

**MEMORANDUM OF AGREEMENT
AMONG THE
FEDERAL HIGHWAY ADMINISTRATION
ILLINOIS DEPARTMENT OF TRANSPORTATION
AND
STATE HISTORIC PRESERVATION OFFICER
REGARDING
REPAIRS TO IL 178 BRIDGE OVER THE VERMILION RIVER
LASALLE COUNTY, ILLINOIS**

WHEREAS, the Illinois Department of Transportation (IDOT) plans to repair the bridge (SN: 050-0096) carrying IL 178 over the Vermilion River, LaSalle County, Illinois (IDOT Contract #66H91, Sequence #20969; SHPO Log #011101317); 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. § 306108, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, the FHWA has defined the undertaking's area of potential effects (APE) as the footprint of the bridge and the immediate surrounding area (Exhibit A); and

WHEREAS, pursuant to 36 C.F.R. Part 800, the FHWA in consultation with the State Historic Preservation Officer (SHPO) has determined that the undertaking will cause an adverse effect to the bridge, which has previously been determined eligible for the National Register of Historic Places (Exhibit B); and

WHEREAS, the FHWA has invited the IDOT to participate in consultation and to become an invited signatory to this Memorandum of Agreement (MOA); and

WHEREAS, the FHWA and IDOT provided the public opportunities to comment on the undertaking and to become consulting parties: No consulting parties have stepped forward. Public engagement efforts include the following: (1) a project website was posted at <https://idot.illinois.gov/projects/IL-178-over-the-vermillion-river> requesting comments regarding the project and the proposed repairs to the bridge; (2) a press release was issued to local media (newspapers and radio stations); and (3) a Letter of Information (LOI) was sent to LaSalle County, Vermillion Township, and DeerPark Township; and

WHEREAS, the IDOT on behalf of FHWA notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect, January 29, 2021 pursuant to 36 CFR Section 800.6(a)(1), and ACHP declined to enter into consultation in a letter dated March 5, 2021 and

NOW, THEREFORE, the FHWA, IDOT, and 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

The FHWA, in coordination with the IDOT, shall ensure that the following measures are carried out:

I. MITIGATION

- A. The IDOT shall make repairs to the bridge to extend its use-life. The repairs shall be completed in a manner that do not create obvious visual patches. The entire surface of the bridge deck, after patching, will be covered by a latex concrete overlay, while the bottom surface of full-depth patches will be coated with a tinted acrylic compound that matches the color of the surround concrete. Likewise, the fiber wrapping of beams will be covered by a tinted acrylic compound that matches the color of the surrounding concrete.
- B. To ensure the repairs do not cause obvious visual alternations to the bridge and to assess the repair techniques for future SHPO approval, annual photographic documentation of the repairs shall be submitted to the SHPO. Baseline photographs of the newly completed repairs will be submitted to the SHPO, followed by annual photographic documentation of the repairs each spring (April-May) for the next eight (8) years. For the fiber wrapped repair areas at least 10 photographs of each repair area must be submitted on an annual basis. The photographs should be taken on a cloudy day where there is not too much sun/shadow contrast. The 10 photos should include: 2 distance views of each patch and the surrounding structural bay of the bridge; 4 mid-distance views, where the entire patch and approximately 12" of non-patched area is visible, taken from different angles/perspectives; and 4 close-up photographs of each patch taken with a telephoto lens, taken from different angles/perspectives.

II. DURATION

This MOA will be null and void if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the undertaking, the 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, the FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation 6 below. The FHWA shall notify the signatories as to the course of action it will pursue.

III. 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 Section 800.13(b).

IV. 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, the FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, the FHWA will:

A. Forward all documentation relevant to the dispute, including any timely advice or comments regarding the dispute from the signatories and the FHWA's proposed resolution, to the ACHP. The ACHP shall provide the 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, the 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. The 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 the FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the 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. The 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.

V. 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.

VI. 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 Stipulations IV and V, 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, the FHWA must either (a) execute a 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. The FHWA shall notify the signatories as to the course of action it will pursue.

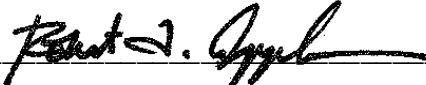
EXECUTION of this MOA by the FHWA and SHPO and implementation of its terms evidence that the FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

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Signatory

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By:  Date: March 24, 2021

Print Name: Robert F. Appleman

Title: Deputy State Historic Preservation Officer

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Invited Signatory

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Masood Ahmad Date: March 24, 2021

Print Name: Masood Ahmad

Title: Region 2 Engineer