

PROGRAMMATIC AGREEMENT
AMONG
FEDERAL HIGHWAY ADMINISTRATION,
GEORGIA DEPARTMENT OF TRANSPORTATION,
AND THE GEORGIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
HISTORIC STREETCAR ARCHAEOLOGICAL SITES IN GEORGIA

WHEREAS, The Federal Highway Administration (FHWA) and the Georgia Department of Transportation (GDOT) have determined that Historic Streetcar Archaeological Sites (HSAS) may be affected by FHWA undertakings, as defined in 36 CFR Part 800.16(y);

WHEREAS, HSAS are defined as streetcar rails, bedding, cross-ties, and associated paving, known collectively as track, and are located at or below grade;

WHEREAS, FHWA, GDOT, and Georgia State Historic Preservation Officer (SHPO) agree with the findings presented in *Historic Streetcar Systems in Georgia: Context and Inventory* (Context), prepared by New South Associates in 2012, which will be used as a guideline for the identification and evaluation of Historic Streetcar Resources in Georgia;

WHEREAS, for the purposes of this Programmatic Agreement (PA), FHWA, GDOT, and SHPO agree that there are two types of HSAS in the City of Atlanta (Atlanta): those associated with streetcar systems constructed and operated by the Georgia Power Company (Georgia Power Streetcar Site [GPSS]), and those that predate Georgia Power or were operated by small local carriers (Non-GPSS);

WHEREAS, FHWA, GDOT, and SHPO agree that Georgia Power constructed and operated HSAS (GPSS) within Atlanta are not eligible for the National Register of Historic Places (NRHP), because the archaeological remains of this system have little potential to yield information important in history. GPSS within Atlanta are well understood due to the standardization in design and operation of the system as detailed in the Context;

WHEREAS, FHWA, GDOT, and SHPO agree that Non-GPSS within Atlanta may have the potential to yield information important in history and therefore may be eligible for the NRHP;

WHEREAS, FHWA, GDOT, and SHPO agree that all HSAS located outside of Atlanta may have the potential to yield information important in history and therefore are eligible for NRHP, as less is known about these streetcar systems;

WHEREAS, FHWA and GDOT have determined, and SHPO concurs, that Non-GPSS in Atlanta and all HSAS outside of Atlanta may only have significance for their potential to yield

information important in history and are therefore not worthy of preservation in place, as defined by Section 4(f) [23 CFR Part 774.13(b)];

WHEREAS, FHWA, GDOT, and SHPO agree that the eligibility and effects of Non-GPSS in Atlanta and all HSAS outside of Atlanta cannot be fully evaluated prior to construction activities;

WHEREAS, FHWA, GDOT, and SHPO have determined the need to streamline the identification, evaluation, and treatment of GPSS in Atlanta, pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, 36 CFR Part 800;

WHEREAS, associated historic streetcar system resources, i.e., above-ground resources, will be subject to 36 CFR Part 800.4-800.6;

WHEREAS, FHWA, GDOT, and SHPO have developed this PA in accordance with Subpart C of 36 CFR Part 800;

WHEREAS, FHWA, GDOT, and SHPO agree that projects adversely affecting NRHP-eligible HSAS will be mitigated through the standard treatment outlined in Section III of this PA and in Appendix A;

WHEREAS, the FHWA invited the Advisory Council on Historic Preservation (ACHP) to participate in the development of this PA, and the ACHP declined;

WHEREAS, interested members of the public, listed in Appendix B, were notified of the development of this PA, and are not concurring parties;

NOW THEREFORE, FHWA and GDOT agree and SHPO concurs that the review of projects affecting HSAS shall be administered according to the following stipulations:

STIPULATIONS

FHWA and GDOT will ensure that the following measures are carried out:

I. Professional Standards

- A. All undertakings pursuant to this PA, as well as surveys and mitigation planning regarding archaeological resources, will be carried out by or under the supervision of a person or persons (Project Archaeologist) meeting the professional qualifications for Archaeologist under "The Secretary of the Interior's Historic Preservation Professional Qualification Standards" (Federal Register Vol. 62, No. 119, p. 33719, 1997). The Project Archaeologist will be under contract with GDOT, a local project sponsor, or will be a GDOT staff archaeologist.
- B. Personnel described in Section I.A will reference the GDOT Environmental Procedures Manual to provide guidance on fieldwork and review procedures in compliance with the requirements under Section 106 of the NHPA.

