

**FIRST AMENDMENT TO THE
PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL TRANSIT ADMINISTRATION REGION V,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN ACTIVITIES OF THE FEDERAL TRANSIT PROGRAM
IN THE STATE OF ILLINOIS**

WHEREAS, the Programmatic Agreement (Agreement) was executed on August 7, 2024;

WHEREAS, FTA Region VII (covering the states of Missouri, Iowa, Nebraska, and Kansas) has projects that may occur within the state of Illinois, FTA wished to add FTA Region VII as Signatory to the Agreement for projects in Illinois;

NOW, THEREFORE, in accordance with Stipulation IX of the Agreement, FTA Regions V and VII, the IL SHPO, and the ACHP agree to amend the Agreement as follows:

- 1) Revise the second **WHEREAS** clause to be amended to: ***WHEREAS**, the FTA Region V & VII Administrators, acting on behalf of the FTA, are the “Agency official” with legal and financial responsibility for ensuring compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations set forth in 36 CFR Part 800 (hereinafter, Section 106 Regulations); and*
- 2) Revise the signature area to include *FTA Region VII* added as a Signatory Party.

Unless expressly modified by this Amendment, the Agreement remains unchanged and in full force and effect.

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THE FEDERAL TRANSIT ADMINISTRATION REGION V,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN ACTIVITIES OF THE FEDERAL TRANSIT PROGRAM
IN THE STATE OF ILLINOIS**

FEDERAL TRANSIT ADMINISTRATION (FTA)

By: **KELLEY BROOKINS** Digitally signed by
KELLEY BROOKINS
Date: 2025.06.25
09:22:42 -05'00' Date: June 25, 2025

Kelley Brookins
Regional Administrator, Region V
Federal Transit Administration

**FIRST AMENDMENT TO THE
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FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN ACTIVITIES OF THE FEDERAL TRANSIT PROGRAM
IN THE STATE OF ILLINOIS**

FEDERAL TRANSIT ADMINISTRATION (FTA)

By: CARRIE ELISABETH OSBORNE BUTLER Digitally signed by CARRIE ELISABETH OSBORNE BUTLER
Date: 2025.06.12 09:12:22 -05'00' Date: 6/12/25

Carrie Butler
Regional Administrator, Region VII
Federal Transit Administration

**FIRST AMENDMENT TO THE
PROGRAMMATIC AGREEMENT AMONG
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FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN ACTIVITIES OF THE FEDERAL TRANSIT PROGRAM
IN THE STATE OF ILLINOIS**

ILLINOIS STATE HISTORIC PRESERVATION OFFICER (SHPO)

By: Natalie Finnie Date: 7/16/2025

Natalie Phelps Finnie
Director and Illinois State Historic Preservation Officer
Illinois Department of Natural Resources

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FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN ACTIVITIES OF THE FEDERAL TRANSIT PROGRAM
IN THE STATE OF ILLINOIS**

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

By:  Date: July 28, 2025

Reid Nelson
Executive Director
Advisory Council on Historic Preservation

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL TRANSIT ADMINISTRATION REGION V & VII,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN ACTIVITIES OF THE FEDERAL TRANSIT PROGRAM
IN THE STATE OF ILLINOIS**

WHEREAS, the Federal Transit Administration (FTA), under the authority of 49 U.S.C. Chapter 53, administers the Federal Transit Program (“Program”) in the State of Illinois by approving the provision of Federal funds for state and locally sponsored public transportation projects; and

WHEREAS, the FTA Region V & VII Administrators, acting on behalf of the FTA, are the “Agency official” with legal and financial responsibility for ensuring compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations set forth in 36 CFR Part 800 (hereinafter, Section 106 Regulations); and

WHEREAS, the Illinois State Historic Preservation Office currently resides within the Illinois Department of Natural Resources (IDNR) Division of Historic Preservation, and the Director of IDNR is the duly designated State Historic Preservation Officer (SHPO); and

WHEREAS, the SHPO is the governmental official designated by the State of Illinois, pursuant to 54 U.S.C. § 302301(1) to administer the State Historic Preservation Program, or such authorized representative designated to act on behalf of the SHPO; and

