MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE REPLACEMENT OF THE CLEVELAND AVENUE BRIDGE
OVER RICHLAND CREEK (STRUCTURE NO 082-6109)
SECTION 04-00202-00-BR
IN BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS

WHEREAS, the Illinois Department of Transportation (IDOT) and the City of Belleville plan to replace the Cleveland Avenue Bridge over Richland Creek (Project) in the City of Belleville, Illinois; and

WHEREAS, the Federal Highway Administration (FHWA) plans to fund the Project thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470f, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, the FHWA has defined the undertaking's area of potential effect (APE) as the footprint of the existing bridge; and

WHEREAS, FHWA has determined that the undertaking may have an adverse effect on the Cleveland Avenue Bridge (Structure No 082-6109), which is listed in the National Register of Historic Places and has consulted with the Illinois State Historic Preservation Officer (Illinois SHPO) pursuant to 36 C.F.R. Part 800; and

WHEREAS, FHWA has invited the City of Belleville and IDOT to participate in consultation and to become signatories to this memorandum of agreement; and

WHEREAS, FHWA and IDOT complied with the stipulations contained in the April 2004 Historic Bridge Programmatic Agreement among the FHWA, IDOT and Illinois SHPO; and

NOW, THEREFORE, FHWA, IDOT and the Illinois SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA, in coordination with the IDOT and the City of Belleville, shall ensure that the following measures are carried out:

1. The City of Belleville will replace the Cleveland Avenue Bridge with a new structure as developed in the plans prepared by the City and approved by the IDOT.

2. In accordance with the Stipulations contained in the Programmatic Agreement for the Rehabilitation and Replacement of Historic Bridges ratified by FHWA and the Illinois SHPO in April, 2004, no further recordation of structures in the same bridge type category is required when archival records of three structures have been submitted and accepted. This recordation requirement has been met for the Cleveland Avenue Bridge category, *Type 104: Concrete Tee Beam*. Demolition of the Cleveland Avenue structure may proceed upon the ratification of this agreement.

3. A suitable Type 104, Concrete Tee Beam bridge will be located and added to the Historic Bridge Survey list as a replacement for Structure No 082-6109.

4. DURATION

   This MOA will be null and void if its stipulations are not carried out within ten (10) years from the date of its execution. At such time, and prior to work continuing on the undertaking, FHWA shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation 7 below. FHWA shall notify the signatories as to the course of action it will pursue.

5. POST-REVIEW DISCOVERIES

   If potential historic properties are discovered or unanticipated effects on historic properties found, FHWA shall make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties and follow the requirements of 36 CFR Section 800.13(b).

6. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.

C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

7. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

8. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 7, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

EXECUTION of this MOA by the FHWA and Illinois SHPO and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date: 4/16/2009

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By: Anne Haaton Date: 3-30-09

INVITED SIGNATORIES

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Darrell Lewis Date: 4/7/09

CITY OF BELLEVILLE

By: Mark W. Eckert Date: 4/13/09