

**FIRST AMENDMENT TO  
THE MEMORANDUM OF AGREEMENT  
AMONG  
FEDERAL RAILROAD ADMINISTRATION,  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
AND  
CITY OF SPRINGFIELD  
REGARDING  
THE CARPENTER STREET UNDERPASS PROJECT IN  
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS**

**WHEREAS**, the U.S. Department of Transportation (USDOT) selected the City of Springfield, Illinois (City) to receive grant funding under the Fiscal Year 2013 Transportation Investment Generating Economic Recovery (TIGER) Grant Program for the Carpenter Street Underpass Project (Project) in Springfield, Sangamon County, Illinois, and the USDOT's Federal Railroad Administration (FRA) is administering the TIGER grant; and

**WHEREAS**, FRA, the Illinois State Historic Preservation Officer (SHPO), and the City, as Signatories, executed a Memorandum of Agreement (MOA) on June 18, 2014, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations (36 CFR Part 800) (Section 106) for the Project; and

**WHEREAS**, the executed MOA included a Plan and Schedule for Phase II archaeological investigations and a Phase III Data Recovery Plan for the Project; and

**WHEREAS**, the Project is Usable Segment I of the Springfield Rail Improvements Project, which in turn is a Constructible Element of the Chicago to St. Louis High-Speed Rail (HSR) Project in Cook, Will, Grundy, Livingston, McLean, Logan, Sangamon, Macoupin, Jersey, Madison, and St. Clair Counties, Illinois; and

**WHEREAS**, a Programmatic Agreement (PA) was executed among FRA, SHPO, the Illinois Department of Transportation (IDOT), and the Advisory Council on Historic Preservation (ACHP) on January 24, 2014, to provide for the ongoing review of the Chicago to St. Louis HSR Project and the resolution of adverse effects, where appropriate, with a First Amendment to that PA executed on May 19, 2017 among the original Signatories to the PA, as well as the City, to ensure all Usable Segments of the Springfield Rail Improvements Project are subject to the PA, as well as to allow FRA to develop project-specific MOAs for any Constructible Element and to formally sanction the MOA for the Project; and

**WHEREAS**, capitalized terms used but not defined herein have the meanings given to them in the MOA, the PA, and the First Amendment to the PA; and

**WHEREAS**, since the MOA was executed, construction of the vehicular underpass along Carpenter Street, between Ninth and Eleventh Streets, was completed and has been in use since August 2016, and additional improvements to accommodate future rail consolidation along Tenth Street (i.e., relocation of existing rail service from Third Street), including site grading, installation of a second track and associated access/maintenance road, and utilities relocation within the Project area of potential effects (APE), are necessary to accomplish the entire Springfield Rail Improvements Project; and

**WHEREAS**, the City conducted Phase II archaeological investigations in late September and October 2014, documented in an April 2016 report and in accordance with MOA Stipulations 1.A, 1.B and 1.D, at three of the four areas identified in the MOA for Phase II testing, and identified two historic-era archaeological sites, referred to as Site 11SG1432 and Site 11SG1433, within the APE (see **Attachment 1**); and

**WHEREAS**, Site 11SG1432 consists of the entirety of Block 3 of Springfield's Near North Side, and includes the structural remains and intact cultural deposits of seven nineteenth century houses (Houses A-G). FRA determined, as documented in correspondence to SHPO dated April 27, 2016, that Site 11SG1432 meets the eligibility standards for listing on the National Register of Historic Places (NRHP) under both Criteria A and D, with the exception of Houses F and G which are not eligible for the NRHP due to a loss of integrity. The period of significance is 1842-1908, a timeframe encompassing the earliest known development in the neighborhood up to the 1908 Springfield Race Riot; and

**WHEREAS**, Site 11SG1433 consists of the entirety of Block 14 of Springfield's Near North Side, and includes the structural remains and intact cultural deposits of two nineteenth century structures (a house and a commercial building). FRA determined, as documented in correspondence to SHPO dated April 27, 2016, that the site meets the eligibility standards for listing on the NRHP under Criterion D. The period of significance is 1853-1920 when this site developed as part of a large Madeiran Portuguese neighborhood that represented one of the earliest and largest Portuguese settlements in the Midwest during the middle-to-late nineteenth century; and

**WHEREAS**, in correspondence to FRA dated May 27, 2016, SHPO concurred with FRA's determinations of eligibility for the two archaeological sites, and FRA's determination that Site 11SG1432 warrants preservation in place, given its local and national levels of significance for its association with the 1908 Springfield Race Riot; and

**WHEREAS**, because Site 11SG1432 warrants preservation in place, it is a historic site protected under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. § 303) (Section 4(f)); and

**WHEREAS**, FRA determined the Project would have an adverse effect to both Site 11SG1432 and Site 11SG1433 because it would permanently incorporate right-of-way from the sites and physically damage and/or destroy the structural remains of the houses and archaeological integrity; and

