

**MEMORANDUM OF AGREEMENT
AMONG THE
FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
CHICAGO DEPARTMENT OF TRANSPORTATION,
AND
ILLINOIS DEPARTMENT OF TRANSPORTATION
REGARDING THE SUPERSTRUCTURE REPLACEMENT
AND REHABILITATION OF THE
FAU 2942 / US 41 / 92ND STREET BRIDGE
OVER THE CALUMET RIVER
IN THE CITY OF CHICAGO, COOK COUNTY, ILLINOIS**

WHEREAS, the Chicago Department of Transportation (CDOT), in coordination with the Illinois Department of Transportation (IDOT), proposes to rehabilitate the 92nd Street Bridge over the Calumet River (Structure #016-6037) in Chicago, Cook County, Illinois (IDOT Sequence #25641, SHPO Log #001051724) (Project); and

WHEREAS, the Federal Highway Administration (FHWA) may fund the Project thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. Section 306108, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, the 92nd Street Bridge is subject to the “Programmatic Agreement Among the Federal Highway Administration, Illinois Department of Transportation, Chicago Department of Transportation, Illinois State Historic Preservation Officer, United States Army Corps of Engineers, United States Coast Guard and Advisory Council on Historic Preservation Regarding the Preservation of Movable Bridges in the City of Chicago, Cook County, Illinois” (Movable Bridge PA), which was ratified on January 29, 2021, and its implementing Chicago’s Movable Bridges Preservation Plan; and

WHEREAS, the FHWA has defined the undertaking’s area of potential effects (APE) as the area shown in Exhibit A; and

WHEREAS, the FHWA, in consultation with the State Historic Preservation Officer (Officer), has determined that the 92nd Street Bridge over the Calumet River is eligible for the National Register of Historic Places (NRHP), and determined that the replacement of the superstructure will have an adverse effect on this historic property pursuant to 36 CFR Part 800; and

WHEREAS, the FHWA has found that the undertaking will not adversely affect historic properties other than the 92nd Street Bridge over the Calumet River, and the Officer concurred with this finding on January 7, 2025; and

WHEREAS, this Memorandum of Agreement (MOA) addresses the adverse effect on the 92nd Street Bridge over the Calumet River; and

WHEREAS, the FHWA has invited the participation of the following consulting parties, as stipulated by the Movable Bridge PA: Advisory Council on Historic Preservation; U.S. Coast Guard (USCG); U.S. Army Corps of Engineers (USACE); City of Chicago Planning, Design, and Historic Preservation Division; Landmarks Illinois; Historic Bridge Foundation; Friends of the Chicago River; Chicago History Museum; Preservation Chicago; and HistoricBridges.org. Four parties participated in consultation regarding the effects of the undertaking on historic properties: the City of Chicago Planning, Design, and Historic Preservation Division, Landmarks Illinois, Preservation Chicago, and HistoricBridges.org; and

WHEREAS, the FHWA provided the public an opportunity to comment on the Project with a public meeting on September 30, 2024; and

WHEREAS, the FHWA, in accordance with 36 CFR Part 800.6(a)(1), notified the ACHP of the adverse effect on February 14, 2025, and on March 12, 2025, the ACHP has chosen not to participate in consultation, pursuant to 36 CFR Part 800 6(a)(1)(iii); and

WHEREAS, the FHWA has consulted with the IDOT and the CDOT regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as an invited signatory; and

WHEREAS, execution and implementation of this MOA evidences that FHWA has satisfied its Section 106 responsibilities for the Project; and

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

STIPULATIONS

The following steps will be undertaken for the Project:

I. ARCHITECTURAL AND HISTORICAL RESOURCE MITIGATION

- A. Before any demolition or construction activities begin, the IDOT shall collect ground-based and aerial drone videography and still photographic images of the subject bridge. Videography will include footage of the operation of the bridge at street level, from the bridge tender houses, and in the counterweight pit, showing the movement of the counterweight. The IDOT will then produce a video documentary about the bridge, which will be completed no later than 12 months after the bridge rehabilitation is complete. The running time of the video will be approximately 10-15 minutes. The documentary will include, at a minimum, the following information: historical context regarding the 92nd Street Calumet River crossing; the contribution that the crossing and the current bridge made to the economy of the Calumet River Port and of Chicago; and the architectural/engineering significance of the bridge. The documentary will be

published on YouTube as an episode of the Illinois Historic Bridge Series by the Illinois State Archaeological Survey (Prairie Research Institute, University of Illinois at Urbana-Champaign). Upon request, the IDOT will provide copies of video to consulting parties and the public.

