



# Section 106 Programmatic Agreements - What Works/What Doesn't/Lessons Learned

## SHRP2 C19 Peer Exchange Report Out

July 16, 2017 – ADC50 Mid-Year Meeting – Minneapolis, MN



**Peer Exchange purpose:** to share experiences on how programmatic agreements (PAs) were created and currently function from the State Department of Transportation (DOT) and State Historic Preservation Office (SHPO) perspective in an open, non-biased environment.

**Peer Exchange funding:** through the Second Strategic Highway Research Program (SHRP2) C19 Expediting Project Delivery product. C19 identifies 24 strategies for addressing or avoiding common constraints to expedite project delivery, resulting in better projects and environmental outcomes. Programmatic agreements for Section 106 is one of the 24 strategies.

### Peer Exchange Facts:

- 3 moderators representing the Federal Highway Administration (FHWA) and the Advisory Council on Historic Preservation (ACHP)
- 8 panelists representing State DOTs, SHPOs, and FHWA Division Offices
- 70 participants
- 70% of the audience members have a PA in their State



## Major Themes:

### *Best Practices for Developing a PA*

- Ensure dedicated staff time for PA development
- Assign a point person to manage the process in each agency
- Be clear and realistic about the goal and scope of the PA
- Strong communication throughout the process

### *Keys to PA Success:*

- Trust and open communication between signatories
- Strong relationships between the DOT and SHPO
- Managerial support and buy-in helps

### *PA Component Recommendations*

- Establish reporting requirements between agencies and annual meetings to discuss how the PA is functioning and make any necessary amendments
- Staff and consultants should meet the Secretary of the Interior's (SOI) Professional Qualification Standards
- Consider project monitoring to help build trust and ensure good outcomes
- If tribes are not a part of a State's PA, consider creating a separate agreement document with tribes that outlines how they are consulted

### *PA Benefits*

- Reducing the amount of documentation and coordination for projects with minimal or no effects to historic resources
- Allowing State DOTs and SHPOs to focus consultation efforts on larger, more complex projects with adverse effects to historic resources
- Codifying good work between SHPOs and State DOTs, even if no responsibilities are delegated
- Ensuring consistency when agencies face staff turnover
- Showing commitment to historic preservation



For more information on the event, please contact David Clarke ([david.clarke@dot.gov](mailto:david.clarke@dot.gov)) or MaryAnn Naber ([mnaber@achp.gov](mailto:mnaber@achp.gov))



U.S. Department  
of Transportation  
**Federal Highway  
Administration**