarding design of a plan for avoiding, minimizing, or mitigating adverse
546 effects on the eligible property.

547 4. If neither CTSHPO nor a Tribe file an objection within seventy-two (72) hours of
548 CTDOT's plan for addressing the discovery, CTDOT may carry out the plan as proposed
549 and provide a report of the actions when complete on behalf of the Lead Federal Agency,
550 and is not required to notify ACHP.

551 **XII. TREATMENT OF HUMAN REMAINS**

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

554 A. In the event that human remains are encountered, CTDOT shall immediately cease construction
555 and/or work within 100 feet of the general area of the discovery, in accordance with CTDOT Form
556 819, *The Standard Specifications for Roads, Bridges, Facilities and Incidental Construction*, as
557 amended (or current CTDOT form), Section 1.10.06 – Protection of Archaeological and
558 Paleontological Remains and Materials.

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

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

564 D. CTDOT shall not remove and shall ensure that no human remains or materials associated with
565 the remains will be collected or removed, until appropriate consultations have occurred in
566 accordance with 36 CFR § 800.13(b)(3). CTDOT shall ensure that no further work in the area of
567 discovery proceeds until the Lead Federal Agency has determined that the requirements of
568 36CFR§800.13(b)(3) have been satisfied.

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

575 **XIII. CURATION OF ARCHAEOLOGICAL COLLECTIONS**

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

583 **XIV. ANNUAL REVIEW, AUDITING, REPORTING, AND MONITORING**

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

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

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

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

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

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

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

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

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

621 **XV. AMENDMENT**

622 Any Signatory to this Agreement may request that it be amended, whereupon the Signatories will
623 consult to consider such an amendment. Any resulting amendments to the Agreement or any
624 Appendix shall be developed and executed between the Signatories in the same manner as the
625 original Agreement. Changes to Attachments to this Agreement do not require a full amendment
626 to the PA. Should a Signatory request a change to an Attachment, the Signatory will notify all
627 Signatories of the requested change, and if no objection is raised in thirty (30) days, CTDOT will
628 make the change and document it in the annual report.
629

630 **XVI. TERMINATION**

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

637 **XVII. DISPUTE RESOLUTION**

638 A. Objections from a Signatory or Consulting Party.

- 639 1. If any Signatory or consulting party objects regarding the way the terms of this Agreement
640 are carried out, the objecting Signatory will notify in writing all other Signatories. The
641 Signatories will consult to resolve the objection. The Federal Transportation Agencies shall
642 establish a reasonable timeframe commensurate with the nature of the objection for such
643 consultations.
- 644 2. If the objection—other than a determination of eligibility which shall be resolved pursuant
645 to **Stipulation XVII.C**—is resolved through consultation, the Lead Federal Agency may
646 authorize the disputed action to proceed in accordance with the terms of such resolution.
- 647 3. If after initiating such consultation, the Lead Federal Agency determines that the objection
648 cannot be resolved through consultation, the Lead Federal Agency shall forward all
649 documentation relevant to the objection to ACHP and other Signatories, including the Lead
650 Federal Agency’s proposed response to the objection. Within thirty (30) days after receipt
651 of all pertinent documentation, ACHP shall exercise one of the following options:
- 652 a. Advise the Lead Federal Agency that ACHP concurs with the Lead Federal Agency’s
653 proposed response to the objection, whereupon the Lead Federal Agency will
654 respond to the objection accordingly; or
- 655 b. Provide the Lead Federal Agency with recommendations, which the Lead Federal
656 Agency shall take into account in reaching a final decision regarding its response to
657 the objection; or
- 658 c. Notify the Lead Federal Agency that the objection will be referred for comment
659 pursuant to 36 CFR § 800.7(a)(4) and proceed to refer the objection and comment.
660 In this event, the Lead Federal Agency, as the Agency Official shall ensure that the
661 resulting comments are taken into account in accordance with 36 CFR § 800.7(c)(4).
- 662 4. If ACHP does not exercise one of the options in **Stipulation XVII.A.3** within thirty (30)
663 days after receipt of all pertinent documentation, the Lead Federal Agency may assume
664 there is no objection from the ACHP in its proposed response to the objection.
- 665 5. The Lead Federal Agency shall provide all other Signatories with a written copy of its final
666 decision regarding any objection addressed pursuant to this Section.
- 667
- 668 6. The Lead Federal Agency shall take into account any ACHP recommendation or comment,
669 and any comments from the other Signatories, in reaching a final decision regarding the
670 objection. All Signatories shall remain responsible for all obligations under this Agreement
671 that are not the subject of the objection.
- 672 7. The Lead Federal Agency may authorize any action subject to objection under this
673 **Stipulation XVII** to proceed, provided the objection has been resolved in accordance with
674 the terms of this **Stipulation XVII**.

675 B. Objections from the Public.

- 676 1. At any time during implementation of this Agreement, if any member of the public raises
677 an objection in writing pertaining to such implementation to any Signatory, that Signatory
678 shall immediately notify the Lead Federal Agency. The Lead Federal Agency shall
679 immediately notify the other Signatories in writing of the objection. Any Signatory may
680 choose to comment on the objection to the Lead Federal Agency. The Lead Federal Agency
681 shall establish a reasonable timeframe for this comment period. The Lead Federal Agency
682 shall consider the objection, and in reaching its decision, take all comments from the other
683 Signatories into account. Within fifteen (15) days following closure of the comment period,
684 the Lead Federal Agency will render a decision regarding the objection and respond to the
685 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.