WHEREAS, the responsibilities of the SHPO under Section 106 of the NHPA, as codified in the Section 106 Regulations are to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies' requests within a specified period of time; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) is the independent Federal agency authorized to issue regulations implementing Section 106 of the NHPA, responsible for providing guidance and advice on the application of the procedures in the Section 106 Regulations, and overseeing the operation of the Section 106 process; and

WHEREAS, FTA has determined that implementation of the Program in Illinois may have an effect on historic properties, as defined in 36 CFR § 800.16(l); and initiated consultation pursuant to 36 CFR § 800.14(b)(2) with SHPO and the ACHP to develop a Programmatic Agreement (“Agreement”) to establish an effective and efficient program alternative for the Program activities covered by this Agreement (hereinafter, Covered Activities as defined in Stipulation III and listed in Appendix A: “Covered Activities”); and

WHEREAS, this Agreement sets forth the process by which FTA will meet its responsibilities under Section 106 for Covered Activities; and

WHEREAS, on February 3, 2022, in accordance with 36 CFR § 800.14(b)(2)(i), the FTA initiated consultation with the SHPO to establish this Agreement and SHPO will be a Signatory to this Agreement; and

WHEREAS, on January 9, 2023, in accordance with, 36 CFR § 800.14(b)(2), the FTA invited the ACHP to participate in the consultation to establish this Agreement, and on February 15, 2023, the ACHP responded that their participation in the FTA-IL SHPO Programmatic Agreement (2024 - 2029), as amended 2025.

consultation is required and will be a Signatory to this Agreement; and

WHEREAS, FTA recognizes it has a unique legal relationship with Federally recognized Indian tribes (Tribes), as established and set forth in the Constitution of the United States, treaties, statutes, and court decisions, and that consultation with Tribes must, therefore, recognize the government-to-government relationship between the Federal government and the Tribes; and

WHEREAS, FTA recognizes that a Covered Activity, depending upon its location, could potentially affect a property identified by a Federally recognized Tribe as possessing traditional, religious, and cultural significance to them, including sites that may contain human remains and/or associated cultural items; and

WHEREAS, FTA acknowledges that Tribes possess special expertise in assessing the National Register of Historic Places (NRHP) eligibility of properties with religious and cultural significance to them pursuant to 36 CFR § 800.4(c)(1); and

WHEREAS, FTA has consulted with Tribes, pursuant to 36 CFR § 800.14(b)(2)(i) and 36 CFR § 800.14(f), that may attach religious and cultural significance to historic properties in Illinois, requested their comments on this Agreement, and took into account comments received. The Tribes whom FTA notified of its intent to develop the Agreement and invited to consult on April 4, 2023, include the following: Absentee Shawnee Tribe of Indians of Oklahoma; Caddo Nation of Oklahoma; Citizen Potawatomi Nation Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Match-E-Be-Nash-She-Wish Band of Potawatomi Indians; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; The Osage Nation; The Quapaw Nation; and United Keetoowah Band of Cherokee of Oklahoma; and

WHEREAS, the following Tribes accepted the invitation to consult: Cherokee Nation; Iowa Tribe of Kansas & Nebraska; Miami Tribe of Oklahoma; Osage Nation; The Quapaw Nation; and

WHEREAS, this Agreement shall not apply on Tribal Lands, or to activities that may affect historic properties located on Tribal Lands; and

WHEREAS, all consulting Tribes have declined to sign the Agreement as Concurring Parties and FTA will consult with all Tribes that may attach religious and cultural importance to historic properties in Illinois in accordance with 36 CFR Part 800; and

WHEREAS, FTA and SHPO provided notice of this Agreement for public comment from September 26, 2023, through October 26, 2023, on SHPO's website and distributed notice of the website posting through the Landmarks Illinois email listserv; and

WHEREAS, FTA received two (2) comments, both from transit agencies, and those comments have been taken into account and are reflected in the Agreement; and

WHEREAS, for the review of specific undertakings under this Agreement, FTA may invite other agencies and organizations to participate as consulting parties, as appropriate; and

WHEREAS, FTA retains staff and contractors who meet the Secretary of the Interior’s (SOI) professional qualification standards (Federal Register 48:44738-44739) in the fields of archaeology and architectural history to carry out the responsibilities in this Agreement; and

NOW, THEREFORE, the FTA, the SHPO, and the ACHP agree that FTA’s Section 106 review of the Covered Activities shall be implemented in accordance with the following stipulations in order to take into account the effect of the Covered Activities on historic properties.

