

## Phased Section 106 Consultation

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A Phased Section 106 approach enabled early National Environmental Policy Act (NEPA) clearance for a passenger and freight railroad project with federal and state participation. While the Phased Section 106 approach is not the most effective way to comply with Section 106 on small projects, the Missouri Department of Transportation (MoDOT) found it to be extremely useful on large, complex highway projects. TranSystems was able to put this tool into practice for a passenger railroad project.

Typically the Phased Section 106 process is used by MoDOT when access to enough property is restricted to prevent a standard investigation to complete the Section 106 process before the right of way stage of project development. This allows the release of federal funds for the purchase of properties with MoDOT making a commitment to complete the Section 106 process by the completion of the Final Design stage.

The subject railroad project involved preliminary engineering and environmental clearance for an 18 mile component of improvements to the Kansas City-St. Louis railroad corridor planned to connect with the high-speed passenger rail line between Chicago and St. Louis. Initial submittal to the Missouri Department of Natural Resources - State Historic Preservation Office (SHPO) indicated that “an archaeological survey, with deep testing...should be conducted.” This early in the project development phase, the required archaeological survey effort was cost prohibitive. Upon further discussion with SHPO, it was determined that a Phased Section 106 process would be a reasonable and acceptable approach, enabling concurrence, accommodating the delivery of a Categorical Exclusion NEPA document to the Federal Railroad Administration (on behalf of MoDOT), and obtaining environmental clearance for the project.

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