**WHEREAS**, because the MOA did not provide for a detailed Phase III Data Recovery Plan commensurate with the national significance of Site 11SG1432, or resolution of adverse effects to both Site 11SG1432 and Site 11SG1433, FRA, in consultation with SHPO and the City, determined it is necessary to amend the MOA; and

**WHEREAS**, following the discovery of the two archaeological sites, FRA invited the following parties to be consulting parties for the Project, in addition to the City and SHPO: 1) Epsilon Sigma Chapter of Sigma Gamma Rho Sorority, Inc.; 2) Faith Coalition for the Common Good; 3) Greater Springfield Chamber of Commerce; 4) Hospital Sisters Health System; 5) IDOT; 6) Illinois Legislative Black Caucus; 7) Illinois State Museum Research and Collections Center; 8) Douglas King (Individual); 9) Landmarks Illinois; 10) Mid-Illinois Medical District Commission and Memorial Health System; 11) NAACP – Springfield Chapter; 12) St. John's Hospital; 13) Sangamon County; 14) Sangamon County Historical Society; 15) Save Old Springfield; 16) Gail Simpson (Individual); 17) Southern Illinois University School of Medicine; 18)

Springfield & Central Illinois African-American History Museum; 19) Springfield-Decatur Area Alumnae Chapter of Delta Sigma Theta Sorority, Inc.; 20) Springfield Historic Sites Commission; 21) State Representative Tim Butler (87th District); and 22) State Representative Al Riley (38th District); and

**WHEREAS**, based on the Section 4(f) analysis documented in the Individual Section 4(f) Evaluation, Carpenter Street Archaeology Site, Springfield Rail Improvements Project (August 24, 2018), FRA determined that there is no feasible and prudent alternative that would completely avoid the use of Site 11SG1432; and

**WHEREAS**, the City, under the direction and authority of FRA, conducted a study of design modifications that would reduce the amount of property used for the Project and minimize adverse effects to Site 11SG1432, and identified three minimization options: M1, M2, and M3; and

**WHEREAS**, since the MOA was executed, FRA held consulting party meetings on July 23, 2015, August 29, 2016, and March 8, 2018, where FRA provided Project information and updates about the Section 106 and Section 4(f) processes, including the discovered archaeological sites, the adverse effect findings, possible mitigation measures, and Section 4(f) avoidance and minimization efforts; and

**WHEREAS**, at the March 8, 2018 consulting party meeting, the majority of consulting parties in attendance indicated a preference for minimization option M2, and indicated that they would like Site 11SG1432 to be excavated and commemorated; and

**WHEREAS**, based on consulting party input, FRA selected minimization option M2 (see **Attachment 2**); and

**WHEREAS**, Phase III data recovery for the portions of Site 11SG1432 that would be impacted by minimization option M2 and for portions of Site 11SG1433 within the Project right-of-way will be conducted by the City in accordance with the amended archaeological mitigation measures stipulated in this First Amendment to the MOA (First Amendment), which replace the original Stipulation 1.C and the Phase III Data Recovery Plan included in the MOA that are no longer applicable; and

**WHEREAS**, the entirety of the physical limits of disturbance of minimization option M2 was included in the Phase I Archaeological Survey for the Tenth Street Corridor, Springfield Rail Improvements Project, Springfield, Illinois (Fever River Research, Inc. 2016) (Phase I Archaeological Survey), with which SHPO concurred on August 25, 2016; and

**WHEREAS**, the Phase I Archaeological Survey did not identify any areas of high or moderate archaeological sensitivity within the APE for minimization option M2 beyond the previously identified Site 11SG1432 and Site 11SG1433; and

**WHEREAS**, based on the results of the Phase I Survey, FRA does not require the City to conduct any additional archaeological survey within the limits of disturbance of minimization option M2; and

**WHEREAS**, the full boundaries of Site 11SG1432, including the location and extent of intact archaeological features, are undetermined because the site extends west beneath developed properties that are owned by private entities, and the precise site boundaries and identification of potential additional archaeological features cannot be determined without additional archaeological

investigations that would be outside the scope and authority of the USDOT TIGER-funded Project. Based on the Phase I investigations conducted by the City in February 2014, portions of Site 11SG1432 and Site 11SG1433 contain areas of high and moderate potential for the presence of archaeological resources. Therefore, any additional ground disturbing activities for a future FRA-funded project would require additional coordination with FRA, and consultation with SHPO and other Section 106 consulting parties; and

**WHEREAS**, this First Amendment stipulates the mitigation measures for the unavoidable adverse effects to Site 11SG1432 and Site 11SG1433 resulting from minimization option M2, including Phase III data recovery and procedures to address artifacts and data recovered during Phases I and II; and

**WHEREAS**, through consultation, FRA and SHPO agreed that the data recovery and related mitigation measures stipulated in this First Amendment are appropriate to resolve the unavoidable adverse effects of minimization option M2 on Site 11SG1432 and Site 11SG1433; and