724 **PROGRAMMATIC AGREEMENT AMONG**
725 **THE FEDERAL HIGHWAY ADMINISTRATION,**
726 **THE FEDERAL TRANSIT ADMINISTRATION,**
727 **THE FEDERAL RAILROAD ADMINISTRATION,**
728 **THE CONNECTICUT DEPARTMENT OF TRANSPORTATION,**
729 **THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER,**
730 **AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**
731 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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739 **ADVISORY COUNCIL ON HISTORIC PRESERVATION**
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746 Reid Nelson
747 Executive Director
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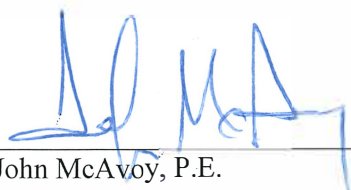
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751 PROGRAMMATIC AGREEMENT AMONG
752 THE FEDERAL HIGHWAY ADMINISTRATION,
753 THE FEDERAL TRANSIT ADMINISTRATION,
754 THE FEDERAL RAILROAD ADMINISTRATION,
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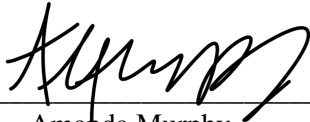
773 John McAvoy, P.E.
774 Connecticut Division Administrator
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1 May 2025

Date

780 **PROGRAMMATIC AGREEMENT AMONG**
781 **THE FEDERAL HIGHWAY ADMINISTRATION,**
782 **THE FEDERAL TRANSIT ADMINISTRATION,**
783 **THE FEDERAL RAILROAD ADMINISTRATION,**
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803 Amanda Murphy
804 Deputy Federal Preservation Officer
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4/22/25

Date

807 **PROGRAMMATIC AGREEMENT AMONG**
808 **THE FEDERAL HIGHWAY ADMINISTRATION,**
809 **THE FEDERAL TRANSIT ADMINISTRATION,**
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814 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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829 Peter Butler
830 Regional Administrator
831 FTA Region 1
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4/30/25

Date

833 **PROGRAMMATIC AGREEMENT AMONG**
834 **THE FEDERAL HIGHWAY ADMINISTRATION,**
835 **THE FEDERAL TRANSIT ADMINISTRATION,**
836 **THE FEDERAL RAILROAD ADMINISTRATION,**
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848 **CONNECTICUT STATE HISTORIC PRESERVATION OFFICE**
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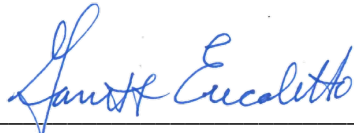
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854 Jonathan Kinney
855 Connecticut State Historic Preservation Officer
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 April 25, 2025

 Date

859 **PROGRAMMATIC AGREEMENT AMONG**
860 **THE FEDERAL HIGHWAY ADMINISTRATION,**
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874 **CONNECTICUT DEPARTMENT OF TRANSPORTATION**
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4/22/2025

Date

899 **PROGRAMMATIC AGREEMENT AMONG**
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901 **THE FEDERAL TRANSIT ADMINISTRATION,**
902 **THE FEDERAL RAILROAD ADMINISTRATION,**
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906 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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938 **PROGRAMMATIC AGREEMENT AMONG**
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951 CONCURRING PARTY

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977 **PROGRAMMATIC AGREEMENT AMONG**
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984 **REGARDING THE TRANSPORTATION PROGRAMS IN CONNECTICUT**
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990 CONCURRING PARTY

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CONCURRING PARTY

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Delaware Tribe of Indians

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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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1109 CONCURRING PARTY

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1112 Stockbridge Munsee Community

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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**

Date

1119 **APPENDIX A**

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1121 **UNDERTAKINGS EXCLUDED FROM FURTHER REVIEW NOT REQUIRING QUALIFIED**
1122 **STAFF REVIEW**

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

1138
1139 **Federal Highway Administration Transportation Mode Actions**

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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

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1177 [Reserved]

1178

1179 Federal Railroad Administration Transportation Mode Actions

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1181 [Reserved]

1182 **APPENDIX B**

1183 **UNDERTAKINGS EXCLUDED FROM FURTHER REVIEW REQUIRING QUALIFIED STAFF**

1184 **REVIEW**

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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)

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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.

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Federal Railroad Administration Related Projects

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

Federal Transit Administration Related Projects

Installation of Passenger Amenities

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

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

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

Minor Construction Activities at Existing Transit Buildings and Properties

- 38. Minor alterations or additions, as defined below, to existing transit-related maintenance, storage, and office facilities that are more than 45 years old. The area of work must be entirely with areas of previously disturbed soils and limited to the following activities:
 - a. Maintenance, repair, or replacement of HVAC systems.
 - b. Maintenance, repair, or replacement of pumps, air compressors, or fueling stations.
 - c. Paving, painting, or striping of existing parking surfaces.
 - d. In-kind maintenance or repair of architecturally distinctive light poles and fixtures.
 - e. Maintenance, repair, or replacement activities that are not included elsewhere on this list and involve non-structural elements, features, systems, hardware, and fixtures in the interior or on the exterior of non-station bus transit buildings. The new equipment and infrastructure shall be minor in scale and not visually incompatible with existing 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.
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ATTACHMENT 1

1387

DEFINITIONS OF TERMS SPECIFIC TO THIS AGREEMENT

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This Agreement will use the definitions provided in 36CFR§800.16(a) through (z). The terms listed

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below either are not defined in 36CFR§800 or have specific meanings in this Agreement. These terms are

1390

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 consulted 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