STIPULATIONS

FTA will ensure that the following measures are carried out:

I. Purpose and Applicability

- A. This Agreement sets forth the process by which FTA will meet its responsibilities under Section 106 of the NHPA for Covered Activities.
- B. Through this Agreement, FTA, SHPO, and ACHP have identified Covered Activities that shall not require review by the SHPO because they are likely to result in no effects or no adverse effects on historic properties, if present.
- C. Where another Federal agency proposes to license, permit, or fund a Covered Activity as described in this Agreement, that agency may designate FTA as lead agency, in writing, in accordance with 36 CFR § 800.2(a)(2). FTA may then utilize the terms of this Agreement to satisfy the Section 106 responsibilities of itself and the designating agency for the Covered Activity. FTA shall notify the signatories to this Agreement when it has been so designated by another agency.
- D. This Agreement shall not apply to FTA consultation with federally recognized Tribes pursuant to 36 CFR 800, regardless of the location of the Covered Activities .

II. Definitions

In addition to the definitions in 36 CFR § 800.16, the following definitions shall apply to this Agreement:

- A. *Covered Activity* – an undertaking as defined in 36 CFR § 800.16(y) with a scope of work meeting the requirements set forth in Appendix A, as determined and documented by FTA.
- B. *Disturbed Soils* – soils that have been demonstrably disturbed, or significantly physically impacted by prior construction or other ground-disturbing activities beyond the depth where cultural materials are likely to be present. As a result, such soils are not likely to possess intact and distinct soil horizons and have minimal potential of possessing archaeological artifacts and features within their original depositional contexts that may be eligible for listing on the NRHP. This does not apply to instances where there is reasonable potential for intact cultural soil horizons below non-historic fills that will be impacted by an undertaking, or instances where there is a reasonable potential to encounter human remains. Any such determination will be made by an FTA SOI-qualified archaeologist.
- C. *Eligible Recipient* – a public entity that is legally eligible under federal transit law, as codified at 49 U.S.C. Chapter

53, to apply for and receive grants directly from FTA.

- D. *Project Sponsor* – an Eligible Recipient proposing the Covered Activity and that will provide resources and support for the implementation of the Covered Activity. FTA will require Project Sponsors receiving funding through the Program and their contractors to comply with the terms of this Agreement as condition of their FTA grant agreement.

III. Covered Activities

- A. Covered Activities include activities falling within the following five broad categories:

1. Installation of Transportation Facilities and Amenities;
2. State of Good Repair Activities for Existing Infrastructure;
3. Facility Modifications to Meet Americans with Disabilities Act (ADA) Accessibility Standards;
4. Minor Construction Activities at Existing Transit Buildings and Properties; and
5. Transit Signal Priority (TSP) and Transit Signal Modernization (TSM).

- B. Detailed specifications for these categories are set forth in Appendix A.

- C. FTA shall determine whether the proposed undertaking meets the requirements in Appendix A to constitute a Covered Activity, and make a record of its determination. Determinations and screening shall be made by FTA staff and contractors meeting SOI professional qualification standards in the relevant disciplines. If FTA determines that a proposed undertaking is a Covered Activity, no further review or consultation with SHPO is required for that Covered Activity. FTA will document the determination pursuant to the reporting requirements of Stipulation VII. At its discretion, FTA may require a Project Sponsor to provide relevant documentation with or following submittal of its application, such as plans, photographs, or construction specifications, so that the FTA can determine whether the proposed undertaking meets the specific requirements in Appendix A.

- D. For proposed undertakings that FTA determines do not meet the requirements in Appendix A, or are not comprised solely of Covered Activities listed in Appendix A, FTA shall follow 36 CFR §§ 800.3 to 800.7. When a proposed undertaking includes components that constitute Covered Activities listed in Appendix A, FTA shall submit the undertaking in its entirety to the SHPO with a description of the portions of the undertaking that are Covered Activities, and advise the SHPO of its intent to rely upon this Agreement for the Covered Activities. The SHPO shall review only those portions of the undertaking not covered by this Agreement pursuant to the Section 106 implementing regulations.