**WHEREAS**, during the consulting party meetings between 2015 and 2018, the consulting parties proposed the following activities to mitigate adverse effects to Site 11SG1432: 1) artifact displays at a future multi-modal transportation facility and/or local and national museums; 2) a mural painted on an existing or future underpass, or other structure in the vicinity of the site; 3) interpretative signage at or near the site; 4) a memorial park at or near the site; 5) educational curriculum, art, and/or public events focused on the 1908 Springfield Race Riot; 6) opportunities for the public to tour the site during archaeological excavations; and 7) video documentation of the archaeological excavations; and

**WHEREAS**, the City may work with interested parties to develop and identify possible sources of funding to implement ways to commemorate Site 11SG1432 and the 1908 Springfield Race Riot, and such commemorative activities are not within the scope of FRA's Section 106 responsibilities for the Project; and

**WHEREAS**, FRA provided a draft of this First Amendment and draft research questions for Site 11SG1432 and Site 11SG1433 to the consulting parties for review and comment between July 19, 2018 and August 20, 2018 and considered consulting party input in finalizing this First Amendment and in finalizing the research questions to incorporate into the data recovery plans for Site 11SG1432 and Site 11SG1433 that are stipulated in this First Amendment; and

**WHEREAS**, FRA invited all consulting parties to sign this First Amendment as concurring parties to demonstrate their support for its terms; and

**WHEREAS**, FRA notified the ACHP on April 10, 2018 of the adverse effect finding and invited the ACHP to participate in consultation for the Project including development of this First Amendment, and the ACHP accepted in a letter dated June 25, 2018, and is therefore a Signatory to this First Amendment; and

**WHEREAS**, this First Amendment retains and continues the stipulation numbers identified in the MOA, such that references to stipulations herein are to the MOA as amended by this First Amendment, whether the stipulation is present in the MOA or added by this First Amendment.

**NOW, THEREFORE**, in accordance with Stipulation 6, the ACHP, FRA, SHPO, and the City (each a Signatory and together Signatories), agree to amend the MOA as follows:

## I. AMENDMENTS TO ARCHAEOLOGICAL MITIGATION MEASURES STIPULATION

**Stipulation 1.C of the MOA and its accompanying Phase III Data Recovery Plan are stricken and are replaced by the following:**

### C. Phase III Data Recovery

1. The City, in consultation with FRA and SHPO, will mitigate the adverse effects to Site 11SG1432 and Site 11SG1433 through a program of data recovery. The City will conduct data recovery for the portions of the sites that are located within minimization option M2 that would be directly impacted by the Project, as shown in **Attachment 2**. The portions of the sites that extend to the west beyond the limits of minimization option M2 and are located on City-owned property will be left in place and will not be subject to data recovery as part of the Project.
2. The City will prepare and submit plans for conducting Phase III data recovery to the other Signatories for review and comment following the steps described in Stipulation 8. The City will prepare a separate plan for each of the two sites. The data recovery plans must be finalized and approved by FRA and SHPO before the City commences further archaeological excavation. At minimum, each of the data recovery plans will include:
  - a. A list of research questions to be addressed, with a discussion of their relevance and importance. The City will provide the research questions to the consulting parties for review and comment in accordance with Stipulation 8.
  - b. Methods to be used for fieldwork and laboratory analysis, with a justification of their cost-effectiveness and how they apply to the particular sites and the research questions.
  - c. A discussion of how the artifacts and data, recovered from the Phases I and II archaeological investigations, will be incorporated into Phase III data recovery and will assist in addressing the proposed research questions.
  - d. A schedule, budget, and funding plan for completion of field and laboratory work, and preparation and submittal of draft and final reports for FRA and SHPO review and comment.
  - e. Methods used in managing and curating artifacts, data, and other records from the Phase III data recovery, as well as those from Phases I and II.
  - f. Provisions for disseminating the research findings upon request to other consulting parties and the public.
  - g. A procedure for including a public archaeology component during the Phase III data recovery at Site 11SG1432 as described in Stipulation 1.F.
3. The City will remove the top, exposed course of brickwork of the perimeter foundations of the portions of Houses B, C, D and E that are located within minimization option M2. A representative sample of these building materials will be curated in accordance with

Stipulation 1.J. The City will offer the remainder of the recovered building materials to Consulting Parties. The City, in consultation with the other Signatories, will approve the transfer of these materials to Consulting Parties that have demonstrated how the materials will be used in exhibits, educational programs, or for other appropriate uses. The City will store the materials in a secure location owned by the City for a period of two years after offering them to Consulting Parties. After that time, the City may dispose of any remaining materials.

