

**PROGRAMMATIC AGREEMENT
FOR THE
REHABILITATION AND REPLACEMENT OF HISTORIC BRIDGES
BETWEEN
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE
AND
THE FEDERAL HIGHWAY ADMINISTRATION**

WHEREAS, the Federal Highway Administration (FHWA), will fund the rehabilitation and replacement of highway bridges in Illinois, and

WHEREAS, the FHWA is mandated to comply with 23 U.S.C. 144(o) and section 106 Of the National Historic Preservation Act, as amended, and

WHEREAS, the Illinois Department of Transportation (IDOT) has participated in the consultation regarding this programmatic agreement and has been invited to concur with it, and

WHEREAS, FHWA has determined that such bridge rehabilitation 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. f) and its implementing regulations (36 CFR part 800), and the Illinois State Agency Historic Resources Preservation Act,

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 20 ILCS 3420.

STIPULATIONS

FHWA shall ensure that the following measures are carried out.

1. The Illinois Department of Transportation shall maintain a Bridge Survey, which shall be comprised of primary and secondary lists. These lists, which were developed in consultation with the IHPA, include all Illinois highway bridges that meet the criteria for eligibility for listing on the National Register of Historic Places. The FHWA has previously submitted documentation for formal Determination of Eligibility (DOE) on all Illinois highway bridges currently included on the primary list from the Keeper of the National Register of Historic Places. All other Illinois highway bridges that are not included on the primary or secondary lists shall be considered to have no historic value and may be repaired or replaced without further review under Section 106.
2. Bridges included on the primary and secondary lists shall receive routine maintenance consisting of repair or replacement with in-kind existing structural and architectural elements. This maintenance shall comply with the recommended approaches of the Secretary of the Interior's Standards for Rehabilitation (Standards). Photographs shall be

taken before and after such maintenance and these, along with rehabilitation plans or work write-ups, shall be retained by IDOT. From time to time, the IHPA will inspect these records to determine compliance with the Standards.

3. IDOT shall make every reasonable effort to retain and maintain bridges on the primary list. However, in the event a bridge on the primary list is destroyed 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 destroyed bridge from the 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.
4. In the event, that IDOT determines that it is necessary to replace a bridge on the primary or secondary lists for overriding transportation safety concerns, they shall notify the IHPA and supply them with the following documentation:
 1. good, current photographs of the bridge documenting its condition;
 2. a structural survey documenting why rehabilitation in accordance with the Standards is considered infeasible;
 3. a careful and well documented analysis of the following alternatives:
 - a. do nothing
 - b. avoidance/ new alignment
 - c. moving the structure for pedestrian or other vehicular use
 - d. marketing the structure for alternative uses in place or at an analogous location
 - e. the replacement bridges to be named to the primary and secondary lists

IHPA shall then review the documentation and, if it agrees with IDOT's determination that the bridge must be removed, IDOT, in accordance with 36 CFR 800.6(b), shall consult with FHWA, IHPA, and other consulting parties to seek ways to avoid, minimize or mitigate the adverse effects to the bridge. If all parties agree on how the adverse effects will be resolved, they shall execute a Memorandum of Agreement (MOA). A copy of the fully executed MOA will be forwarded to the ACHP for their files. If the parties fail to agree on the terms of a MOA, the FHWA shall request that the ACHP join the consultation.

5. The public will be informed of a bridge's status as to whether it is or is not considered historic at all public meetings involving a proposed bridge project.
6. Should a bridge be listed on the NRHP due to nomination by a member of the public, that bridge shall be added to the Historic Bridge Survey and shall become subject to the terms of this agreement.

Recordation

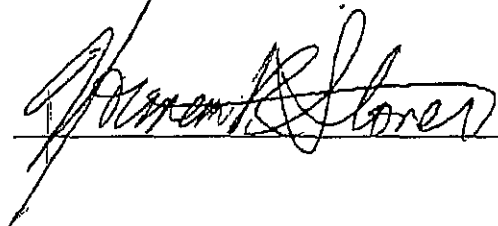
If IHPA and IDOT agree that a bridge may be demolished, IDOT agrees to record the bridge in accordance with Historic American Engineering Record (HAER) Standards. Such recordation is not required when archival records of three bridges of the same type categories and chronological periods have been deposited in the State Historical Library.

Administration


1. IDOT shall retain documentation of actions taken pursuant to this Agreement, including documentation of the public participation process and the views of the public for all projects. Annually, the IHPA may review such documentation to ensure all provisions of this agreement are carried out.
2. Annually, IDOT will submit a written report to the IHPA and the 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 project.
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. During these six months, the parties will work to resolve any objections to continuing the agreement.
6. The IDOT bridge survey will be updated periodically in consultation with the IHPA for additions, revisions and deletions. FHWA shall request determinations of eligibility or removals from the eligible list, as appropriate, from the Keeper of the National Register.
7. This agreement shall remain in effect for five years from the date of ratification. At that time, FHWA, IDOT and the SHPO shall review its terms for extension and/or modification.

Execution and implementation of this Programmatic Agreement evidences that FHWA has satisfied their responsibilities pursuant to Section 106 of the National Historic Preservation Act for the Bridge Rehabilitation and Replacement Program.

FEDERAL HIGHWAY ADMINISTRATION


 4/30/04

ILLINOIS HISTORIC PRESERVATION AGENCY

 4/23/04

CONCUR:

ILLINOIS DEPARTMENT OF TRANSPORTATION

 4/23/04