- B. During demolition and construction activities, the CDOT shall collect videography and still photographic images of the bridge, focusing on the process of removing and replacing the superstructure. The removal and replacement footage shall include a time-lapse component. Collected footage will also demonstrate the operation of the bridge following the rehabilitation, including at street level, from the bridge tender houses, and in the counterweight pit, showing the movement of the counterweight. The CDOT will then produce a video documentary about the rehabilitation of the bridge. The video must be completed no later than 12 months after the bridge rehabilitation is complete. The running time of the video will be approximately 10 minutes. The credentials of the videographer(s)/producer(s) selected to perform this task shall be reviewed and approved by the IDOT, and a draft of the video, or a detailed script or storyboard, must be reviewed and approved by the IDOT before the documentary is finalized. The video will be hosted on the CDOT's website for public viewing for a period of at least five years. It shall also be offered to as many as three local television stations for broadcasting all or a portion of the video, until a taker is found, or until three stations decline to broadcast it. Correspondence, telephone logs, meeting minutes, or similar documentation regarding the offer to broadcast will be supplied to the IDOT. Upon request, the CDOT will provide copies of video to consulting parties and the public.
- C. Before any demolition or construction activities begin, the CDOT will offer parts of the bridge to local museums and/or other institutions for public display and/or interpretation or educational purposes, pursuant to Stipulation I.G.b in the Movable Bridge PA. This offer must be made to a minimum of three such institutions, with an offer response period of at least 30 days. Correspondence, telephone logs, meeting minutes, or similar documentation regarding the offer will be supplied to the IDOT.

II. PROFESSIONAL STANDARDS

For the purpose of implementing this MOA, the IDOT shall continue to employ departmental staff with qualifications that meet the requirements of 36 CFR Part 61. The IDOT shall ensure that the professional staff responsible for the implementation of the mitigation measures meet the requirements of 36 CFR Part 61, where applicable.

III. DURATION AND REPORTING

This MOA will expire if its stipulations are not carried out within ten (10) years from the date of its execution, unless otherwise amended or terminated pursuant to Stipulations VI or VII. In such an event, the IDOT shall so notify the parties to this MOA and, if it chooses to continue with the Project, then the FHWA shall reinitiate review of the Project in accordance with 36 CFR Part 800.

IDOT shall, at the end of each fiscal year following the execution of this MOA, provide to all signatories a written report regarding the actions taken to fulfill the terms of the agreement. The report shall include the following information:

- A. Any stipulations completed during the calendar year;
- B. Work done toward completion of any stipulations during the calendar year;
- C. Any consultation done regarding any of the stipulations during the calendar year, the subject of the consultation and parties consulted with; and
- D. The status of the project, including tasks that remain outstanding.

IV. POST-REVIEW DISCOVERIES

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

V. 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 any timely advice or comments regarding the dispute from the ACHP and signatories and the FHWA's proposed resolution, to the ACHP in accordance with 36 CFR Part 800.2(b)(2). The ACHP shall provide FHWA with its advice on the resolution of the objections 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.

VI. 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.

VII. 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. 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 request, take into account, and respond to the comments of the ACHP under 36 CFR Part 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the FHWA, the Officer, the CDOT and the IDOT 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.

(Signature Pages Follow)

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Signatory

FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 6/23/2025

Print Name: Taylor Peters

Title: Environmental Programs Specialist

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Signatory

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By: Carey L. Mayer Date: 6/18/2025

Print Name: Carey L. Mayer, AIA

**Title: Deputy State Historic Preservation Officer
Illinois Department of Natural Resources**

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Invited Signatory

CHICAGO DEPARTMENT OF TRANSPORTATION

By:  Date: 6/17/2025

Print Name: Anne Zhang

Title: Deputy Commissioner

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Invited Signatory

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: _____

Date: _____

Print Name: _____

Title: _____

Jose Rios
Region 1 Engineer
ILLINOIS Department
of Transportation

AREA OF POTENTIAL EFFECTS

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider potential effects on historic properties when undertaking a demolition or construction project. The resulting Section 106 consultative process includes, among other tasks, determination of a Project Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist” (36 CFR 800.16.d). The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Area of Potential Effects Map

South Ewing Avenue (East 92nd Street) Bridge over Calumet River