**The following are added to the end of Stipulation 1, following Stipulation 1.D:**

E. Video Recordation of the Phase III Excavations

The City will arrange for a professional-quality video recordation of the excavation of Site 11SG1432 as outlined below:

1. The City will prepare and submit a video recordation plan to FRA and SHPO for review and comment following the steps described in Stipulation 8. The City will also submit the video recordation plan to the Illinois State Museum and request review and comment consistent with the steps described in Stipulation 8. The video recordation plan must be finalized and approved by FRA and SHPO before the City commences further archaeological excavation.
2. The City will select a professional videographer, which may be a City employee or contractor, to produce the video recording, which will be of sufficient quality to accommodate potential future uses such as for professional-quality documentary films and for interpretation and/or archival collections at local and/or national museums. The City will require that the videographer's credits acknowledge FRA, SHPO, and the City and that the film was produced as a result of the Section 106 consultation process for the Project.
3. The video recordation will document excavation milestones and will include interviews with the archaeologists working on the excavation, City staff, local historians, and members of the public who tour the site. The video recordation will not include removal of overburden/fill and is not required to cover every step of the excavation process; rather, the video recordation must cover a meaningful amount of the archaeological fieldwork so that future users of the video will have an understanding of the archaeological process and the historic significance of the site.
4. The City will allow interested parties such as professional, cultural, or academic organizations and associations, as appropriate, to record the excavations through video and/or photography under the supervision of the Project archaeologist. Neither FRA nor the City will be responsible for bearing the costs of any such recordation by interested parties. The City will notify in writing and receive written approval from SHPO before granting permission to interested parties to video or photograph the excavations.
5. The City will provide copies of the video recording to the Signatories, and, upon request, to the concurring parties and other consulting and interested parties, as appropriate.

6. The City will transfer the video recording to appropriate state institutions, to be determined in consultation with SHPO and the Illinois State Museum. The video recording will be the property of the people of Illinois. The video recording will be made available for use following the institutions' established procedures. Any use to which the video recording is put must acknowledge FRA, the State of Illinois, and the City, and that the recording was produced as a requirement of the Section 106 consultation process for the Project.

F. Public Archaeology

Because of the local and national significance of Site 11SG1432, related to its direct association with the 1908 Springfield Race Riot, a public archaeology component will be implemented by the City as part of the Phase III data recovery for the site. This public component will include, at minimum, the following:

1. The City will advertise that it will offer guided tours on specific dates during the course of the Phase III data recovery fieldwork. The tours will be open to the general public, local schools, community organizations, and other interested parties. The tours will include, at minimum, a discussion of the history of the site, photographs of artifacts recovered from the current or previous investigations of the site, a tour of open excavation units, a discussion provided by the Project archaeologist regarding how the archaeology of Site 11SG1432 helps inform the understanding of life for the residents of the neighborhood in the years leading up to the 1908 Springfield Race Riot, and the significance of that event in the history of the city and the nation.
2. The City will advertise and hold at minimum one public day on a Saturday during the course of the Phase III data recovery fieldwork. The public day will last at least four hours, starting no earlier than 10 am and no later than 12 pm. The public day will include, at minimum, hourly tours of the site, photographs of artifacts recovered from the current or previous investigations of the site, and the Project archaeologist on site and available to discuss the findings with visitors. The City will notify the Signatories and the public at least three weeks in advance of the date that the public day is scheduled.

G. Consulting Parties Meeting

The City will hold a meeting with the Signatories and the other consulting parties to discuss the results of the Phase III investigations of Site 11SG1432 and Site 11SG1433. The meeting will take place following the conclusion of the Phase III data recovery fieldwork, include a presentation by the Project archaeologist, and take place prior to formal reports being finalized and submitted to SHPO for concurrence.

H. Site Security

The City will secure Site 11SG1432 and Site 11SG1433 with appropriate measures such as fencing and signage during the data recovery process to ensure the areas are protected from trespassing, vandalism, etc. during nights and weekends and any other times when archaeological professionals are not working on site.

I. Phase III Report Format

Upon FRA and SHPO approval of the Phase III data recovery plans and video recordation plan, in accordance with Stipulations 1.C.2 and 1.E, the City will execute the data recovery plans to be recorded in report format, as outlined below:

1. Throughout the execution of the Phase III data recovery plans, the City will follow the procedures and deadlines established herein, and as directed by and under the authority of FRA.
2. The City will prepare an archaeological report for Site 11SG1432 and for Site 11SG1433 and will submit each report to FRA for review, comment, and approval. At a minimum, the report will answer the agreed upon research questions required under Stipulation C.2.a, describe the methodology employed in the data recovery fieldwork, include an inventory and analysis of all artifacts recovered from the Phase II and Phase III excavations, and include a discussion of all faunal and/or floral material recovered during the investigations. The City will submit each report for review, comment, and approval in accordance with Stipulation 8. The City will submit each report to FRA within 18 months of completion of fieldwork.
3. After SHPO approval, the City will provide copies of the final archaeological reports to the Signatories, and, upon request, to the consulting parties.
4. The City will ensure no ground disturbing activities associated with construction of minimization option M2 take place within Site 11SG1432 and Site 11SG1433 until the required fieldwork and the final archaeological reports are completed, with the results concurred by FRA and SHPO, and the sites are formally released by FRA and SHPO for construction-related ground disturbing activities to commence.

