

MISSOURI'S HISTORIC INTERSTATES?

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In December 1999, the Missouri Department of Transportation (MoDOT) submitted information to the Missouri State Historic Preservation Officer (MoSHPO) for eight Interstate 70 bridges scheduled for replacement in the spring of 2000. Based on their common nature of construction and their being less than 50 years in age, MoDOT recommended that the bridges were not eligible to the National Register of Historic Places (NRHP). The MoSHPO disagreed with MoDOT's evaluation and stated that these bridges as well as Interstate 70 overall were historic and NRHP-eligible. MoDOT disagrees with this determination of eligibility; however, the MoSHPO's determination has not been officially contested or taken to the Keeper of the National Register.

This disagreement about the historic nature of the Interstate 70 bridges as well as the highway overall is not a difference between historic preservationist values versus those of highway engineers. MoDOT's assessment of the bridges' historic nature was developed by the MoDOT cultural resources staff that includes a historic bridge coordinator, historians, architectural historians, and archaeologists. These individuals have sound professional historical preservation credentials and all disagree with the MoSHPO's determination.

The concept of historic interstates did not start in the state of Missouri but Missouri apparently was the first and possibly may be the only state in which the SHPO has made an official determination to this effect. Based on this distinction, one of the goals of this presentation is to provide some background about how the issue initially appeared in Missouri. A second goal is to identify some concerns that the MoDOT cultural resources staff have about the interstate highway system possibly being considered historic.

The History of Missouri's "Historic" Interstates

In Missouri, the issue of potentially historic interstates officially appeared in December 1999, when MoDOT submitted project and cultural resources information to the MoSHPO for two different federal-aid projects in northern metropolitan St. Louis (Figure 1). The two projects required no new right of way but consisted of the proposed replacement of eight Interstate 70 bridges. One project was to replace six of the bridges with a second project replacing two additional bridges. These eight bridges included six paired bridges and two single, wider bridges. Two bridges were located at the main entrance to St. Louis' Lambert International Airport, four were located west of the airport, and two were just to the east of the airport. All eight bridges were built in 1958.

They were “typical” interstate bridges consisting of concrete slab, steel girder, or steel stringer construction and they ranged in length from 133 to 168 feet (Figure 2). All of the bridges had been extensively modified at least once with six of them having been extensively modified on two different occasions. These modifications included structural changes associated with widening and strengthening the original structures. In MoDOT’s submittal to the MoSHPO, it was recommended that the bridges were not eligible to the NRHP and that the project would not adversely affect any historic resources.

Approximately 30 days after MoDOT’s submittal of the information, the MoSHPO formally replied, disagreeing with MoDOT’s assessment that the projects would not affect any historic resources. Regarding the proposed replacement of six bridges by one project, the MoSHPO wrote (January 18, 2000 correspondence):

“After reviewing the submitted documentation, staff of the Historic Preservation Program (HPP) disagrees with MoDOT’s determination that these structures are not eligible for the National Register of Eligibility. HPP staff considers L-805R1, L-806R1, L-807R1, L-808R1, L-809R1, and L-830R1 eligible for the National Register of Historic Places, as they are an integral part of the structure of I-70. I-70, and these constituent bridges are eligible under Criterion A, association with events that have made a significant contribution to the broad patterns of our history, in the Areas of Engineering, Military, Social History and Transportation, and satisfy Criteria Consideration G, having achieved significance within the past 50 years due to its exceptional importance.”

On the same day, MoDOT received a second and similar MoSHPO response for the second project involving the replacement of two bridges.

The MoSHPO’s response came as a surprise to MoDOT. The MoSHPO previously had never indicated interstates or interstate-related resources were considered to be eligible to the NRHP. Furthermore, MoDOT’s statewide historical bridge survey had not identified or suggested that any interstate bridge should be considered NRHP-eligible. Although this statewide bridge survey has never been fully approved by the MoSHPO, they have critically reviewed it and it remains a primary resource for evaluating the historic nature of Missouri bridges.

