

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
AND ILLINOIS DEPARTMENT OF TRANSPORTATION,
REGARDING THE
REALIGNMENT OF EAST 2000 NORTH ROAD AT ROUTE 66,
CAYUGA TO CHENOA SECTION,
IN LIVINGSTON COUNTY, ILLINOIS**

WHEREAS, the Illinois Department of Transportation (IDOT) plans to relocate the intersection of East 2000 North Road with Route 66 north of Pontiac, in the Livingston County, Illinois, IDOT Sequence #19698; and

WHEREAS, the Federal Highway Administration (FHWA) plans to fund the project, thereby making the project an Undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, the FHWA has defined the Undertaking's Area of Potential Effects (APE) as the project limits (as shown in Exhibit A); and

WHEREAS, the FHWA has determined the Cayuga to Chenoa section of Route 66, which is listed on the National Register of Historic Places NRHP, will be adversely affected by the Undertaking; and

WHEREAS, the FHWA has determined that no other historic properties will be affected by the Undertaking; and

WHEREAS, the FHWA has consulted with the Illinois State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. Part 800; and

WHEREAS, the responsibilities of the SHPO under Section 106 and 36 C.F.R. Part 800 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, as used herein, the term "SHPO" means the official appointed or designated pursuant to section 101(b)(1) of the NHPA, as amended (54 U.S. Code § 302301(1)), to administer the State Historic Preservation Program or a representative designated to act for the State Historic Preservation Officer (see 36 C.F.R. § 800.16(v)); and

WHEREAS, the Illinois State Historic Preservation Program presently resides within the Illinois Department of Natural Resources (IDNR), and the Director of IDNR, Wayne A. Rosenthal, is the duly designated State Historic Preservation Officer; and

WHEREAS, the FHWA has invited the IDOT to participate in consultation and to become signatory to this memorandum of agreement; and

WHEREAS, the FHWA notified the Advisory Council on Historic Preservation (ACHP) of the preparation of this memorandum of agreement in an email dated July 28, 2017 and ACHP notified FHWA in a letter dated August 11, 2017 that they will not participate; and

WHEREAS, the FHWA has invited consultation of the City of Pontiac, the Route 66 Association of Illinois, and the Illinois Route 66 Scenic Byways; and only the Illinois Route 66 Scenic Byways accepted the invitation to be a consulting party (see Exhibit B); and

NOW, THEREFORE, the FHWA, IDOT, and the 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:

1. ROUTE 66 MITIGATION

- A. Coordinate construction schedules and potential detour routes with the Illinois Route 66 Scenic Byways.
- B. Explore traffic management options with the Illinois Route 66 Scenic Byways to maintain traffic on the Route 66, Cayuga to Chenoa section during construction.
- C. Preserve Route 66 pavement samples by providing thirty (30) pavement cores from the impacted portion of Route 66 to the Illinois Route 66 Scenic Byways for educational purposes. (see Exhibit B).

2. DURATION

This agreement 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 an agreement 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 agreement and amend it in accordance with Stipulation 6 below. The FHWA shall notify the signatories as to the course of action it will pursue.

4. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, IDOT and FHWA, in coordination with the SHPO, 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).

5. 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, the FHWA shall consult with such party to resolve the objection. If 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 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 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 agreement, 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 agreement that are not the subject of the dispute remain unchanged.

6. AMENDMENTS

This agreement 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.

7. TERMINATION

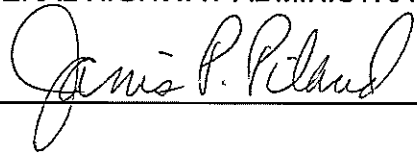
If any signatory to this agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 6 above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.

Once the agreement is terminated, and prior to work continuing on the Undertaking, FHWA must either (a) execute an agreement 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 agreement by the FHWA and SHPO and implementation of its terms are evidence that FHWA has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

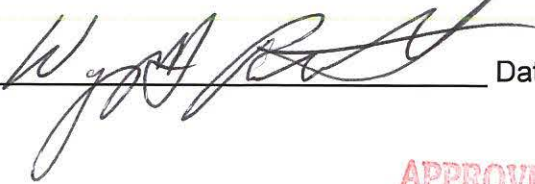
East 2000 North and Route 66 Memorandum of Agreement Signatory


FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 5-22-2018

East 2000 North and Route 66 Memorandum of Agreement Signatory

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By:  Date: 4/18/18

APPROVED FOR EXECUTION
Date: April 18, 2018
Legal Counsel: 