J. Curation

The City will coordinate with the Illinois State Museum to curate all archaeological materials collected on site, and related research records resulting from the Phase I, II, and III archaeological investigations conducted for the Project at Site 11SG1432 and Site 11SG1433.

1. The curation will be in accordance with 20 ILCS 3435 (Illinois Archaeological and Paleontological Resources Protection Act) and 36 CFR Part 79.
2. After curation is completed at the Illinois State Museum, consulting parties and other interested parties may coordinate with the museum regarding borrowing artifacts for use in museum or educational displays, as appropriate, and following the museum's loan procedures.

K. Protection of Archaeologically-Sensitive Information

The City will distribute final archaeological reports to consulting parties and interested agencies and organizations, as appropriate, only upon request and in redacted form, as necessary, in order to ensure the security of archaeological sites.



L. Protection of House A Foundation

The City will ensure that a permanent protective barrier is installed along the east and south sides of the foundation of House A before initiating any construction activities within the APE. The purpose of the permanent protective barrier is to protect the foundation of House A from damage during construction as well as any subsequent maintenance or construction work in that location. The City will consult with FRA and SHPO regarding the design for the permanent protective barrier prior to installation.

## II. AMENDMENTS TO ADMINISTRATIVE STIPULATIONS

**Stipulations 3 and 5 of the MOA are stricken and replaced by the following:**

### 3. DURATION

This MOA will expire five (5) years from the effective date. At least six (6) months prior to such time, the Signatories will consult to reconsider the terms of the MOA and, if any terms remain to be carried out, may amend the MOA in accordance with Stipulation 6.

### 5. DISPUTE RESOLUTION

A. Should any Signatory, concurring party, consulting party, or member of the public raise a timely and substantive objection related to historic preservation and pertaining to any actions proposed or the manner in which the terms of this MOA are carried out by providing written notice of such objection to FRA, FRA will notify the other Signatories of the objection and consult with the objecting party to resolve the objection. If FRA determines that the objection cannot be resolved within 30 days:

1. FRA will forward all documentation relevant to the dispute, including FRA's proposed resolution, to the ACHP with a copy to the other Signatories.
2. The ACHP will provide FRA with its advice on the resolution of the objection within thirty (30) days of receiving all documentation relevant to the dispute from FRA.
3. If the ACHP does not provide its advice regarding the dispute within the 30-day time period, FRA may make a decision on the dispute.
4. FRA will document its decision in a written response to the objection that takes into account any timely advice or comments regarding the dispute from the ACHP or Signatories, and provide the ACHP and Signatories a copy of such written response.
5. FRA may then proceed according to its decision.

B. The Signatories remain responsible for carrying out all actions subject to the terms of the MOA, as amended, that are not the subject of the dispute.

## III. NEW STIPULATIONS

**The following new Stipulations are inserted after Stipulation 7:**

## 8. DOCUMENT REVIEW

- A. The City will distribute electronic copies of the documentation stipulated in the MOA to FRA for review, comment, and approval.
- B. FRA will have fifteen (15) calendar days from the date of distribution to review and provide written comments to the City.
- C. After FRA approval, the City will distribute electronic copies of the documentation to the ACHP and SHPO, who will review and provide comments to the City and as set forth herein.
- D. The ACHP and SHPO will have thirty (30) calendar days from the date of distribution to review and provide written comments to the City.
- E. The City will immediately share with FRA any comments received from the ACHP and SHPO.
- F. The City will ensure any written comments received from the ACHP and SHPO within the stipulated timeframe are considered and incorporated, as appropriate, into the documents before finalization.
- G. If the ACHP or SHPO does not submit written comments to the City within thirty (30) calendar days after distribution of any document, it is understood the non-responding party has no comments on the submittal.
- H. If the ACHP or SHPO objects to or recommends extensive revisions to documents stipulated in this MOA, FRA, in coordination with the other Signatories as appropriate, will work expeditiously to respond to the objections or recommendations.

