



FCC Environmental and Historic Preservation Compliance Training

Positive Train Control and archaeology

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What is a program comment?

- An alternate way for federal agencies to meet their Section 106 obligations.
- Allows a federal agency to comply with Section 106 in a single action for a *class* of undertakings rather than addressing each undertaking as a single action
- Allows FCC to address installation of 30k wayside poles at one time

Many agencies have Program Comments

- **GSA:** Program Comment on Select Repairs and Upgrades of Historic Government Facilities
- **Navy:** Program Comment on Disposal of Historic Vessels
- **Army, Navy & Air Force:** Replacement of Capehart-Wherry Military Housing
- **FHWA:** Program Comment on Projects Affecting Post-1945 Bridges
- **Department of Energy:** Weatherization Assistance Program

Positive Train Control and archaeology

Section 106 Archaeological issue:

- The placement of wayside poles and infrastructure could adversely affect archaeological sites via disturbance or destruction
- This could affect the *integrity* of sites to the extent they are no longer eligible for listing in the NRHP
- Integrity is the ability of a property to convey its NR significance, = a preservable entity.

FCC “takes into account” effects of PTC on archaeological historic properties by:

- Avoid placing wayside poles in known archaeological sites
- Use of archaeological/tribal monitors for specific high probability or sensitive areas to avoid impacting sites (with SHPO/THPO assistance)
- Consultation with SHPO/Tribe if adverse effect cannot be avoided
- Limited archaeological recordation/data recovery may be implemented as mitigation

Wayside pole placement (#1)

- Wayside poles anchored via auger drills (c. 20 inches in diameter, up to 10 ' deep) or concrete foundation (up to 4'x6' footing, up to 6 ' deep)
- Monitoring not considered especially useful for auger drilling due to limited visibility (see PTC PC VII.F.)



Wayside pole placement (#2)



Use backhoe to
Excavate concrete
foundation up to 4'x6'
& up to 6' deep

What if you find something?

- If monitors notice archaeological properties or cultural materials being uncovered:
 - activities halted at that location
 - first option is move to alternative location
 - if moving is not option, provisions of PTC adverse effect agreement followed
 - limited archaeological recordation/data recovery may be implemented as mitigation (see PTC PA VII.F.6-8)

Discovery of human remains

- Cease work, secure immediate area, protect remains and any associated artifacts.
- If on state or private land, the state burial, unmarked grave or cemetery laws followed
 - In some states, State Archaeologist first called; in others, coroner first called to determine if it is a crime scene
- If on federal lands, NAGPRA followed
- If on tribal lands, tribal laws followed

How to keep things running smoothly (#1)?

FCC PTC PC and ACHP encourage prior development of discovery plans for archaeological sites and human remains to ensure pole placement is not unduly delayed if sites or remains are found

ACHP has experience developing these plans, and what they should contain

How to keep things running smoothly (#2)?



- Use qualified professionals that meet the Secretary's Qualification Standards!
- Acknowledge the special expertise possessed by Indian tribes and Native Hawaiian organizations in assessing the eligibility of historic properties of traditional religious and cultural significance to them (regardless of whether or not such tribes and organizations meet the Secretary's qualification standards);

Where to go for help...

ACHP

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