- E. If a Tribe, through consultation under 36 CFR §§ 800.3 to 800.7, believes a Covered Activity may adversely affect a historic property, the Tribe may notify FTA of its concern. In the event the SHPO has not been notified of a Tribe's concern, FTA will notify the SHPO within two (2) business days. Upon receiving notification from a Tribe, FTA will conduct an inquiry within four (4) business days and will determine the appropriate course of action, in consultation with the SHPO and Tribe, as appropriate. This may result in FTA deciding it is appropriate to follow the terms of this Agreement, and in such a case, will notify the SHPO and Tribe in writing and conclude its Section

106 review. If FTA determines further consultation with the SHPO, Tribe, and any other consulting parties is appropriate, FTA will follow 36 CFR §§ 800.6 - 800.7 to conclude the Section 106 review for that undertaking.

IV. Public Participation

- A. FTA shall follow the Section 106 implementing regulations regarding involvement of the public and the identification of other consulting parties for Covered Activities.

V. Ground-Disturbing Activities

- A. Prior to the initiation of any construction activities related to a Covered Activity that include ground-disturbing activities, FTA shall require the Project Sponsor to distribute Appendix B (“SHPO Archaeology Discovery Guide”) to all workers responsible for conducting the Covered Activities.

VI. Post-Review Discoveries

- A. FTA shall ensure that the Project Sponsors are required comply with the following procedures if, during the implementation of a Covered Activity, previously unidentified materials or resources are discovered:
 - 1. Immediately stop all construction activity within at least 100 feet of the discovery, leave all uncovered materials in place, cease any further disturbance, and follow the procedure as detailed in VI.A.2.
 - 2. Immediately notify the FTA of the discovery and prepare an initial description of the material or resource and submit to the FTA, who will review and provide notification, including the initial description, to SHPO and Tribes with acenstral and/or cultural affiliations with the location of the Covered Activity within one (1) business day of receiving the description from the Project Sponsor.
 - a. FTA will consider any comments received from the Tribe(s) and SHPO regarding the material or resource. If no response is received from the Tribe(s) or SHPO within two (2) business days of notification, FTA will continue to follow the steps in Stipulation VI.
 - b. If the FTA determines, through consultation with SHPO and Tribes, as appropriate, that the material or resource does not have religious and cultural significance to Tribes and is not eligible for listing in the NRHP, FTA shall document the determination and provide the SHPO and Tribes two (2) business days to provide comments on FTA’s determination. Following the two (2) business-day comment period, the FTA shall notify the Project Sponsor that construction may resume in the area of the material or resource.
 - c. If the FTA determines through consultation with SHPO and Tribes, as appropriate, the material or resource may be of religious and cultural significance to a Tribe, the FTA will continue Tribal consultation and request the Tribe(s)’s assistance in determining the proper treatment of the material or resource and whether NRHP evaluation is appropriate. A site visit for the Tribe(s) will be coordinated by FTA with the assistance of the Project Sponsor upon request of SHPO or Tribe(s), as applicable. Following any site visit, the FTA will determine, in consultation with the Tribe(s), the proper course of treatment and, if applicable, the NRHP eligibility of the material or resource. The determination will be documented in a memo via email to the Tribe(s) and SHPO unless the Tribe(s) requests an alternate method. Any communication with other

consulting parties and/or the public regarding Tribal materials or resources shall be protected from disclosure to the greatest extent permitted by law, including conformance to Section 304 of the NHPA, as amended, and Section 9 of the Archaeological Resource Protection Act, and Executive Order on Indian Sacred Sites, No. 13007, 61 Fed. Reg. 26771 (May 29, 1996).

