

ISSUE BRIEF

Infrastructure Legislation and Historic Properties

ACRA Position

Congress should enact legislation to invest in improving our nation's infrastructure while balancing the need to protect and preserve our historic properties and assets through the Section 106 process.

Background

The need for robust investments in our nation's infrastructure and energy systems has never been clearer. The American Society of Civil Engineers reports that the funding gap for infrastructure is \$2.59 trillion over the next decade. Smart investments in roads, bridges, telecommunications, energy production and the electric grid, buildings and more will create jobs, and make our economy globally.

As we build a better future for all Americans, however, we need to maintain connections to our shared heritage by considering the impacts of projects on historic properties. Section 106 of the National Historic Preservation Act (NHPA) is the cornerstone federal policy that balances the need to build our nation's infrastructure with the need to preserve our past. Section 106 requires all federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve, and provide the public the opportunity to review and comment on projects.

Section 106 provides a clear, consistent roadmap to enable projects to move forward while considering their impact on the country's diverse cultural heritage. Communities value the process because Section 106 gives citizens a voice in preservation. The vast majority of infrastructure projects are approved without delays resulting from the Section 106 process.

Through the years, there have been attempts to weaken Section 106 in the name of regulatory streamlining. These actions threaten the ability of future generations to appreciate our shared heritage. As we build back better, we cannot abandon our historic treasures by weakening Section 106.

Congress can balance the need to build a better infrastructure with preserving our heritage by ensuring that federal agencies, state and tribal partners and other stakeholders have the resources to support effective and efficient Sec. 106 reviews. In particular, Congress should:

- Increase funding for state and tribal historic preservation offices so they can process reviews efficiently.
- Encourage use of programmatic approaches to environmental and historic preservation reviews.
- Encourage agencies to improve and increase opportunities for public involvement during project planning stages and early stages of project development, avoiding or reducing subsequent controversies and conflicts.

About the American Cultural Resources Association

ACRA is the national trade association supporting and promoting the common interests of cultural resource management (CRM) firms of all sizes, types and specialties. Member firms undertake much of the legally mandated CRM studies and investigations in the United States.

For more information, contact ACRA at info@acra-crm.org.