The MoSHPO’s determination quickly became a critical scheduling issue for MoDOT. The projects replacing these bridges were high-profile, politically sensitive, and relatively expensive projects that were scheduled to be awarded for construction in several months. Since MoDOT had not anticipated any Section 106 concerns about the projects, MoDOT had submitted the project information to the MoSHPO relatively late in the design process and close to the planned contract award date. There was little time to get any inter-agency disagreements resolved. MoDOT unsuccessfully tried to discuss the issue with the MoSHPO over the next month. Approximately a month later, a conference call was arranged among senior management of MoDOT, the Federal Highway Administration-Missouri Division Office (FHWA-MO), and the Missouri Department of

Natural Resources (the agency in which the MoSHPO is located) to discuss the MoSHPO's original determination of the bridges' eligibility. During this call, MoDOT repeated that the bridges had been modified extensively in the past and FHWA-MO indicated that they did not feel this Section 106 disagreement should delay the proposed bridge replacements (the projects would proceed with or without SHPO concurrence)

Following the conference call, the MoSHPO sent a second letter regarding their assessment of the bridges. In the second response, the MoSHPO qualified their original determination and stated that since the bridges had been previously modified, replacement of the bridges would have "no adverse effect" provided several conditions were met. These conditions included MoDOT completing a recordation report for the bridges with the report containing black-and-white archival quality photographs, keyed maps showing the locations of the bridges, and copies of construction plans, specifications, and modification records for each bridge. The report was to be submitted to the MoSHPO for review and upon acceptance, MoDOT was to provide a final copy to the MoSHPO and a local historical repository.

In the interest of retaining FHWA support and funding for the projects and allowing the projects to proceed on the planned schedule, MoDOT accepted the MoSHPO's conditions to obtain a "no adverse effect" although MoDOT restated its disagreement with the MoSHPO's determination of eligibility.

While resolution of the Interstate 70 bridges was being sought, both the FHWA-MO and MoDOT sent e-mail inquiries to other states to determine if the issue of historic interstates had arisen in other states and to seek comments and suggestions from other states. The responses received from these inquiries were varied but the majority of responses strongly opposed the idea of interstates being considered historic. Several states indicated that various highways and roads had been determined historic and listed on the NRHP in their state but no state indicated an interstate facility or a portion of a highway had been determined to be NRHP-eligible based solely on its being designated as part of the interstate system. The majority of responses also expressed strong concern that the concept of historic interstates might be decided on an individual state basis rather than from a national perspective.

In mid-May 2000, MoDOT submitted an approximately four inch-thick document including photographs, copies of plans and maintenance records for these bridges to the MoSHPO. The MoSHPO accepted the document although MoDOT had some difficulty finding a local repository that was interested in adding the documentation to their records. It appears that archival storage space is at a premium everywhere and few local repositories were interested in incorporating information for recent bridges into their archives or files.

Since the evaluation and subsequent documentation of the bridges on the two Interstate 70 projects, MoDOT has received similar responses and requests for documentation from the MoSHPO for planned bridge replacements along other interstates as well. Subsequent MoSHPO correspondence indicates the MoSHPO now

considers the entire interstate system to be eligible for listing on the National Register. While MoDOT has received additional requests for documentation on additional bridges, the MoSHPO has reduced the kinds and amount of documentation requested for any one project since all of these data already are archived at MoDOT. At the MoSHPO's request, MoDOT has compiled some level of documentation for certain additional projects changing the physical structure of an interstate highway such as building or removing interchange or bridges

Extent of the Issue

For any one project, the amount of effort required to comply with the MoSHPO's request for documentation is not great but the overall effort becomes significant based on the number of individual requests received. The consequences of increased effort are twofold, MoDOT cultural resources and bridge staff have to compile and submit the information, the MoSHPO staff has to review and file it. In addition, the documentation includes archival quality black and white photography that requires manual processing in contrast to an otherwise fully automated color photographic process.

Just how large of an issue for MoDOT would the determination that interstates are historic be? This question is best answered by considering the size and magnitude of the interstate system in Missouri. There are five major interstates that either cross the entire state of Missouri or have major segments located within the state including Interstates 29, 35, 44, 55, and 70 (Figure 3). In addition, there are ten shorter segments of interstate highways or metropolitan beltways with interstate designations including Interstate 57, 64, 170, 270, 470, 670, 229, 255, 435, and 635 (Figure 4). In all, there is a total of 1170 miles of designated interstate highway located within the state of Missouri (Figure 5).