- d. If the FTA determines through consultation with SHPO and Tribe(s), as appropriate, that the material or resource is not of religious and cultural significance to Tribes but is eligible for listing in the NRHP, the FTA shall, in consultation with the SHPO, make a finding of effect.
 - i. If the effect is not adverse, the FTA shall notify the SHPO, Tribe(s), and the Project Sponsor that construction may resume in the area of the material or resource.
 - ii. If the effect is adverse, the FTA shall consult with the SHPO and Tribe(s) to resolve the adverse effects by altering project plans so that adverse effects to the material or resource are avoided and the material or resource are preserved in place, if possible. If adverse effects to the material or resource cannot be avoided, FTA will consult with the SHPO and Tribe(s) to either minimize or mitigation the adverse effect.
 - e. When adverse effects to a property of religious and cultural significance to a Tribe(s) and/or to a material or resource that has been determined NRHP eligible cannot be avoided, consultation among the FTA, the SHPO, and the Tribe(s), as applicable, will occur to minimize or mitigate the adverse effects. The FTA shall take into account the views of the Tribe(s), if provided, prior to approving measures to mitigate adverse effects to properties of religious and cultural significance to Tribes.
 - i. The FTA will prepare a mitigation plan. The mitigation plan must identify measures to minimize or mitigate the adverse effects and identify any necessary qualifications, expertise, or affiliations for implementation of the plan.
 - f. If there is disagreement among the parties regarding the eligibility of a material or resource for listing in the NRHP, FTA may forward adequate documentation, in accordance with 36 CFR Part 63 to the Keeper of the NRHP for a formal determination of NRHP eligibility, as provided by 36 CFR § 800.4(c)(2).
- B. If the Covered Activity causes unanticipated effects to any NRHP-eligible, listed, or contributing buildings, sites, structures, or objects, FTA and the Project Sponsor will comply with the following procedures:
- 1. Immediately cease any activity causing ongoing damage until consultation occurs.
 - 2. In consultation with SHPO and Tribes, as appropriate, determine if adverse effects have occurred to the property(ies).
 - 3. Develop a mitigation plan, in consultation with SHPO and Tribes, as appropriate, that documents treatments to protect historic property(ies) from further damage as well as any minimization or mitigation measures that have been identified through consultation.
- C. In the event of post-review discovery of suspected human remains, grave markers, or grave artifacts during the implementation of a Covered Activity, FTA shall require the Project Sponsor implement the following procedures:

1. Immediately cease all activities within the potential to disturb the remains within at least 100 feet of the discovery. The Project Sponsor shall take all appropriate steps to secure the site and protect the remains. The remains will be covered and protected in place in such a way as to minimize further exposure of or damage to the remains.
 2. Immediately contact the FTA and the SHPO, whose contact information is in Appendix B. The FTA, in coordination with the Project Sponsor, shall notify local law enforcement and the appropriate county coroner within 24 hours of the discovery. The coroner will determine if the remains are human. If the remains are not human, then follow Stipulation VI.A.2.
 - a. If the coroner assumes jurisdiction, FTA shall notify the Project Sponsor when work may resume.
 - b. If the remains are determined to be human and more than 100 years old, the coroner will not assume jurisdiction pursuant to the Human Remains Protection Act, specifically 17 IAC 4170 Parts 210, 400, and 410. The measures in Stipulation VI.C.3 will then be followed.
 3. FTA shall contact Tribes within 24 hours of the coroner's determination. FTA, in coordination with SHPO and Tribes, as applicable, shall determine if the remains are Native American in origin.
 - a. If as a result of coordination, it is determined that the remains are not Native American in origin, the FTA, in consultation with SHPO, shall follow the Human Remains Protection Act (20 ILCS 3440), specifically 17 IAC 4170 Parts 210, 400, and 410. Once completed, the FTA shall inform the Project Sponsor that construction may resume.
 - b. If the remains are determined to be Native American in origin, the FTA, in coordination the Tribes, shall determine the possible cultural affiliation of the remains and the appropriate treatment for the remains. The FTA and SHPO shall defer to the Tribes as to the treatment and disposition of the remains. FTA, in coordination with the Tribes, will inform the Project Sponsor when or if construction may resume.
- D. Nothing in this Agreement shall alter FTA's responsibility to comply with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 USC § 3001 et seq., and its implementing regulations, 43 CFR Part 10, or Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470) regarding disposition of human remains by entities that have control and/or custody of such remains.

VII. Administration and Reporting

- A. Nothing in this Agreement shall be construed as meaning that the FTA cannot request the advice or assistance of the SHPO at any time.
 1. Unless otherwise specified by the terms of this Agreement, the SHPO shall provide comments within 15 days of receipt of a request for advice or assistance from the FTA. FTA will consider any advice or assistance provided by SHPO in FTA's determination of the applicability of this Agreement.
- B. The FTA shall summarize activities carried out under the terms of this Agreement in an Annual Report covering the

federal fiscal year (October 1 – September 30) that must be submitted to the Signatories of this Agreement including Concurring Parties, as applicable, no later than November 1 of each year. The Annual Report shall include a list of all Covered Activities reviewed pursuant to this Agreement in the preceding calendar year, summarizing the location, the applicable category from Appendix A, and any consultation outcomes. The Annual Report will also include a list of historic properties discovered in the post-review process summarizing the location, a brief description of the property, and any consultation outcomes. The SHPO will release the annual report to the public via the SHPO website. Prior to the release of an Annual Report to the public via the SHPO website, SHPO will make appropriate redactions to protect sensitive archaeological information, as applicable.

