

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ILLINOIS HISTORIC PRESERVATION AGENCY,
THE ILLINOIS DEPARTMENT OF TRANSPORTATION
AND
THE FEDERAL HIGHWAY ADMINISTRATION

Bridge MOU

WHEREAS, the Federal Highway Administration (FHWA) and the Illinois Department of Transportation (IDOT), will fund the modification and replacement of highway bridges in Illinois and

WHEREAS, the FHWA is mandated to comply with Section 123 (f) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 and IDOT cooperates with this compliance, and

WHEREAS, IDOT is mandated to comply with the Illinois State Agency Historic Resources Preservation Act (ILL. REV. STAT. 1989, ch. 127, par. 133c21, et seq.), and

WHEREAS, FHWA and IDOT have determined that such bridge modification and replacement programs may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places and have consulted with the Illinois Historic Preservation Agency (IHPA) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C.470f) and its implementing regulations (36 CFR part 800), and the Illinois State Agency Historic Resources Preservation Act (ILL. REV. STAT. 1989, ch. 127, par. 133c21, et seq.),

NOW, THEREFORE, FHWA, IDOT, and IHPA agree that the Illinois Federal Bridge Program shall be administered in accordance with the following stipulations to satisfy FHWA's section 106 responsibilities for individual undertakings of the program, and IDOT's responsibilities pursuant to ILL. REV. STAT. 1989, ch. 127, par. 133c21, et seq..

Stipulations

FHWA or IDOT, as appropriate, shall ensure that the following measures are carried out.

Identification

1. IDOT will consult with the SHPO to complete a primary and a secondary list of all highway bridges in Illinois under IDOT jurisdiction that meet the criteria for eligibility for listing on the National Register of Historic Places. This list shall be known as the Historic Bridge Survey.
2. Within twelve months following receipt of final comments from the SHPO on the primary and secondary lists, the FHWA will submit documentation for a formal concurrent Determination of Eligibility (DOE) on all bridges on the primary list, from the Keeper of the National Register of Historic Places.

Treatment

1. After concurrence by the SHPO on the primary and secondary lists, other highway bridges under IDOT jurisdiction will be considered to have no historic value and may be repaired or replaced without further review.
2. Bridges on the primary and secondary lists shall receive routine maintenance consisting of repair of existing or replacement in kind. This maintenance shall comply with the Secretary of the Interior's Standards for Rehabilitation (Standards). "Before" and "after" photos and plans will be retained by the Bureau of Location and Environment (BLE) of IDOT. From time to time the SHPO will inspect these records to determine compliance with the Standards.
3. Rehabilitation of bridges on the primary and secondary lists shall be reviewed by IHPA and, if federal funding is involved, FHWA shall consult with the Advisory Council on Historic Preservation.
4. In the event a bridge from the primary list is lost due to accident or natural causes, an analogous bridge will be moved from the secondary list to the primary list. Documentation shall be forwarded to the Keeper of the National Register to remove the lost bridge from the determined eligible list and for a determination of eligibility for the replacement bridge. An analogous bridge shall then be selected by IDOT in consultation with IHPA and placed on the secondary list as long as that type exists within the state.

5. For proposed demolitions or proposed alterations of bridges on the secondary lists, not in accordance with the Standards, IDOT shall forward the following information to the IHPA (and FHWA as appropriate):
 - a) good current photos documenting the condition of the bridge;
 - b) a structural survey documenting why rehabilitation in accordance with the Standards is considered infeasible;
 - c) alternatives considered, such as avoidance/new alignment, and moving the structure, and reasons for their rejection;
 - d) the bridge IDOT proposes to place on the secondary list to replace it.

6. If federal funding is involved in the proposed demolition or alteration of a bridge on the secondary list, FHWA shall comply with Section 106 of the National Historic Preservation Act of 1966.

Public Participation

Within three months of the ratification of this agreement, IDOT will draft a public participation plan to seek public comment on the proposed primary and secondary bridge lists through their district offices. The plan will also address continuing public participation through regular IDOT public participation procedures in order for the public to bring additional bridges of National Register significance to the attention of the parties to this agreement. IDOT will submit this draft plan to the IHPA and FHWA for review

and comment. IDOT will then take the IHPA's and FHWA's comments into account during preparation of the final plan. Copies of the final plan shall be submitted to FHWA, ACHP and IHPA.

Administration

1. IDOT BLE shall retain documentation concerning actions taken pursuant to this Agreement. Annually, the IHPA may review such documentation to ensure all provisions of this agreement, including the public participation plan, are carried out.
2. Annually, IDOT BLE will submit a written report to the IHPA and FHWA detailing work carried out pursuant to this agreement. This report will include the comments of the IHPA concerning their annual review.
3. The IHPA will offer training courses as appropriate to IDOT personnel in the application of the Standards to bridge projects.
4. Nothing in this agreement shall be construed as meaning that IDOT or FHWA cannot consult with the IHPA more frequently or informally concerning any questions that may arise or on the application of the Standards to specific projects.
5. This agreement may be modified or revoked by agreement of the parties or revoked by any party alone upon six (6) months written notice.

- The IDOT bridge survey will be updated periodically in consultation with the IHPA for additions, revisions and deletions. FHWA shall request determinations of eligibility from the Keeper of the National Register as additions are made to the primary list.

Execution and implementation of this Memorandum of Understanding evidences that FHWA and IDOT have satisfied certain responsibilities pursuant to Section 106 of the National Historic Preservation Act and the Illinois State Agency Historic Resources Preservation Act.

11/28/90
Federal Highway Administration Date

11/19/90
Secretary
Illinois Department of Transportation Date

11.14.90
Director of Highways
Illinois Department of Transportation Date

11-1-90
Illinois Historic Preservation Agency Date