II. Pre-Construction Phase: Identification and Evaluation (Illustrated in Appendix A)

A. Background Research

1. Atlanta Projects

- a. The Project Archaeologist will consult the Atlanta streetcar GIS database (www.georgiastreetcars.org; Cultural Resources Toolkit; Periods of Development) to determine whether a proposed undertaking's area of potential effects (APE) includes a GPSS and/or a Non-GPSS.
- b. If the APE only includes a GPSS, no further work is required, since GPSS in Atlanta are not considered eligible for the NRHP. The presence of the GPSS will be noted in a memo to file or the Section 106 documentation for the project by the Project Archaeologist. If the APE includes a Non-GPSS (which could co-exist with a GPSS within the APE) proceed to Section II.B.

2. Projects Outside of Atlanta

- a. The Project Archaeologist will conduct a literature search, outlined in Chapter 5 of the Context, to determine if HSAS have been identified within the APE.
- b. If the literature search confirms the APE includes a HSAS, proceed to Section II.B.

B. Non-Invasive Field Methods

1. If the APE includes a Non-GPSS in Atlanta or a HSAS located outside of Atlanta, Ground Penetrating Radar (GPR) and/or metal detecting will be employed by the Project Archaeologist within the APE to identify the potential presence of buried streetcar resources.
2. If the GPR or metal detector identifies the potential presence of buried streetcar resources, the Project Archeologist will alert GDOT of the discovery. Upon notification, GDOT or the Project Archaeologist will write a "Special Provision" for the construction contract to alert the project construction personnel that there is a high likelihood for the presence of Non-GPSS in Atlanta or HSAS located outside of Atlanta.
3. The "Special Provision" will ensure that the Project Archaeologist supervises the monitoring of all land-disturbing activities including, but not limited to, excavation, grading, and drilling within the project's APE within the existing right-of-way.

III. Construction Phase & Determination of Adverse Effect: Standard Treatment Procedures as Mitigation for NRHP-Eligible Non-GPSS in Atlanta and HSAS Located Outside of Atlanta (Illustrated in Appendix A)

A. Determination of Sampling Method

1. For all anticipated archaeological sites identified as potential Non-GPSS in Atlanta and HSAS located outside of Atlanta, GDOT will consult with SHPO following the issuance of the "Special Provision" for the construction contract to determine the procedures for obtaining archaeological samples of the streetcar track system. This consultation will include the finding that the proposed project will result in an adverse effect to either Non-GPSS in Atlanta or HSAS located outside of Atlanta.
2. SHPO will consult with GDOT within 10 business days following GDOT's request.
3. GDOT will issue a memorandum of record stating the recommended sampling method as agreed upon by GDOT and SHPO.
4. GDOT will provide the memorandum of record stating the recommended sampling method to the Project Archaeologist, who will employ the technique and proceed to document the samples according to the Standard Treatment Procedures outlined in Stipulation III.

B. High-resolution digital photography will be used by the Project Archaeologist to record each track sample with a photo scale.

C. One individual Georgia Archaeological Site Form will be submitted by the Project Archaeologist for the entire project-defined streetcar archaeological site, even if it is part of a larger streetcar system.

1. All samples will be included in the same site form, with the same site number.
2. Amended site forms will be prepared for previously identified sites.
3. Individual site boundaries will be defined by the length of the proposed undertaking, unless immediately adjacent to previously recorded HSAS resource.
4. The data recorded on the Georgia Archaeological Site Form will also be entered into the Archaeological Resources layer of Georgia's Natural, Archaeological, and Historic Resources Geographic Information System (GNAHRGIS) by the Georgia Archaeological Site Program.