East 2000 North and Route 66 Memorandum of Agreement Invited Signatory

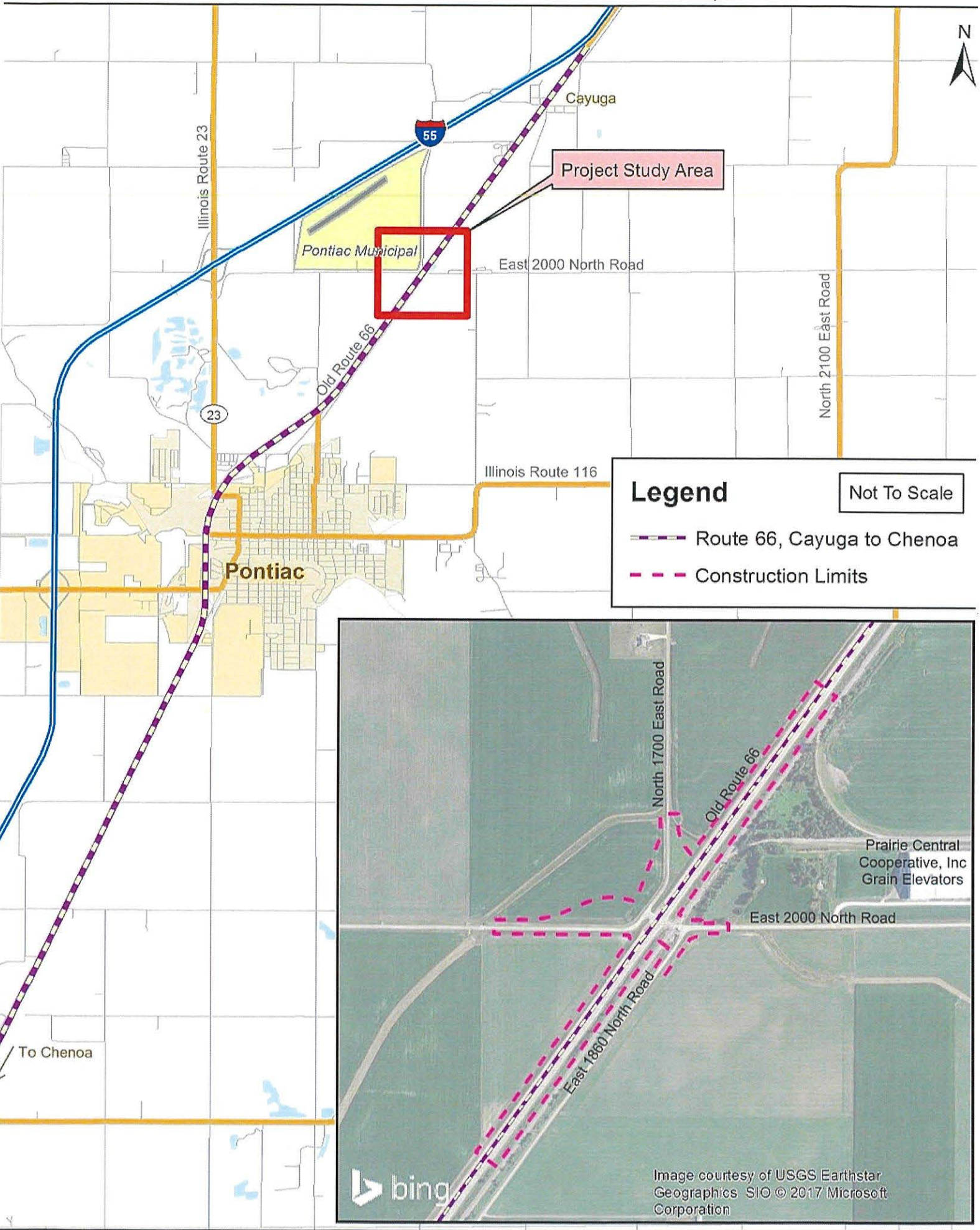
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: *Kimi Sanket (wp)* Date: *04/19/18*

East 2000 North Memorandum of Agreement Concurring Party

ILLINOIS ROUTE 66 SCENIC BYWAYS

By: William D. Kelly Date: 5/15/2018



Project Study Area

Pontiac Municipal

East 2000 North Road

North 2100 East Road

Illinois Route 116

Pontiac

Legend

Not To Scale

- Route 66, Cayuga to Chenoa
- - - Construction Limits

To Chenoa

Prairie Central Cooperative, Inc Grain Elevators

East 2000 North Road

North 1700 East Road

Old Route 66

East 1860 North Road




Image courtesy of USGS Earthstar Geographics SIO © 2017 Microsoft Corporation

From: [Koldehoff, Brad H.](#)
To: ["William Kelly"; Anne Haaker](#)
Cc: [Land, Emilie; Rynke, Roger F](#)
Subject: RE: [External] Route 66 Mitigation Request - Rt 66 Adverse Impact E2000N Pontiac Livingston Co #19689
Date: Wednesday, August 16, 2017 7:36:41 AM
Attachments: [AE SHPO E2000N 6-23-17 \(2\).pdf](#)

