



HISTORIC PRESERVATION

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Why is MoDOT Concerned with Historic Preservation?

The Missouri Department of Transportation strives to balance historic preservation concerns with the task of planning, designing, constructing, and maintaining the State's complex transportation infrastructure.

MoDOT's Historic Preservation (HP) staff works to identify potential conflicts between the two and to help resolve them in the public



interest.

The HP staff ensures that no MoDOT job is denied federal funds or permits due to lack of compliance with historic preservation regulations. MoDOT makes every effort to comply with federal and state historic preservation legislation and regulations, and address citizen concerns, while being a good steward of Missouri's historic and prehistoric resources.

Section 106 of the National Historic Preservation Act

[This Act](#) requires that MoDOT consider the potential impacts that any federally funded or permitted project may pose to significant cultural resources. Cultural resources include archaeological sites, buildings, structures (e.g., bridges), objects, and districts. The significance of a cultural resource is evaluated by applying a set of criteria that are set forth by the [National Register of Historic Places](#). Cultural resources that meet the criteria of eligibility for listing, or already listed, on the National Register are referred to as "historic properties."

Failure to comply with Section 106 could jeopardize federal funding and permits for a project, which could result in project delays. The Section 106 process requires MoDOT to:

- *Initiating Section 106* – Identify who should participate in the review. Consulting parties may include the State (or Tribal) Historic Preservation Officer, the local government, an applicant for federal assistance (if one is involved) and interested federally recognized Indian tribes or Native Hawaiian organizations. Historic preservation organizations and others with an interest in the preservation outcomes of the project or those with a legal or economic interest may also be invited to join consultation. The agency also plans how it will involve the public.
- *Identify Historic Properties* – Establish the project's area of potential effect (APE) and determine if any cultural resources within the APE are historic properties. If no historic



properties are present, or if those present will not be affected by the project, the review may conclude here.

- *Assess Adverse Effects* – Determine how historic properties might be affected by the project and whether any of those effects would be considered adverse. “Adverse effects” are those that diminish characteristics qualifying a property for inclusion in the National Register. If there are no potential adverse effects to a historic property, the review may conclude here.
- *Resolve Adverse Effects* – Explore measures to avoid, minimize, or mitigate adverse effects to historic properties and reach agreement with the State Historic Preservation Officer on measures to resolve them.

Section 106 encourages, but does not mandate, the preservation of historic properties. The goal of Section 106 is to ensure that preservation values and the views of consulting parties and the public are factored into the planning process for all federally funded or permitted projects. It provides assurance that agencies will assume responsibility and public accountability for their decisions when dealing with cultural resources, and specifically historic properties.

How to Participate?

Section 106 encourages public participation and requires MoDOT to seek out consulting parties to participate in the process. The consulting parties include government agencies, tribes, local governments, and the public (individuals & organizations) with a demonstrated interest in the project and/or historic properties affected by it. The public can also be involved in the Section 106 process by providing comments at public meetings or online at the "virtual" public meetings on MoDOT's website.

The Advisory Council on Historic Preservation's pamphlet [*Protecting Historic Properties: A Citizen's Guide to Section 106 Review*](#) is an excellent starting point for citizens seeking more information on their role in the Section 106 process. If you are interested in consulting on a project or have concerns/knowledge of a proposed MoDOT project that may impact a historic property, please contact MoDOT's historic preservation manager at



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Additional Information

Two sources to learn more about Section 106 of the National Historic Preservation Act are the [Advisory Council on Historic Preservation](#) and the Missouri [State Historic Preservation Office](#) (SHPO). The Advisory Council (as per their website) "...is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources, and advises the President and Congress on national historic preservation policy." The SHPO is in the Department of Natural Resources and is responsible, in partnership with the U.S. Department of the Interior's National Park Service and local governments, in assisting in the Section 106 process. Additional information on the Section 106 Process from the Federal Highway Administration is linked [HERE](#). A brochure summarizing MoDOT's Section 106 responsibility is available [HERE](#)

Section 106 of the National Historic Preservation Act

Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties.

[LEARN MORE](#)

National Register of Historic Places

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation and is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.