D. If the site is located within a historic district, the Project Archaeologist will enter the site data into the Historic Resources layer of GNAHRGIS pursuant to established GDOT requirements for data input.

E. The sample retrieved possessing the highest degree of integrity will be subject to the following documentation measures by the Project Archaeologist:

1. The sample will be mapped using sub-meter accurate GPS.

2. Cross sections with plan views will be captured with measured drawings and digital photography.

IV. Project Monitoring and Unanticipated Discoveries

- A. GDOT will ensure the Project Archaeologist will monitor all land disturbing activities including, but not limited to, excavation, grading, and drilling within the project's APE within the existing right-of-way.
- B. If any subsurface archaeological features or artifact concentrations are encountered during monitoring that are not related to an anticipated HSAS, land disturbing activity shall be halted in the immediate vicinity of the resource(s) to allow GDOT, in consultation with the SHPO, time to evaluate significance and integrity and determine recovery, recording, and reporting procedures.
- C. The work stoppage will not exceed the minimum time necessary for consultation and completion of this work for each occurrence of significant archaeological resources (see Standard Specifications of Road and Bridges, 2013, Section 107.13(A), paragraphs 4 and 5).

V. Reporting

- A. GDOT will prepare an annual report scheduled according to the Georgia state fiscal year (July 1- June 30) for submittal to SHPO and FHWA. The first report will include the remainder of the fiscal year after the PA is executed and be published by November 1 of that year. All subsequent annual reports will be published by March 31.
- B. GDOT will ensure the annual report will contain a summary of the projects from the year in a tabular form, including specific site information, such as location, type of streetcar resource, photos of the site, cross section drawings, and a summary of the application of the PA to specific sites, if applicable.
- C. GDOT will submit a draft annual report to FHWA and SHPO for review 60 days prior to its publication date, as stated in Section V.A.
 1. FHWA and SHPO will review the draft of the annual report and provide comments to GDOT within 30 days of receipt of the annual report.
 2. GDOT will notify the interested members of the public (identified in Appendix B) of the first annual report upon its completion and publish the report by November 1 following the state fiscal year after this PA is executed. The report will be published on the following websites:
 - a) GDOT website (www.dot.ga.gov); and
 - b) Historic Streetcar Systems in Georgia website (<http://www.georgiastreetcars.org>)

VI. Review Meeting

- A. For the first review meeting of this PA, GDOT will ensure that the signatories meet upon the completion of 15 projects involving HSAS in order to assess the effectiveness of this PA.
- B. During the review meetings, GDOT and SHPO will reconsider the case-by-case consultation for determining HSAS track sampling methods, as outlined in Section III., and whether it is appropriate, upon review of the completed projects, to replace this consultation with categorical sampling techniques. GDOT and SHPO may elect to amend this PA according to these agreed upon findings, following Section VI of this PA.
- C. During the review meetings, GDOT and SHPO will review any additional information regarding HSAS located outside of Atlanta and, if appropriate, consider whether the PA should be amended in regards to these resources.
- D. GDOT will ensure the findings of the review meeting will be included in the first annual report.
- E. Subsequent review meetings will take place annually during the month of November to allow any review meeting findings to be included in the annual report.

VII. Public Involvement

At any time while the PA is in effect, should a member of the public object in writing to implementation of its terms, GDOT will notify the other signatories in writing and take the objection into consideration. GDOT will consult with the objecting party and, if the party so requests, the other signatories, for not more than 30 days. In reaching its decision regarding the objection, GDOT, in consultation with FHWA, will take into consideration all comments from these parties. Within 30 calendar days after the closure of this consultation period, FHWA will provide the other parties its written decision. FHWA's decision will be final.

VIII. Amendment

The FHWA, GDOT, and SHPO may request that this PA be modified or amended only by written, mutual agreement of the signatories. The amendment will be effective on the date a copy of the amendment is signed by all signatories.

IX. Termination

The FHWA, GDOT, and SHPO may propose to terminate this PA by providing 30 calendar days' notice to all parties explaining the reasons for the proposed termination. All parties will consult during this period to seek agreement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this PA.