- C. The FTA will consult with the SHPO regularly to review implementation of the terms of this Agreement, including at a minimum one annual meeting following the circulation of the Annual Report. Signatories will be invited to participate in the annual meeting.

VIII. Effective Date and Extension

- A. This Agreement shall be in effect for five years from the date the last Signatory signs the Agreement unless terminated or amended to change its duration.
- B. The Signatories may collectively agree to extend this Agreement to cover additional calendar years or portions thereof, through an amendment per Stipulation IX, provided that the original Agreement has not expired.

IX. Amendments

- A. Any Signatory to this Agreement may request it be amended or modified, whereupon the Signatories, FTA, SHPO, and the ACHP will consult to consider such amendments or modifications.
- B. Any resulting amendments or modifications shall be developed and executed between the Signatories in the same manner as the original Agreement.
- C. Any Covered Activity that is actively in review under this Agreement at the time of a request to modify or amend this agreement shall be considered under the terms of the Agreement as it exists at the time of the review. FTA shall determine whether an undertaking is in active review.

X. Dispute Resolution

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

- A. Forward all documentation relevant to the dispute, including any timely advice or comments regarding the dispute from the other Signatories and the FTA's proposed resolution, to the ACHP. The ACHP shall provide FTA with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FTA shall prepare a written response that takes into account any timely advice or comments regarding the dispute and provide all Signatories with a copy of this written response. FTA 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 period, FTA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FTA shall prepare a written response that takes into account any timely comments regarding the dispute and provide them and the ACHP with a copy of such written response.
- C.** FTA's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

XI. Termination

Any Signatory to the Agreement may terminate the Agreement by providing thirty (30) calendar days' notice to the other Signatories, provided that the Signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. If the Agreement is terminated, and prior to work continuing on any Covered Activity, FTA shall either develop and execute a new programmatic agreement pursuant to 36 CFR § 800.14(b)(2), or follow 36 CFR Part 800 for each individual undertaking.

XII. Counterparts, Facsimile, or PDF Signatures

This Agreement may be executed in counterparts, each of which shall be considered an original and together shall be one and the same Agreement. A facsimile or PDF copy of this Agreement and any signatures thereon will be considered for all purposes as an original.

Execution of this Agreement by the FTA, SHPO, and ACHP and implementation of its terms evidence that FTA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

[Signature pages to follow]

Appendix A: Covered Activities

Appendix B: SHPO Archaeology Discovery Guide

Appendix A: Covered Activities

All ground-disturbing actions related to Covered Activities must occur entirely within areas of Disturbed Soils as determined by an FTA SOI-qualified Archaeologist. Actions requiring evaluations and determinations by an FTA SOI-qualified Architectural Historians are specified below.

A. Installation of Transportation Facilities and Amenities

1. Installation of new concrete bus stop pads.
2. Installation of new sidewalk facilities.
3. Installation of a new pole(s) for signage, lighting or utilities at new or existing bus stops where a pole does not already exist.
4. Installation of benches at new or existing bus stops or shelters where a bench does not already exist.
5. Installation of a bike rack where one does not already exist.

Installation of a new bus shelter where one does not already exist. The bus shelter must be compatible in scale, character, materials, color, etc. with the surroundings as determined by an FTA SOI-qualified Architectural Historian.

B. State of Good Repair Activities for Existing Infrastructure

1. Installation of a replacement shelter, including a larger shelter that generally conforms to the existing site dimensions (i.e., minor upgrade in size and scale), where one already exists.
2. Repair or component replacement of existing bus stop facilities (concrete pad, pole, bench, shelter, or signage).
3. Repair or component replacement of electrical and light systems or other utilities at existing transit facilities and/or existing transit buildings or properties.
4. Repair or component replacement of sidewalk facilities within the footprint of an existing sidewalk.
5. Removal, repair, or replacement of utilities (including but not limited to sewer, water, electrical, gas, leach lines, and storm drains).

