

**Western Association of State Highway
and Transportation Officials**

Resolution 12-04

Supporting Exclusion of the Interstate Highway System From Historic Preservation Requirements

Whereas, the Dwight D. Eisenhower National System of Interstate and Defense Highways, authorized in 1956, represents the premier element of the nation's transportation system, benefiting both personal mobility and the movement of freight;

Whereas, improving and updating the Interstate System is critically important to the nation's economy;

Whereas, the Interstate System was never intended to be a static property, but an integral part of the nation's transportation system that would require improvement over the years,

Whereas, there are few alternatives to using the existing Interstate System right of way at least partially for new improvements and needed expansions;

Whereas, various laws concerning historic preservation of properties use 50 years of age as a threshold for eligibility for protection of property;

Whereas, the construction of the Interstate System occurred over many years, and most of the system's mileage was constructed well after 1956;

Whereas, the Federal Highway Administration has developed a draft (dated May 26, 2004) programmatic agreement between itself and various agencies that would treat the Interstate System as a whole as eligible for inclusion in the National Register of Historic Places, albeit with conditions allowing for certain exceptions and allowing many routine highway maintenance and improvement activities, and asked the American Association of State Highway and Transportation Officials (AASHTO) to concur in this agreement;

Whereas, AASHTO has properly expressed serious concern over this draft programmatic agreement;

Whereas, commendably, legislative proposals have been advanced, including those submitted by the Administration and by AASHTO, that would exempt the Interstate System from some or all historic preservation requirements; and

Now, therefore be it resolved, by the WASHTO member states:

That, WASHTO opposes this draft programmatic agreement;

That, among the reasons for opposing the draft programmatic agreement are, but are not limited to:

That it places a burden on the national transportation system, the economy, and personal mobility by establishing a presumption that the Interstate System is subject to historic preservation and then places a burden on states to exclude segments of that System from the protection requirement and to ensure that needed work fits within listed exceptions;

That it is premature both: because the need for it could be eliminated by legislation that hopefully will be enacted prior to the 50th anniversary of the authorization of the System; and because it is inappropriate to use a 50th anniversary of an authorization as a basis for increasing regulation of segments of the Interstate System that are not even near 50 years old;

That, instead, there should be a presumption of no regulation of the Interstate System as an historic property whatsoever, but with provision for historic designation of individual short segments of unique significance, that are at least 50 years old, if requested by a State, but under terms that would still allow for maintenance and improvement of such a segment consistent with the list of activities in Appendix A of the May 26 draft;

That WASHTO strongly supports legislation to broadly exempt maintenance and improvement of the Interstate System itself, within current rights of way, from the National Historic Preservation Act and section 4(f) of the Department of Transportation Act, though allowing for narrow exceptions for truly unique resources, but only with the concurrence of a State;

That WASHTO asks the U.S. Department of Transportation and Federal Highway Administration to set aside its draft programmatic agreement and focus its attention on efforts to achieve passage of legislation that would broadly exempt maintenance and improvement of the Interstate System itself, within current rights of way, from the National Historic Preservation Act and section 4(f) of the Department of Transportation Act; and

That copies of this resolution be forwarded to appropriate committees and members of the United States Congress; to the U.S. Department of Transportation and Federal Highway Administration; and to AASHTO.

Adopted by the WASHTO Board of Directors on July 21, 2004

Attest:

Secretary-Treasurer