## 9. PRINCIPAL CONTACTS

The principal contacts for this MOA are provided below:

### FRA

Laura Shick, Supervisory Environmental Protection Specialist

Email: [laura.shick@dot.gov](mailto:laura.shick@dot.gov)

Phone: (202) 366-0340

Mailing Address: 1200 New Jersey Avenue, SE, Washington, DC 20590

### SHPO

Anthony Rubano, Project Designer

Email: [anthony.rubano@illinois.gov](mailto:anthony.rubano@illinois.gov)

Phone: (217) 782-7459

Mailing Address: Illinois Department of National Resources, Illinois State Historic Preservation Office,  
Attn: Review & Compliance, 1 Natural Resources Way, Springfield, IL 62702-1271

### ACHP

Sarah Stokely, Program Analyst

Email: [sstokely@achp.gov](mailto:sstokely@achp.gov)

Phone: (202) 517-0224

Mailing Address: 401 F Street, NW, Suite 308, Washington, DC 20001-2637

CITY

Mayor James Langfelder

Email: [jim.langfelder@springfield.il.us](mailto:jim.langfelder@springfield.il.us)

Phone: (217) 789-2200

Mailing Address: City of Springfield, 800 E. Monroe Street, Room 300, Springfield, IL 62701

Contact information may be updated, as needed, without an amendment to this MOA. It is the responsibility of each Signatory to immediately inform FRA of changes to the name or contact information for any point of contact. FRA will provide this information to the other Signatories by email.

**10. CHANGES TO PROJECT DESIGN**

If the City proposes further design refinements beyond minimization option M2 of a nature that could affect historic properties, the City will notify FRA and SHPO. The City, FRA, and SHPO will consult regarding the assessment of effects to historic properties, and any treatment measures necessary to resolve adverse effects.

**11. MONITORING AND REPORTING**

- A. During the duration of the Phase III data recovery fieldwork, the City will provide bi-weekly updates to FRA by conference call or email.
- B. Every six months from the effective date, until this MOA expires or is terminated, the City will provide the Signatories a written summary detailing work undertaken pursuant to its terms. The report will include a status of the implementation or completion of the mitigation measures, any scheduling changes proposed, any problems encountered, and any disputes or objections received in the City's efforts to carry out the terms of this MOA.
- C. Notwithstanding the forgoing, the Signatories may agree in writing to modify the frequency of the City's reporting without amending the MOA.

**12. AVAILABILITY OF FUNDS**

Any FRA obligations set forth in this MOA are expressly subject to the availability of appropriated funds. Nothing in this MOA shall be interpreted to establish obligations or require payments in violation of the Anti-Deficiency Act (31 U.S.C. § 1341).

**13. EFFECTIVE DATE**

This First Amendment will be effective on the date of the last signature by the Signatories.

**14. ADDITION OF ACHP AS A SIGNATORY**

As a result of the ACHP becoming a Signatory to this First Amendment, anywhere the MOA uses the term "Signatory" or "Signatories," it includes the ACHP. The ACHP's participation in the MOA is as specified in this First Amendment.

**15. AGREEMENT IN FULL FORCE AND EFFECT**

With the exception of items explicitly delineated in this First Amendment, all other terms and stipulations of the original MOA will remain unchanged and in full force and effect.

**SIGNATORIES**

Federal Railroad Administration  
Illinois State Historic Preservation Officer  
Advisory Council on Historic Preservation

**INVITED SIGNATORY**

The City of Springfield

**CONCURRING PARTIES**

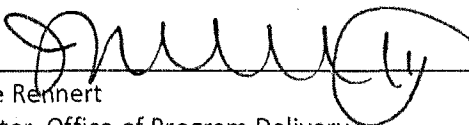
FRA invited all consulting parties (listed on pages 2-3) to be concurring parties. Any consulting party who accepted the invitation has indicated as such by executing a signature page.

**Individual signature pages follow**

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SIGNATORY

FEDERAL RAILROAD ADMINISTRATION

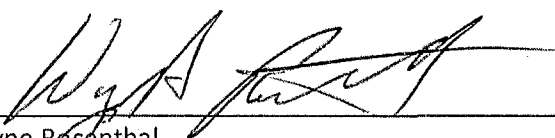
  
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Jamie Rennert  
Director, Office of Program Delivery  
Office of Railroad Policy and Development

Date: 10/4/2018

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ILLINOIS STATE HISTORIC PRESERVATION OFFICER

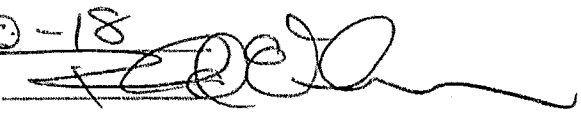


Date: 10/10/2018

Wayne Rosenthal  
State Historic Preservation Officer and Director  
Illinois Department of Natural Resources

APPROVED FOR EXECUTION

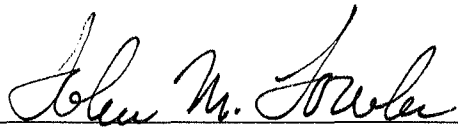
Date: 10-10-18

Legal Counsel: 

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FOR THE CARPENTER STREET UNDERPASS PROJECT IN  
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS

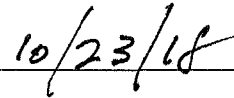
SIGNATORY

ADVISORY COUNCIL ON HISTORIC PRESERVATION



John M. Fowler  
Executive Director

Date:

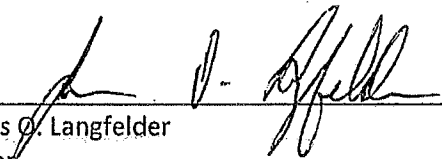


FIRST AMENDMENT TO  
THE MEMORANDUM OF AGREEMENT  
AMONG  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
FEDERAL RAILROAD ADMINISTRATION,  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,  
AND  
CITY OF SPRINGFIELD  
REGARDING  
COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT,  
FOR THE CARPENTER STREET UNDERPASS PROJECT IN  
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS

INVITED SIGNATORY

CITY OF SPRINGFIELD

James C. Langfelder  
Mayor



Date: October 16, 2018



**FIRST AMENDMENT TO  
THE MEMORANDUM OF AGREEMENT  
AMONG  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
FEDERAL RAILROAD ADMINISTRATION,  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,  
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REGARDING  
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SPRINGFIELD, SANGAMON COUNTY, ILLINOIS**

**CONCURRING PARTY**

[Concurring Party Name]

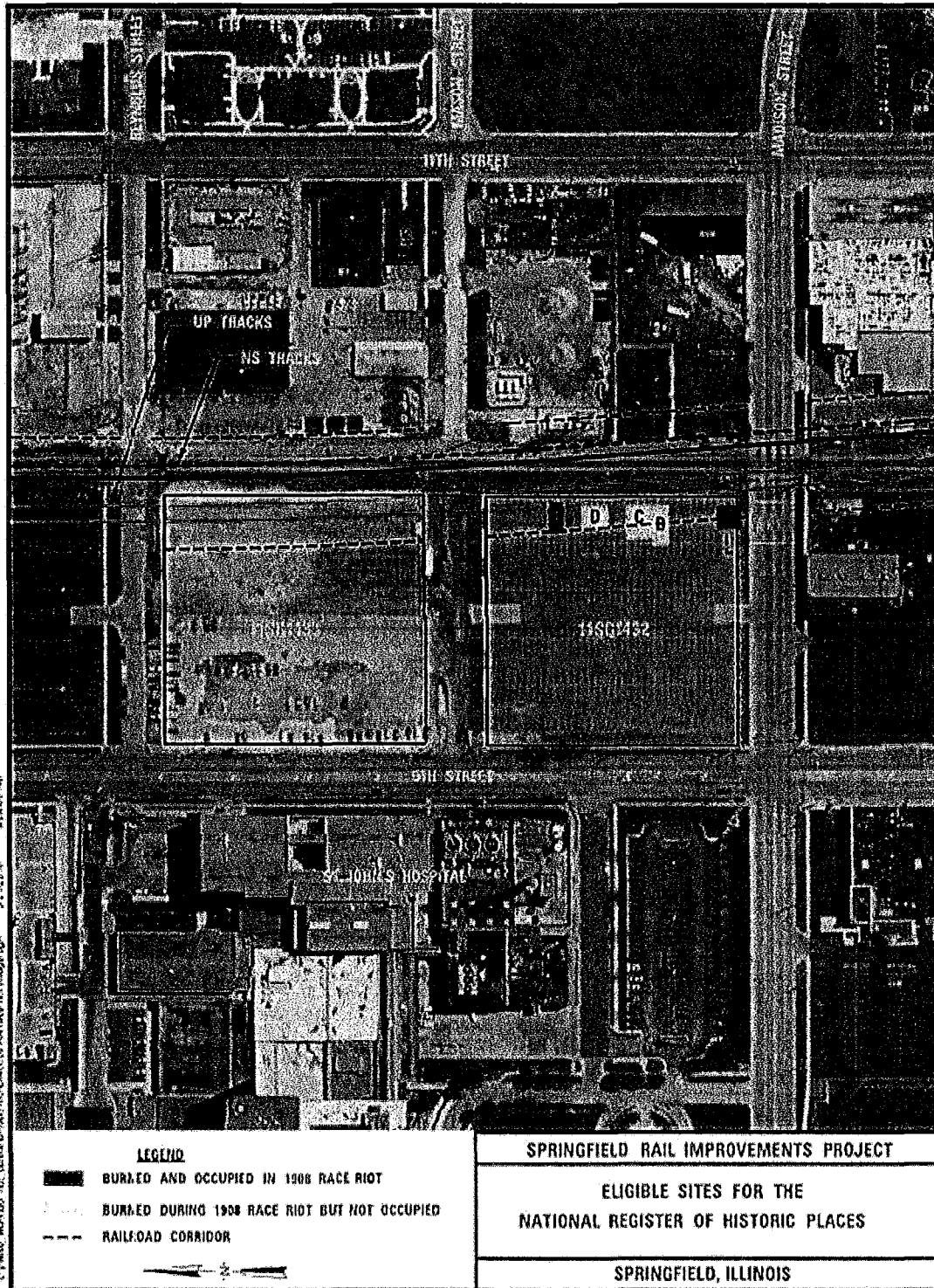
\_\_\_\_\_ Date: \_\_\_\_\_  
[Name]  
[Title]

