



**National Trust for  
Historic Preservation**  
*Save the past. Enrich the future.*



**INDIANA HISTORIC  
SPANS TASK FORCE**

March 6, 2013

Pamela S. Stephenson, Division Administrator  
Damaris Santiago, Environmental Engineer  
Federal Highway Administration  
55 Broadway, 10th Floor  
Cambridge, MA 02142

Re: Comments on the Mitchell River Bridge Replacement Project

Dear Ms. Stephenson and Ms. Santiago:

On behalf of the National Trust for Historic Preservation, the Historic Bridge Foundation, and the Indiana SPANS Task Force, we appreciate the opportunity to comment on the Mitchell River Bridge Project following the Section 106 Meeting on February 2<sup>nd</sup> where we reviewed the 25 percent design plans for the project, pursuant to Stipulation II.A. of the Memorandum of Agreement (MOA). We appreciate your willingness to consider our views, and we apologize for submitting these comments late.

**We Strongly Support the Application of Stone Cladding on All Sides of the Abutments.**

The proposed design plans call for stone cladding on all sides of the piers, which we support. For the abutments, however, the plans only propose the use of stone cladding on the north and south sides of the abutments, but not on the face of the abutments, which will connect the two sides and run under the bridge. We urge the FHWA and MassDOT to revise the plans in order to incorporate stone cladding on all exposed sides of the abutments.

Although the unadorned face of the concrete abutments would not be visible to drivers while they are in the process of driving over the bridge, the absence of stone cladding on the side of the abutment under the bridge would be widely visible to people on the shore, and to boaters and fishermen in the water. The proposed discontinuity of the "on-again/off-again" stone cladding on the abutments would be visually jarring, and would also make the panels of stone cladding on the north and south elevations of the abutments look tacky and fake.

It does not appear that additional stone cladding underneath the bridge would add enormous costs to the project. We note that URS has stated, "A veneer could be wrapped around the face below the bridge deck, but it *may* not make economic sense to do so because the face under the pier would not be very broad or highly exposed." Letter from Mark E. Shamon, URS, to Thomas P. Donald, MassDOT (Jan. 9, 2013) (emphasis added). Although we disagree with the assumption by URS that the face of the abutments would not have much visual exposure, the language certainly suggests that the additional cost of extending a continuous stone veneer to all sides of the abutments would not be substantial.

Therefore, we strongly encourage MassDOT and FHWA to incorporate this change into the design plans. We believe this relatively minor additional investment will substantially improve

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the visual appearance and character of the replacement bridge, and will be consistent with the requirements of Section 4(f)(2) to incorporate “all possible planning to minimize harm” to the historic character of the bridge.

**The Use of the *Programmatic Section 4(f) Evaluation* for Historic Bridges is Inappropriate Given the Exceptional Significance of this Historic Bridge.**

We continue to object to the FHWA’s reliance on the “*Programmatic Section 4(f) Evaluation*” for Historic Bridges in this case, and we believe its application here represents a failure to comply with the requirements of Section 4(f). The *Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges*, adopted in 1983, provides a streamlined checklist for routine bridge replacement projects, which essentially allows a Section 106 agreement, together with “document and destroy” mitigation, to substitute for true compliance with the statutory mandate under Section 4(f) to ensure that the project includes “all possible planning to minimize harm.” The result is to circumvent the strict application of the requirement to “minimize harm,”—and to evade comments by the Department of the Interior as well—by adopting the fiction that the Section 106 agreement essentially represents “all possible planning to minimize harm.” The reality, of course, is that Section 106 agreements rarely if ever represent “all possible planning to minimize harm,” and this case is no exception. Instead, these Section 106 agreements represent negotiated compromises.

By its own terms, the *Programmatic Section 4(f) Evaluation* is not allowed to be used in the case of bridges that are National Historic Landmarks (NHLs). This explicit limitation recognizes as a matter of policy that the abbreviated review process under the *Programmatic Evaluation* is inappropriate for bridges of “exceptional” significance, which is what NHLs represent. 36 C.F.R. §§ 65.1(b)(1), 65.2(a). Although the Mitchell River Bridge has not been designated as an NHL, it too has specifically been deemed to possess “exceptional” significance, by the Keeper of the National Register herself, and the fact that it represents one of the last, if not *the* last, single-leaf wooden drawbridge in the United States, is a strong reason why the *Programmatic Section 4(f) Evaluation* should not be applied here. The policy reasons behind the NHL exception to the *Programmatic Evaluation* are equally applicable to the unique and specific circumstances of the Mitchell River Bridge replacement project.

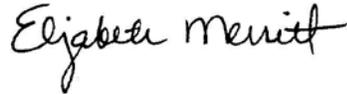
Coordination and comment by the Department of the Interior is normally required under Section 4(f), 23 C.F.R. § 774.5(a), but is circumvented by application of the *Programmatic Section 4(f) Evaluation*. In this case, review and comment by the Department of the Interior is especially important as a matter of policy, because of the role played by the Interior Department in resolving the dispute over whether the Mitchell River Bridge is eligible for the National Register, and in finding that the bridge has “exceptional” significance.

For all of these reasons, we continue to believe it is inappropriate and unlawful for the FHWA to rely on the *Programmatic Section 4(f) Evaluation* in this case as a substitute for the stringent requirements of Section 4(f).

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Thank you for considering our comments.

Sincerely,



Elizabeth S. Merritt, Deputy General Counsel  
National Trust for Historic Preservation



Paul Brandenburg, Chair  
Historic SPANs Task Force



Kitty Henderson, Executive Director  
Historic Bridge Foundation

cc: Mary Ann Naber, Federal Preservation Officer, FHWA  
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