For years, MoDOT has been building, maintaining, and modifying various portions and aspects of the interstate highway system in Missouri, and interstate highway projects presently comprise a large portion of the overall state highway program. For example, the 2000 – 2005 Missouri statewide transportation improvement program (STIP) lists 136 projects involving portions of the designated interstate system with the projects having a combined cost of approximately \$750,000,000. These individual projects vary greatly in their nature and magnitude. For example, three projects costing from \$45,000,000 to \$53,000,000 each involve the reconfiguration of an interchange or seismic retrofitting of interstate bridges. On the other extreme, three \$30,000 projects are planned to increase toilet capacity at interstate rest areas. In between these extremes is a variety of projects involving interstate facilities including: resurfacing; restriping; replacing guardrails adding or changing interchange lighting; building, removing, modify or rehabilitating ramps, interchanges, overpasses, bridges; constructing additional lanes; building, closing, or upgrading rest areas; and adding additional interstate highway to the interstate system.

In sum, a significant portion of MoDOT's overall efforts is directed to maintaining or enhancing the interstate highway system. Based on the deteriorating condition of

Missouri's interstates, it is likely that the interstate system will receive even greater attention and resources in the future.

Concerns Regarding a Historic Interstate System

There are at least three primary areas of concerns regarding the interstate system potentially being considered NRHP-eligible. These areas include procedural issues, concerns regarding the consequences of determining the interstate system to be eligible, and finally the very pragmatic concern about the timing of this determination.

Some of the procedural questions and concerns regarding interstates being considered as historic resources are examined first. One concern is that the MoSHPO's determinations that interstate highways are NRHP-eligible may not have adequately followed the Section 106 process or addressed its various requirements. For instance, the MoSHPO determinations of eligibility do not satisfactorily identify the boundaries of the resources considered historic. Just what is being considered historic? Through subsequent letters from the Missouri SHPO what started out to be a historic Interstate 70 system has been expanded into a historic interstate system overall. But, what is meant by the word "system"? Does "system" refer just to the network of physical highways themselves or does it include the highways along with related maintenance facilities, outer roads, and rest areas? Does the interstate "system" include just those highways identified in the original National System of Interstate and Defense Highways or does it include any facility built to interstate standards or any facility ultimately designated as an interstate? The determinations of eligibility also only partially address the interstates period of significance. In some (but not all) responses to MoDOT, the MoSHPO has indicated that the interstates' period of significance continues to the present. This implies that future additions to the interstate such as new interchanges will be considered NRHP-eligible as soon as their construction is completed and they are officially incorporated into the interstate system. Is the historic preservation community ready to have brand new construction routinely considered historic and eligible for the National Register of Historic Places? The issue of integrity also has not been adequately addressed. As the other speakers in this session have commented, interstate standards differ among states, through time, and through the life cycle of the particular interstate facility itself. At what point have these modifications compromised the resource's integrity? The settings of the interstates and landscapes adjacent to the interstates also are changing at a rapid pace. How, if at all, do these changes affect the integrity of the resources?

Another procedural concern is whether it is appropriate for one SHPO to make an eligibility determination for resources that are national in scope. Is it appropriate for only that portion of a national highway system contained within the limits of Missouri to be determined historic based on the historical impact that the highway system had nationwide? Does the MoSHPO have the context and perspective to make such a far reaching assessment? What does the MoSHPO's determination mean for other states, other SHPOs, and other agencies?

During the earlier email communications with other states and other historic preservationists, several suggestions were offered as means of quickly resolving this issue. It was suggested that the “concept” of the interstate system was what was historically significant, not the physical representation or facility itself. This perspective may resolve the concerns about resource context or integrity, but it must be considered whether the approach remains relevant to the National Register of Historic Places which is described in National Register Bulletin No. 16 (p. 4) as including “significant properties, classified as buildings, sites, districts, structures, or objects” and as being “oriented to recognizing physically concrete properties that are relatively fixed in location.”

Drafting a programmatic agreement that considers the interstate system to be NRHP-eligible but streamlines the Section 106 processing of interstate-related activities also has been suggested as a possible solution to the issue. This approach is not without potential pitfalls as well. Most importantly, drafting such a programmatic agreement regarding interstates assumes there is a consensus among all parties that the interstate system is eligible to the NRHP. There presently is no indication that such a consensus exists. Indeed, the majority of comments and responses suggest most do not consider interstates to be historic. Even if there was a consensus, an effective programmatic agreement would have to anticipate the variety of interstate projects that might be encountered and programmatically determine which activities are Section 106 undertakings, what kind of effect certain classes of activities might have on the interstate system, and which activities might require some form of mitigation. Questions associated with the approach include: can the full range of future activities involving interstates be anticipated; who would be involved in developing the programmatic agreement; and how would such a programmatic agreement affect state by state determinations or assessments? Speaking just for some MoDOT projects, what kind of Section 106 concerns (specifically viewshed concerns) might be associated with twelve proposed soundwall projects in the St. Louis area? Would associated changes to rest area buildings (possibly associated with those all-important toilet expansion projects) be an adverse effect to the interstate system?