X. Duration

There is no expiration date associated with this PA so long as the stipulations in Section V are completed with due diligence.

XI. Dispute Resolution

Should any Signatory to this PA object in writing to the manner in which any action is being carried out or not carried out in accordance with this PA, GDOT shall consult with the objecting party to resolve the objection according to the following levels of dispute resolution:

Level 1: If either of the agencies considers that the nature of an action or series of actions cannot immediately be resolved, the GDOT Unit Manager and SHPO Archaeological Reviewer may request a meeting to discuss the issues. A meeting will be held between the Level 1 representatives within 10 business days of receipt of the official request. If the issues are not resolved within 5 business days of the meeting, the issues will be sufficiently documented and elevated to Level 2 within 2 business days by either party.

Level 2: If issues cannot be resolved at Level 1, the GDOT Cultural Resources Section Manager and SHPO Archaeology Manager will hold a meeting to discuss the issues through written notification from Level 1 staff. The notification will describe the issues in sufficient detail and provide recommendations for resolving the issue. A meeting will be held between the Level 2 representatives within 5 business days of receipt of the written notification. If the issues are not resolved within 3 business days of the meeting, the issues will be elevated to Level 3 within 2 business days by either party.

Level 3: If the issues cannot be resolved at Level 2, GDOT's State Environmental Administrator and SHPO's Division Director will hold a meeting to discuss the issues through written notification from Level 2 staff. The notification will describe the issue in sufficient detail and provide recommendations for resolving the issue. Once Level 3 review is initiated, the representatives will confer within 3 business days. If the

issues are not resolved within 2 business days of the meeting, the issues will be elevated to Level 4 within 2 business days by either party.

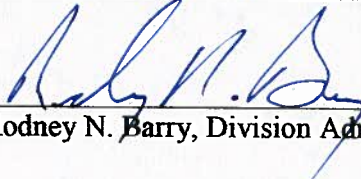
Level 4: Should none of the above negotiations result in a satisfactory resolution to either party, the GDOT Commissioner and Department of Natural Resources Commissioner will determine the final outcome.

If the dispute cannot be resolved, GDOT will request the ACHP's advice on a proposed resolution in accordance with 36 CFR 800.2(b)(2). GDOT will take into account any ACHP recommendations or comments, and any comments from the signatories in reaching a final decision regarding the objection. The signatories will continue to implement all other terms of the PA that are not subject to objection. GDOT will provide the signatories with its final written decision regarding any objection resolved pursuant to this stipulation, and may authorize any disputed action to proceed, after resolving the related objection.


XII. Signatories

Execution of this PA by the FHWA and the SHPO, its subsequent filing with the ACHP, and implementation of its terms, is evidence that the FHWA has afforded the ACHP an opportunity to participate in the development of this PA.


