

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
AND
ILLINOIS DEPARTMENT OF TRANSPORTATION,
REGARDING
IMPROVEMENTS TO INTERSTATE 270 INTERCHANGE AT ILLINOIS ROUTE 111,
NEAR MITCHELL, MADISON COUNTY, ILLINOIS**

WHEREAS, the Illinois Department of Transportation (IDOT) plans to make improvements to reconstruct the existing Interstate 270 (I-270) interchange at Illinois Route 111 (IL 111)/Chain of Rocks Road near Mitchell in Madison County, Illinois (Project), IDOT Sequence #24931; 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 FHWA and IDOT have defined the undertaking's area of potential effects (APE) as the area shown in Exhibit A; and

WHEREAS, the FHWA and IDOT in consultation with the State Historic Preservation Officer (SHPO) have identified one (1) architectural resource, Historic Route 66, also known as Chain-of-Rocks Road, that is eligible for the National Register of Historic Places (NRHP); and

WHEREAS, the FHWA and IDOT informed the public about the Project in 2017 and 2018 through stakeholder meetings and press releases, and the Illinois Route 66 Scenic Byway has participated as a consulting party and has been invited to be a concurring party to this MOA; and

WHEREAS, the FHWA and IDOT, in consultation with the Illinois SHPO, has determined pursuant to 36 CFR Part 800.5(a) that the Project will have an adverse effect on Historic Route 66/Chain-of-Rocks-Road; and

WHEREAS, the FHWA and IDOT have consulted with the Illinois SHPO in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and its implementing regulations (36 CFR Part 800) to resolve the adverse effect on Historic Route 66/Chain-of-Rocks Road; and

WHEREAS, the FHWA and IDOT notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect in an email dated August 4, 2023, and no response was received from the ACHP, therefore, pursuant to 36 CFR Part 800.5 (c)(3)(i), IDOT and FHWA's duty to notify the ACHP has been fulfilled; and

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

NOW, THEREFORE, the FHWA and SHPO agree that the Project shall be implemented in accordance with the following stipulations to ensure that potential effects on historic properties are taken into account.

STIPULATIONS

The FHWA and SHPO agree that the following steps will be undertaken for the Project:

I. HISTORIC ROUTE 66 MITIGATION

- A. Coordinate Construction Schedules.** The IDOT shall furnish to the Illinois Route 66 Scenic Byway information about the location and timing of planned construction on Historic Route 66/Chain-of-Rocks Road. This information shall be provided as soon as feasible.
- B. Adequate Detour Signage.** For detours required during this Project, the IDOT, in consultation with the Illinois Route 66 Scenic Byway, shall develop adequate detour signage that safely and effectively returns travelers to Historic Route 66/Chain-of-Rocks Road as soon as feasible. At a minimum the detour signage shall include Route 66 signs.
- C. Install Route 66 Interpretative Sign at Chain-of-Rocks Bridge.** The IDOT will develop and install an interpretative sign at the Chain-of-Rocks Bridge parking lot that shows the local historical alignment of Route 66. The content of the sign will be developed in consultation with the SHPO and Illinois Route 66 Scenic Byway. For more detailed information, the sign will display a QR (Quick Response) code that will link the visitor via their mobile device to a GIS-based Story Map and/or video about Route 66.
- D. Develop Story Map and/or video about Route 66.** The IDOT will develop a GIS-based Story Map and/or video about the local alignment of Route 66 in consultation with the SHPO and Illinois Route 66 Scenic Byway. The Story Map and/or video shall be accessible and compatible with common mobile devices. The link will also be shared with Illinois Route 66 Scenic Byways and other interested parties.
- E. Route 66 image.** Incorporate Route 66 road sign image into the Chain-of-Rocks Road Roundabouts to commemorate the history of Route 66.

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, Appendix A. The IDOT shall ensure that the professional staff responsible for the implementation of the mitigation measures meet the requirements of 36 CFR Part 61, Appendix A.

III. 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. In such an event, the FHWA shall so notify the parties to this MOA and, if it chooses to continue with the Project, then it shall reinstate review of the Project in accordance with 36 CFR Part 800.

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, 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 the FHWA's proposed resolution, to the ACHP. The ACHP shall provide the FHWA with its advice on the resolution of the objections within thirty days (30) 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 thirty (30) days, 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.

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

Execution of this MOA by the FHWA, SHPO, and IDOT, and the 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)

FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 1/11/2024

Print Name: David L Snyder

Title: Division Administrator

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(Signatory)

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By: Carey L. Mayer Date: 12/18/2023

Print Name: Carey Mayer

Title: Deputy State Historic Preservation Officer

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(Invited Signatory)

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Kirk HB Date: 12/18/23

Print Name: Kirk H. Brown, P.E

Title: Region Five Engineer

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(Concurring Party)

ILLINOIS ROUTE 66 SCENIC BYWAY

By: _____ Date: _____

Print Name: _____

Title: _____