A second area of concern is the potential Section 106 consequences to transportation agencies and other parties or agencies if interstate highways or the interstate system is considered historic. Departments of transportation (DOTs) traditionally consider how proposed transportation projects may affect resources owned or managed by others. Areas of potential effect, viewsheds, direct and indirect effects, Section 4(f) evaluations are routine. DOTs are much less familiar with considering how transportation projects as well as other groups’ projects may affect historic resources owned and managed by DOT agencies themselves. For instance, would the Section 106 process would require a DOT to consider future impacts to an interstate from changes in or construction of new adjacent roads?

While DOTs routinely study and predict future transportation needs based on present and projected future growth and traffic patterns, this consideration typically is not

in the context of how future developments or improvements may adversely affect a historic transportation system. Yet this is precisely the situation that initially raised the issue of historic interstates in Missouri. Increased and projected traffic led to an engineering decision that the existing facilities required an upgrade that the SHPO ultimately determined to be an adverse effect to the interstate system. Presently in Missouri, the construction of new ramps and interchanges are considered adverse effects to the historic interstate system. In this setting, will developers or other agencies obtaining federal permits for their non-transportation projects need to consider and potentially mitigate any direct or secondary and cumulative impacts to the interstates system if their federally permitted projects result in a need for increased capacity for an interstate? This spreads the consequence of a potentially historic interstate system to a much broader audience. Would property owners adjacent to an interstate have to consider how their federally permitted actions might affect the viewshed of a historic interstate and would this action ever restrict property rights of those adjacent property owners? Throughout at least the Midwest, rural property rights are a sensitive issue and federal regulations that might restrict them are not popular. Planning for smart or controlled growth and development is a good thing, but Section 106 should not be the means of ensuring these topics are considered.

Finally, there is an issue of timing. The state of Missouri's economy currently is less robust than originally anticipated and all state agency budgets (including MoDOT and the MoSHPO) are being reduced. Many other states are witnessing a slower economy with funding of their various state agencies being reduced as well. The work effort associated with Section 106 processing of transportation-related projects can only be increased if the interstate system is considered historic and any increased Section 106 workload will affect all agencies involved in transportation projects including the DOT, the SHPO, and the FHWA. For at least Missouri, this period coincides with increased public expectation that transportation funding result in observable improvements to the transportation system overall. In this context, it does not seem wise to direct a significant effort to an issue that lacks a consensus of opinion within the professional community and most likely would have very little support from an informed general public. Finally, a potentially increased Section 106 review and processing of interstate-related transportation projects seems out of step with the recent federal mandate for environmental streamlining wherever possible.

Summary

The final outcome and consequences of determining whether the interstate highway system is historic and NRHP-eligible may be far-reaching and long-lasting (Figure 6). If the interstate system is determined historic, it is unlikely that the determination will ever be revised. The consequences of a determination that it is eligible surely will affect transportation and historic preservation agencies but it may well affect a broad spectrum of other groups as well. The process used to determine the

interstate system's eligibility may ultimately affect how the Section 106 process is implemented in the future and is viewed by the public overall.

The issue of the interstate system's eligibility to the NRHP both deserves and requires a serious and thorough consideration and discussion that should begin now. When the issue of historic interstates first appeared in Missouri one and one-half years ago, it was recommended that MoDOT contest the MoSHPO's determination by taking the disagreement to the Keeper of the National Register. MoDOT did not contest the determination at that time because we were assured the issue would be discussed in a national level forum in the immediate future. Over the last one and one-half years, there has been little indication that the topic has received much attention on the national level. Yet during this time, the issue has neither been resolved in Missouri nor has it gone away.

It is suggested that the effort to resolve this issue must start with a national level discussion that includes a variety of participants. At a minimum, representatives from FHWA, the Advisory Council on Historic Preservation, the Keeper of the National Register of Historic Places, the National Council of SHPOs, and several state DOTs should participate in the discussion. The primary focus of this initial discussion should be to establish a framework and context through which interstate eligibility will be formally evaluated. Following this national level discussion and depending on its outcome, individual state-level discussions including division level FHWA representatives, state DOTs, and SHPOs may be needed but any state-level discussion of the historic nature of interstates in the absence of a national framework can not be productive.