FEDERAL HIGHWAY ADMINISTRATION

BY:  DATE: 7/27/15
Rodney N. Barry, Division Administrator

GEORGIA STATE HISTORIC PRESERVATION OFFICER

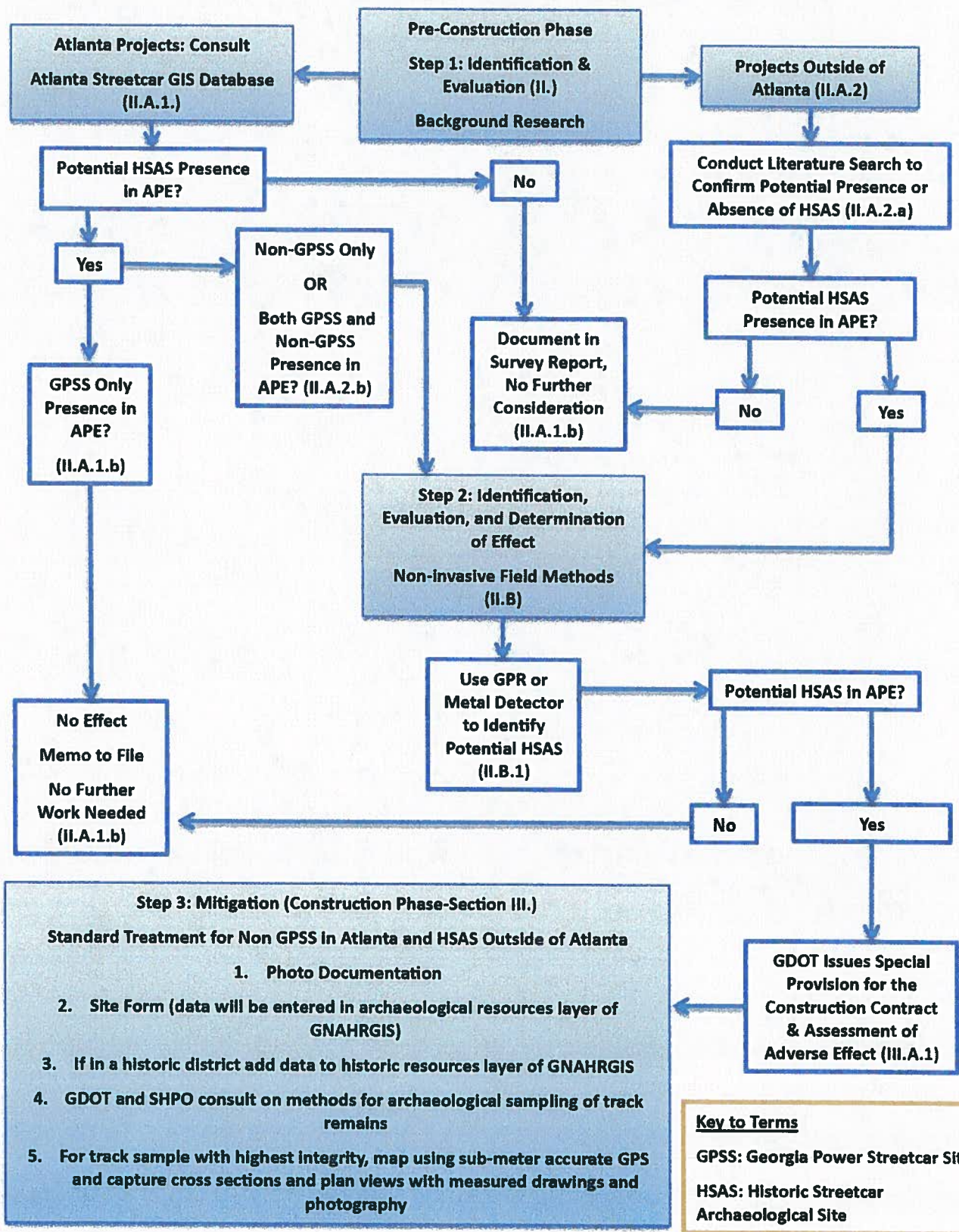
BY:  DATE: 25 JUNE 15
David Crass, Division Director, Deputy SHPO

GEORGIA DEPARTMENT OF TRANSPORTATION

BY:  DATE: 6-2-15
Russell R. McMurry, Commissioner

**APPENDIX A:
STANDARD TREATMENT PROCEDURES FOR
STREETCAR ARCHAEOLOGICAL RESOURCES**

**Appendix A: Standard Treatment Procedures
For Streetcar Archaeological Resources**



Step 3: Mitigation (Construction Phase-Section III.)
Standard Treatment for Non GPSS in Atlanta and HSAS Outside of Atlanta

1. Photo Documentation
2. Site Form (data will be entered in archaeological resources layer of GNAHRGIS)
3. If in a historic district add data to historic resources layer of GNAHRGIS
4. GDOT and SHPO consult on methods for archaeological sampling of track remains
5. For track sample with highest integrity, map using sub-meter accurate GPS and capture cross sections and plan views with measured drawings and photography

Key to Terms
 GPSS: Georgia Power Streetcar Site
 HSAS: Historic Streetcar Archaeological Site