C. Facility Modifications to Meet Accessibility Standards of the Americans with Disabilities Act (ADA)

1. Installation of new or replacement sidewalk facilities, sidewalk ramps, and curb ramps.
2. Upgrades to entrances, foundations, curbs, and driveways at existing facilities and existing parking lots to provide accessibility.

D. Minor Construction Activities at Existing Transit Buildings and Properties

1. Minor alterations or additions to existing transit-related maintenance, storage, and office facilities that are less than forty-five years old.
2. Minor maintenance activities to facilities that are forty-five years old or older. Activities must use in-kind materials and conform to the existing design. Character-defining features must be retained and not substantially altered, as determined by an FTA SOI-qualified Architectural Historian. Installation of new equipment and infrastructure at existing transit buildings and properties to support operations, including but not limited to, electric transformers, electric bus charging infrastructure, heating or cooling units, solar panels, hydrogen production systems, hydrogen and compressed natural gas (CNG) fueling storage and pumps, maintenance (lifts), security (fencing, cameras, etc.), fire safety, and communications (associated utilities and towers). The new equipment and infrastructure shall be minor in scale and not visually incompatible with existing infrastructure at the site. Ground-level equipment and infrastructure shall not exceed the height of existing transit buildings and equipment at the property. Roof-mounted equipment must be placed where it is not highly visible from the street.

E. Transit Signal Priority (TSP) and Transit Signal Modernization (TSM)

1. TSP projects involving the installation of TSP communication equipment (network switch, access point and traffic detection camera) on existing traffic signal poles.
2. TSM projects, involving substantial replacement of signalization equipment at an already signalized intersection, which may include interconnect work, replacement of an extant controller, and installation a new controller cabinet and foundation.



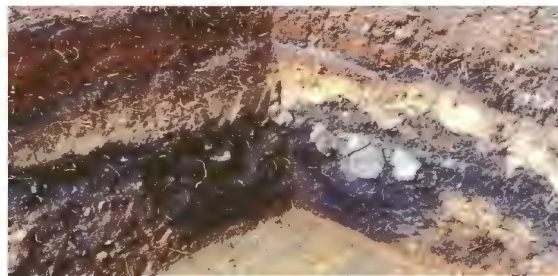
Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

JB Pritzker, Governor
Colleen Callahan, Director

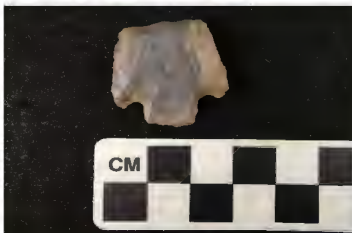
Appendix B: SHPO Archaeology Discovery Guide

Although verification of the presence of cultural resources can be difficult, two clues are the presence of (1) artifacts on an excavated surface or in a spoil pile and (2) soil discolorations or anomalies.



Artifacts, such as those specimens illustrated in the following photographs, are the most common indicators for the presence of archaeological sites. Some of these will be familiar objects and easily recognized, while others may require special expertise to identify.

Stone tools are the most easily recognized pre-contact Native American artifacts present on archaeological sites in Illinois. These can include projectile points (arrowheads and spear tips), celts (axes), adzes, and hoes or spades.



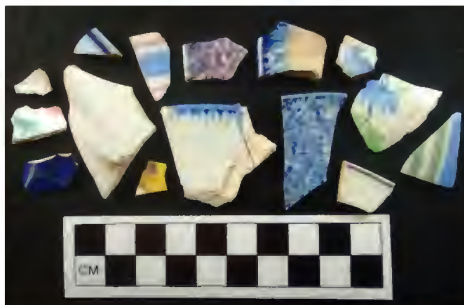
The majority of pre-contact Native American artifact assemblages are comprised of lithic “debitage” or fragments (flakes, chips) of stone (usually chert or flint), which are the byproducts of tool manufacture.



Pre-contact Native American ceramic artifacts are often broken into sherd fragments that can often look like lumps of dried dirt and require careful examination. Some will show signs of deliberate marking and/or decoration.



Artifacts related to Euro-American settlement and habitation may be encountered. These may include ceramics, glass (curved vessel and/or flat window), nails, and bricks.



Architectural features may also be encountered, including structural foundations (with or without cellars) and walls. Other features may include wells and cisterns.



Human remains are the most sensitive of all cultural the resources that may be encountered. These, most importantly, must be treated with the utmost respect.

Please note the locations and details of all inadvertently discovered cultural resources are confidential.