

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

JUL 6 1990

Mr. Joel P. Ettinger
Area Director
Urban Mass Transportation Administration
Region 5
55 East Monroe Street
Chicago, IL 60603

ATTENTION: Mr. Donald Gismondi

REF: Capital Improvement Program (1989-1994)

Dear Mr. Johnson:

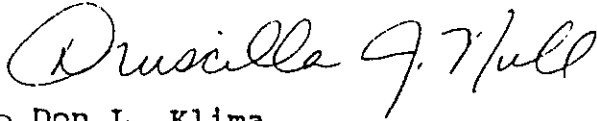
The enclosed Programmatic Agreement for the referenced program has been executed by the Council. The execution of the Programmatic Agreement completes the requirements of Section 106 of the National Historic Preservation Act and the Council's regulations for individual undertakings covered under the Agreement. A copy of the Agreement has also been sent to the Illinois State Historic Preservation Officer and the Urban Mass Transit Authority.

As discussed with Mr. Chris Stanek of the Chicago Transit Authority (CTA), all Capital Improvement projects funded in 1989 and 1990, and not yet completed, can be reviewed in accordance with the terms of the Programmatic Agreement. We would encourage CTA to retain individual project files for each project reviewed under the Programmatic Agreement until 1994, the expiration date of the Agreement, to facilitate on-site inspections by UMTA and the Illinois SHPO.

We look forward to meeting with UMTA, CTA, and the Illinois SHPO before the end of the year to discuss the effectiveness of the Programmatic Agreement in expediting the review of rehabilitation projects.

If we can be of further assistance, please contact Charlene Dwin Vaughn at 202-786-0505.

Sincerely,



for Don L. Klima
Director, Eastern Office
of Project Review

Enclosure

PROGRAMMATIC AGREEMENT

THIS AGREEMENT is entered into this 9th day of June, 1989 between the Chicago Transit Authority ("CTA"), a municipal corporation, State Historic Preservation Officer ("SHPO"), the Advisory Council on Historic Preservation ("Council") and Urban Mass Transportation Administration ("UMTA").

W I T N E S S E T H :

WHEREAS the CTA has determined that the implementation of its Capital Improvement Program ("CIP") with funds from UMTA will have an effect on CTA Properties which may be eligible for inclusion in the National Register of Historic Places ("Register"); and

WHEREAS the CTA has requested the comments of SHPO and the Council pursuant to Section 106 of the National Historic Preservation Act (16 USC 470 et seq. as amended) and its implementing regulations entitled "Protection of Historic and Cultural Properties," (36 CFR Sec. 800 et seq.).

WHEREAS execution of this Agreement and the carrying out of its terms evidences that the CTA has afforded the Council a reasonable opportunity to comment on this program and that the CTA has taken into account the effect of its program on historic properties;

NOW, THEREFORE, the parties agree and covenant as follows:

The CTA, SHPO, UMTA and the Council agree that this Agreement shall be implemented in accordance with the following stipulations in order to take into account the effect of undertakings in historic projects.

ARTICLE I IDENTIFICATION AND EVALUATION

CTA shall ensure that identification and evaluation of rapid transit stations and other CTA properties will be carried out as provided herein.

A. Rapid Transit Stations

1. The CTA has undertaken and completed descriptions of all rapid transit stations constructed before 1946 on the CTA system and obtained the comments of the SHPO on the potential eligibility of these stations for the National Register of Historic Places (Register). This survey will serve as the basis of the identification of eligible properties which will be affected under the terms of this agreement.

2. If no agreement is reached between SHPO and CTA as to whether a specific CTA station meets the Register criteria, the UMTA will request a determination of eligibility for inclusion in the Register from the Secretary of the Interior, in accordance with 36 CFR Sec. 800.4(c)(4).

3. All stations built after 1946 will be considered not historically significant and, therefore, need not be reviewed by the parties.

4. The CTA shall notify UMTA of all reviews and determinations made under this section.

B. Other CTA Property

1. The CTA shall prepare a description of any of its property, including but not limited to bus garages, interlocking towers, maintenance buildings, transportation offices and substations constructed before 1946, at the time the property is considered for inclusion in the CTA's CIP. The CTA shall forward the description of the property and proposed capital improvement project to SHPO for comment.

2. The SHPO shall review this information and provide CTA and UMTA with an evaluation of its eligibility.

3. If no agreement is reached between the SHPO and CTA on whether a specific CTA property meets the National Register criteria, UMTA will request a determination of eligibility for inclusion in the Register from the Secretary of the Interior, in accordance with 36 CFR Sec. 800.4(c)(4).

4. Properties built after 1946 will be considered not historically significant and, therefore, need not be reviewed by the parties.

5. The CTA shall notify UMTA of all reviews and determinations made under this section.

ARTICLE II

TREATMENT OF PROPERTIES (ELIGIBLE FOR,
NOMINATED TO, OR LISTED ON THE NATIONAL REGISTER)

Properties or components of properties that the SHPO and CTA agree or are determined eligible for the National Register, nominated to the National Register, or listed on the National Register, either individually or as contributing structures in historic districts, will be treated in the following manner:

1. Properties or components of properties that are to be rehabilitated will be rehabilitated in accordance with the recommended approaches in "The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" ("Standards").