**SPRINGFIELD RAIL IMPROVEMENTS PROJECT ATTACHMENTS**

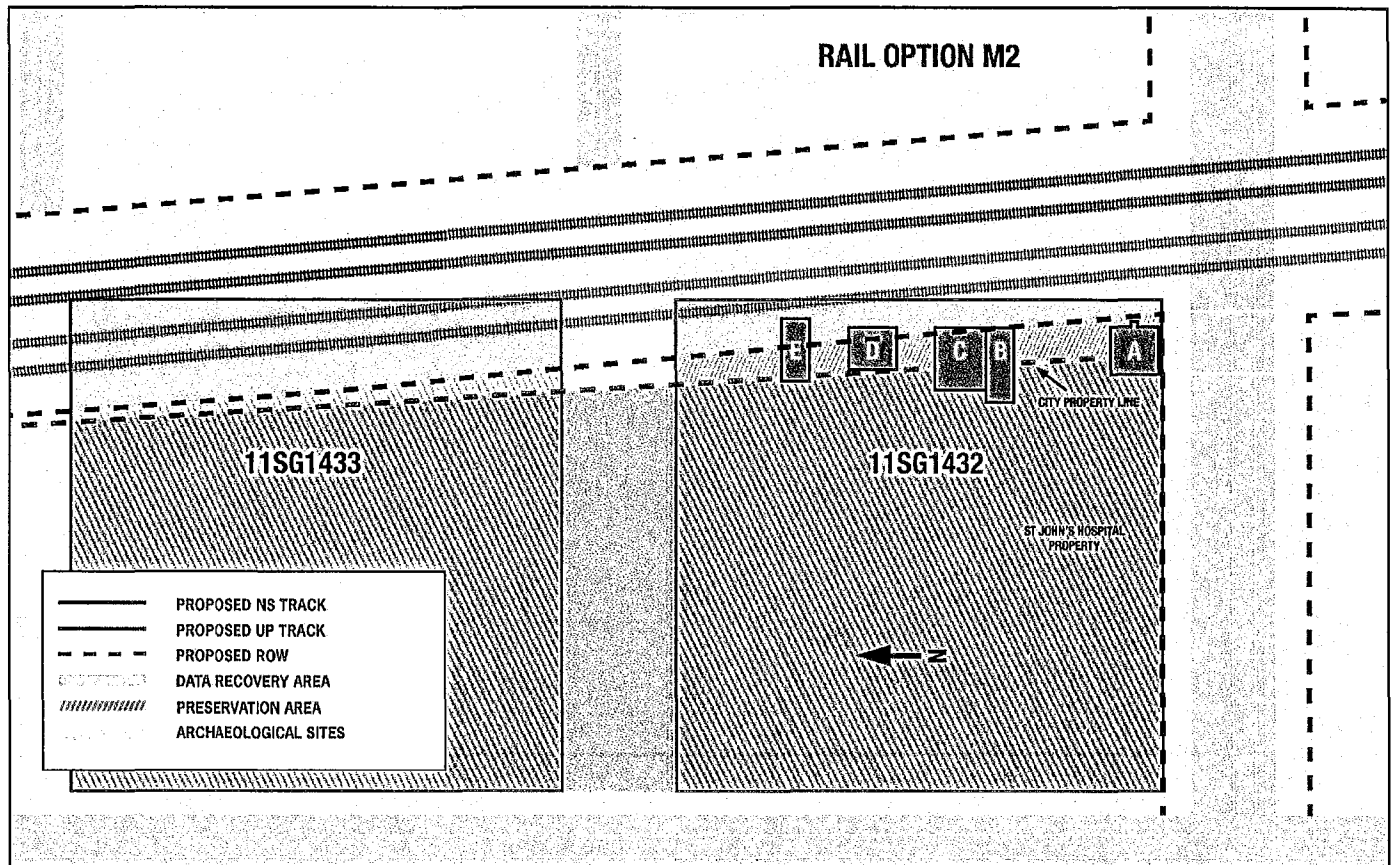
**Attachment 1:** Project Location Map

**Attachment 2:** Minimization Option M2

**ATTACHMENT 1:  
MAP SHOWING PROJECT LOCATION, LOCATION OF SITES 11SG1432 AND 11SG1433, AND ALIGNMENT  
OF RAILROAD ROW AS ORIGINALLY PROPOSED**



**ATTACHMENT 2:  
MINIMIZATION OPTION M2**



Minimization Option M2 shifts the western edge of the railroad right-of-way approximately 15' <sup>11</sup>/<sub>22</sub>' to the east of the originally proposed alignment (see Attachment 1), resulting in the preservation in place of all of House A and portions of Houses B, C, D, and E in Site 11SG1432. Minimization Option M2 also reduces impacts to Site 11SG1433.