

**MEMORANDUM OF AGREEMENT AMONG
THE ILLINOIS DEPARTMENT OF TRANSPORTATION,
THE ILLINOIS CAPITAL DEVELOPMENT BOARD, AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING PARTIAL DEMOLITION AND NEW CONSTRUCTION AT THE
NORTHBOUND AND SOUTHBOUND RAIL SPLITTER SAFETY REST AREAS AT
I-55 MILE MARKERS 102 AND 103 IN SHERMAN, ILLINOIS
(SHPO LOG #010060921)**

WHEREAS, the Illinois Department of Transportation (IDOT) and the Illinois Capital Development Board (CDB) plan to undertake partial demolition of and new construction at the northbound and southbound Rail Splitter safety rest areas at I-55 mile markers 102 and 103 in Sherman, Sangamon County, Illinois (Rest Areas); and

WHEREAS, the project proposes to demolish the historic hexagonal planters and benches and the Rest Areas' exterior building envelopes and interior components and retain and restore the Rest Areas' concrete hyperbolic-paraboloid structures as free-standing entrance canopies to newly constructed additions; and

WHEREAS, the Rest Areas are owned and operated by IDOT, and the construction project is managed by CDB, thereby making the project an Undertaking subject to review under the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) and its implementing rules (17 IAC 4180) (Act); and

WHEREAS, IDOT and CDB have consulted with the Illinois State Historic Preservation Office (Office), a Division of the Illinois Department of Natural Resources (IDNR), pursuant to the Act; and

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

WHEREAS, on July 15, 2021, the SHPO determined that the Rest Areas are eligible for listing to the National Register of Historic Places (NRHP) under Criterion A for their association with the National Interstate Highway System and its development and under Criterion C for their exemplary Modernist design, both at the state level of significance; and

WHEREAS, the SHPO has determined that the Undertaking will have an adverse effect on the Rest Areas that are eligible for the NRHP; and

NOW, THEREFORE, IDOT, CDB, and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in this Memorandum of Agreement (Agreement) in order to mitigate the adverse effects of this Undertaking to the Rest Areas.

STIPULATIONS

I. MITIGATION

- A. The two pairs of historic, curving lampposts that are original to the Rest Areas' construction must be restored. One pair must be appropriately reinstalled in front of each Rest Area, with locations to be determined in consultation with the SHPO. The SHPO does not expect that these four lampposts will comprise the entirety of the site lighting; therefore, the SHPO encourages IDOT and CDB to fully explore the appropriate lighting of both Rest Areas, in particular solutions that visually enhance the historic concrete canopies.
- B. IDOT and CDB shall retain a historical contractor(s) of their choice (Contractor) who meets the Secretary of the Interior's Qualifications (36 CFR Part 61, https://www.nps.gov/history/local-law/arch_stnds_9.htm). The Contractor shall develop an illustrated, interpretative element for both Rest Areas that presents and discusses the history, design, and significance of the Rail Splitter Rest Areas as the first rest areas constructed in the State of Illinois, the context of rest area design, and IDOT's early and significant involvement in interstate highway design and construction.
1. IDOT and CDB shall submit a draft of the content and design of the interpretive element to the SHPO. The SHPO shall have thirty (30) calendar days to provide comments on the draft interpretive element.
 2. The Contractor shall prepare the final interpretative element that includes the final content and design and that incorporates any recommendations made by SHPO on the draft interpretive element. IDOT and CDB shall submit the final interpretive element to SHPO for concurrence. The SHPO shall have thirty (30) calendar days to review and concur with the final interpretive element.
 3. The final interpretive element shall be incorporated into the project's 100% construction documents for both the northbound and the southbound rest areas.
- C. IDOT and CDB shall provide to the SHPO digital versions of the original architectural drawings for the Rest Areas, the video that was presented at the 6/29/21 regulatory consultation meeting, and research and information about the Rest Areas gathered during design phase of this Undertaking. The SHPO shall host the material on its website.

II. DURATION

This Agreement shall be effective until such time as all of its terms are satisfied or it is amended or terminated and replaced. Prior to such time, IDOT and CDB may consult with the other signatories to reconsider the terms of the Agreement and amend it in accordance with Stipulation VI AMENDMENTS below. IDOT and CDB 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, IDOT and CDB shall consult with the SHPO immediately and make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties. In the event of an unanticipated discovery of human remains or burials, IDOT and CDB understands and agrees that it must immediately stop work within the area of discovery, consult with the SHPO, and comply with the Human Skeletal Remains Protection Act (20 ILCS 3440) and its implementing rules (17 IAC 4170) as administered by IDNR, which provides that no human skeletal remains shall be disturbed without a permit issued by IDNR.

IV. MONITORING AND REPORTING

Each six (6) months following the execution of this Agreement until it expires or is terminated, IDOT and CDB shall provide all parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in IDOT's and CDB's efforts to carry out the terms of this Agreement.

V. 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, IDOT and CDB shall consult with the signatories to resolve the objection. If the signatories cannot agree regarding a dispute, the signatories shall utilize the procedures provided in 20 ILCS 3420/4e.

VI. 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 is signed by all of the signatories.

VII. TERMINATION

If any signatory to this Agreement determines that its terms become impossible to carry out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulations V and VI above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

VIII. 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 IDOT and CDB and the implementation of its terms evidence that the IDOT and CDB have afforded the SHPO an opportunity to comment on the effects of the Undertaking in compliance with the Act.

[Signature Pages to follow]

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(SHPO LOG #010060921)**

SIGNATORY

ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT)

Signature:  Date: 12-1-23

Name: KYLE ARMSTRONG

Title: CE VII

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SIGNATORY

ILLINOIS CAPITAL DEVELOPMENT BOARD (CDB)

Signature:  Date: 1/16/24

Name: Jim Underwood

Title: Executive Director

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SIGNATORY

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER (SHPO)

By: Carey L. Mayer Date: 12/23/2023
Carey L. Mayer, AIA
Deputy State Historic Preservation Officer
Illinois Department of Natural Resources