

Section 106 Tier I PQS Memo – No Potential to Cause Effects to Historic Properties

Control No:		Project No:		Project Name:	
Date of Project Description:				Project Location:	

NDOT PQS Project Effects Determination:			
NDOT PQS Signature:		Date:	

Please Note: For the criteria below to be valid, any and all ground disturbance should be limited to the depth of the existing fill material. Ground disturbance should not exceed the depth of the existing fill material.

1.	Guardrail and bridge rail repair and replacement. Conditions: In kind repair/replacement.
2.	Traffic signals, intersection lighting, pedestrian signals, underpass lighting or railroad lighting within existing Right of Way. Conditions: in kind repair/replacement.
3.	Maintenance and replacement of highway signs on existing poles, new sign installation within existing fill material.
4.	Crack sealing, pothole repair, overlaying, milling, resurfacing, and installation of rumble strips, pavement marking and ADA ramp construction. Conditions: This activity does not include actions on brick streets or brick highways. The maintenance or rehabilitation is limited to the existing surfaced areas with only minimal surface expansion, is the same as the existing vertical and horizontal alignments of the roadway, no ditching or drainage work is included. All staging areas can be limited to existing paved or previously disturbed surfaces only (e.g., surfaces with little to no vegetation due to previous disturbance). Any and all ground disturbance is limited to existing fill material and will not exceed the depth of the existing fill material.
5.	Repair/Maintenance of Right of Way fencing, limited to repair/replacing fence wire and fence posts only at existing fence post locations. Condition: If any grading is required for access or installation of fencing, this authority does not apply.
6.	Improving existing bicycle and pedestrian lanes and paths on their existing alignments. Conditions: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the fill material.
7.	Acquisition of scenic easements.
8.	Approvals for disposal of excess Right of Way or for joint or limited use of the Right of Way previously purchased with federal funds, provided no properties over 50 years old are located on the property.
9.	Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels, as long as those parcels do not contain properties over 50 years old.
10.	Improvements to existing maintenance facilities, rest areas (excluding I-80 rest areas), and truck weigh stations less than 50 years old. Condition: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the existing fill material
11.	Repair/Replacement of at-grade railroad crossing gates, lights, signs and the rail crossing driving surface. Condition: work is limited to in kind replacement/repair with any and all ground disturbance limited to existing fill material locations only, not to exceed the depth of existing fill material.
12.	Grants for training, education and research programs which do not involve construction.
13.	Purchase of equipment or materials which do not involve construction.
14.	Visual bridge inspections.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the First Renewed Memorandum of Understanding dated September 17, 2021, and executed by FHWA and NDOT.

This undertaking has been reviewed under the programmatic agreement entitled Programmatic Agreement Among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Nebraska Department of Roads to Satisfy the Requirements of Section 106 for the Federal Aid Highway Program in the State of Nebraska (July 2015), as amended, and meets the requirements to be considered a Tier I Project.