Bill – Many thanks for your assistance! As a consulting party to the Section 106 process for this undertaking, I will be sending you a draft MOA for your review and comment that stipulates approved mitigation measures (see attached), one of which is providing pavement cores. Per your request, a total of 30 Rt 66 pavement cores will be provided to IL Rt 66 Scenic Byways and other interested parties for educational purposes. Brad

Brad H. Koldehoff, RPA
Cultural Resources Unit Chief
Chief Archaeologist
Bureau of Design & Environment
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

217-785-7833 (voice)
Brad.Koldehoff@illinois.gov

 Please consider the environment before printing this email

From: William Kelly [<mailto:wkelly@illinoisroute66.org>]
Sent: Tuesday, August 15, 2017 4:08 PM
To: Koldehoff, Brad H.; Anne Haaker
Subject: [External] Route 66 Mitigation Request

Brad, as a mitigation measure from the D3 Highway Safety Project impact on Illinois Route 66, the Illinois Route 66 Scenic Byway would like to request thirty cores from the Pontiac site.

Best regards,

Bill Kelly
Illinois Route 66 Scenic Byway
wkelly@illinoisroute66.org
www.illinoisroute66.org
phone:217.525.9308



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

RECEIVED

JUN 15 2017

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Preservation Services

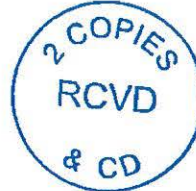
Livingston County
Pontiac
Old Route 66 & E2000N Rd. (UP RR Mile Post 88.90)
Job # C-93-008-14
IDOT Sequence #19698
ISAS Log #15253

June 15, 2017

IHPA REVIEW

H/A _____
AC Carroll D.
AR _____
File _____

FEDERAL SECTION 106 PROJECT



ADVERSE EFFECT

Dr. Rachel Leibowitz
Deputy State Historic Preservation Officer
Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, Illinois 62701

Dear Dr. Leibowitz:

The enclosed Environmental Survey Request and Section 106/4(f) report concerns a proposed grade crossing improvement north of Pontiac that is required to increase safety. The necessary improvements will, however, adversely impact a National Register of Historic Places (NRHP) listed section of Route 66 (Cayuga to Chenoa). This action will likely be funded by the Federal Highway Administration (FHWA), making it an undertaking subject to Section 106. The undertaking is located at the grade crossing adjacent to the intersection of Old Route 66 and E 2000 N Road.

Attached are copies of the archaeological survey report completed by Illinois State Archaeological Survey personnel concerning archaeological and historical resources potentially impacted by the undertaking. Survey of the 18.8-acre Area of Potential Effects (APE), resulted in the identification of one archaeological site (11LI375), which lacks information potential and does not warrant NRHP consideration. No architectural or historical resources, other than Route 66, were identified by IDOT's Cultural Resources staff.

The current undertaking was formerly part of the Chicago to St. Louis High Speed Rail program: initially under IDOT Seq. #17105A (Dwight to Pontiac Stage I Grade Crossing/Roadway Improvement); then, it was moved to Seq. #17654A (Dwight to Pontiac: Complex Crossing Improvements). Under Seq. #17654A, IDOT received an Adverse Effect concurrence from your office on April 14, 2014.

The current undertaking will utilize the previous construction design, which proposes to relocate the intersection of E 2000 N Road with Route 66. This action requires a realignment of Route 66 and the removal of original Route 66 pavement.

The following mitigation measures were developed in coordination with Route 66 consulting parties: (1) coordinate construction schedules and potential detour routes; (2) explore traffic management options to maintain traffic on the Route 66, Cayuga to Chenoa section, during construction; and (3) preserve Route 66 pavement samples (concrete and asphalt) and provide samples to consulting parties and other interested groups for educational purposes.

In coordination with the FHWA, IDOT requests concurrence from the State Historic Preservation Officer in our determination that (1) the proposed action will cause an adverse effect to Route 66, which is subject to protection under Section 106 of the National Historic Preservation Act of 1966, and (2) the proposed mitigation measures are adequate.

In accordance with 36 CFR Part 800.3(c)(4), the FHWA will proceed to the next step in the Section 106 process if we do not receive a response from your office within 30 days.

Sincerely,



Brad H. Koldehoff
Cultural Resources Unit
Bureau of Design & Environment

CONCUR

By: Rachel Leibowitz
Deputy State Historic Preservation Officer

Date: 6-23-17