**APPENDIX B:
STREETCAR PROGRAMMATIC AGREEMENT
PUBLIC NOTIFICATION**



NOTIFICATION

Historic Streetcar Systems in Georgia Context and Programmatic Agreement

May 14, 2015

The Georgia Department of Transportation (GDOT) and the Federal Highway Administration (FHWA) funded a statewide historic context report entitled *Historic Streetcar Systems in Georgia: Context and Inventory*, completed in January 2012. A history of streetcar trolley systems in the state, the context was developed to provide GDOT staff and other preservation professionals a better understanding of historic streetcar resources and to present a framework for their evaluation under the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires federal and state agencies to assess the effects of their undertakings on cultural resources that are eligible for listing in the National Register of Historic Places (NRHP). The study provides a history of the development of streetcar transportation in Atlanta, identifies streetcar systems in other major cities in the state, classifies historic resources associated with streetcar systems, and offers tools for the evaluation for the NRHP. The context is available as a PDF on the GDOT website (dot.ga.gov) and through the "Historic Streetcar Systems in Georgia" website (georgiastreetcar.org).

The information provided by the context has led to the creation of a Programmatic Agreement (PA), a document currently under development between GDOT, FHWA, and the Georgia State Historic Preservation Office (SHPO). The PA provides a streamlined approach for Section 106 review and defines a standard treatment for streetcar archaeological sites. Through the PA, GDOT and FHWA will ensure the state's streetcar and trolley-related historic resources are appropriately accounted for in regards to the Section 106 process while creating greater efficiency in their identification, evaluation, and treatment.

For further information regarding the development of the Programmatic Agreement, please contact:

Jim Pomfret
Georgia Department of Transportation
Office of Environmental Services
600 West Peachtree Street, NW
Atlanta, GA 30308
jpomfret@dot.ga.gov
404.631.1256

**Appendix B
Streetcar Programmatic Agreement (PA) Public Notification
List of Organizations that will be Notified of Development of PA**

Georgia Regional Commissions

Northwest Georgia
Georgia Mountains
Atlanta Regional Commission
Three Rivers
Northeast Georgia
Middle Georgia
Central Savannah River Area
River Valley
Heart of Georgia Altamaha
Southwest Georgia
Southern Georgia
Coastal

Local Governments: City Planners and/or Historic Preservation Commissions*

Albany
Americus
Athens
Atlanta
Augusta
Brunswick
Columbus
Covington
College Park
Fairburn
Gainesville
Griffin
LaGrange
Macon
Rome
Savannah
Valdosta
Washington
Waycross

Local or Regional Historical Organizations/Societies*

Albany- Thronateeska Heritage Center
Athens- Athens-Clarke Heritage Foundation

Atlanta- Atlanta Preservation Center
Augusta- Historic Augusta
Brunswick- Coastal Georgia Historical Society
Columbus- Historic Columbus
Covington- Newton County Historical Society
Fairburn/College Park- College Park Historical Society
Gainesville- Hall County Historical Society
Griffin- Griffin Spalding Historical Society
LaGrange- Troup County Archives
Macon- Historic Macon Foundation
Savannah- Historic Savannah Foundation
Valdosta- Lowndes County Historical Society and Museum
Washington- Washington-Wilkes Historical Foundation
Georgia Trust for Historic Preservation
Georgia Historical Society

***Cities that had streetcar systems historically. See *Historic Streetcar Systems in Georgia: Context and Inventory (Context)*, prepared by New South Associates in 2012.**

**APPENDIX C:
LIST OF ACRONYMS USED IN PROGRAMMATIC
AGREEMENT**

Appendix C

List of Acronyms Used in Programmatic Agreement

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
FHWA	Federal Highway Administration
GDOT	Georgia Department of Transportation
GNAHRGIS	Georgia's Natural, Archaeological, and Historic Resources Geographic Information System
GPSS	Georgia Power Streetcar Site(s)
GPR	Ground Penetrating Radar
HSAS	Historic Streetcar Archaeological Site(s)
NHPA	National Historic Preservation Act of 1966
NRHP	National Register of Historic Places
PA	Programmatic Agreement
SHPO	Georgia State Historic Preservation Officer