2. If the project is not one of the exempted activities listed below in Article III, the CTA will forward to SHPO for review and approval before initiating rehabilitation, documentation on the project, including descriptions of proposed work and photographs.

3. Where rehabilitation of a property is proposed that is inconsistent with the Standards, or if the Standards cannot be met, prior to CTA taking action on rehabilitation, UMTA will notify the Council and will request their comment in accordance with 36 CFR Sec. 800.5.

4. If demolition or relocation of a property is proposed, the CTA will forward to SHPO and UMTA documentation related to the undertaking. UMTA will notify the Council and request their comments in accordance with 36 CFR Sec. 800.5.

5. If new construction is proposed within a historic district, or adjacent to a historic property, CTA will forward to the SHPO preliminary design plans for review and approval. If the SHPO disagrees with the plans, UMTA will notify the Council and request their comments in accordance with 36 CFR Sec. 800.5.

6. Insofar as it is consistent with the practical operation of the Authority's facilities and the preservation of human life or property, CTA will comply with all relevant regulations contained in 36 CFR Sec. 800.12 which apply to the stations listed in the agreement.

The determination of an "emergency" shall be in the sole discretion of the CTA but such determination shall be consistent with the provisions of 36 CFR Sec. 78, et seq. The SHPO will be notified within 48 hours following an emergency undertaking. CTA will, within 30 days, after the initial notification, file a report of the incident with the SHPO containing full documentation, including photographs, of the actions taken following the emergency situation.

7. Project files documenting all work on eligible or nominated properties will be maintained by the CTA and will be available to the SHPO.

ARTICLE III

ACTIVITIES NOT REQUIRING REVIEW

A. The following rehabilitation activities on CTA properties which are considered eligible for inclusion on the Register, nominated to the Register or on the Register, shall require no further review of compliance with the Council's regulation, 36 CFR Sec. 800:

1. Rehabilitation/replacement in kind of gutter systems and drains at all properties;
2. Rehabilitation/installation of heating and ventilation systems at all properties;
3. Caulking, painting and paint removal at all properties;
4. Rehabilitation/replacement in kind of roofings, roof elements and chimneys at all properties;
5. Replacement of missing or damaged glass panes at all properties;
6. In kind foundation repair at all properties;
7. Electrical work at all properties;
8. Plumbing work, including waste water pollution control systems at all properties;
9. Rehabilitation/replacement in kind of structural members at all properties;
10. Rehabilitation/replacement of wheelchair ramps, elevators and escalators at all properties;
11. Rehabilitate/replacement in kind of platform decks, passenger heaters, and windbreaks at rapid transit stations;
12. Rehabilitation/replacement in kind of canopies, railings, stairways and lighting at rapid transit stations; and
13. Replacement/removal/modification of fare collection equipment, and communication and security systems at rapid transit stations.

The CTA shall maintain project files on these activities, including before and after photographs for in kind replacement of interior and/or exterior architectural elements, which shall be available for review by SHPO and UMTA.

B. All rehabilitation activities may proceed without SHPO review at CTA properties classified as: ineligible or not a contributing structure in a historic district based on the survey and/or consultation with the SHPO.

ARTICLE IV

PUBLIC PARTICIPATION

Pursuant to 36 CFR Sec. 800.5, CTA will provide an adequate opportunity for members of the public to receive information and express their views on an undertaking which will effect CTA properties which are determined eligible for the National Register, nominated to the National Register, or listed on the National Register. CTA will afford this opportunity during the annual public hearing process held for the review of the Program of Projects.

ARTICLE V

ARCHEOLOGICAL REVIEW

If ground disturbing activities of one acre or more are to occur, CTA will consult with the SHPO prior to initiating the project to determine if the activity has the potential to affect National Register or National Register eligible archeological properties. CTA will notify UMTA of such consultation. If the SHPO determines that such potential exists, the CTA will conduct an archeological survey in accordance with 36 CFR Sec. 66, Appendices B and C, and the SHPO's "Guidelines for Archeological Reconnaissance Surveys/Reports". If archeological resources are found that meet the National Register Criteria, they will be avoided or preserved in place whenever feasible. If preservation in place or avoidance is not feasible, UMTA will be notified and with the consultation and approval of the SHPO, CTA will develop and implement a treatment consistent with the Council's handbook, Treatment of Archeological Properties.

ARTICLE VI

MONITORING

A. In March of each calendar year, CTA will prepare for the SHPO and Council a report summarizing projects undertaken during the previous year pursuant to this Agreement.

B. From time to time, the SHPO will perform on-site inspections to review files to ensure compliance with this Agreement.

C. As necessary, the SHPO will provide training to the CTA and UMTA concerning their responsibilities pursuant to Section 106 of the National Historic Preservation Act.

D. Nothing in this Agreement shall be construed as meaning that the CTA or UMTA cannot request advice or technical assistance of the SHPO at any time concerning the report or any specific project.

ARTICLE VII

RENEWAL

A. This Agreement shall be in effect during the program years 1989-1994. Before the end of program year 1990, this Agreement shall be reviewed by CTA, UMTA, the SHPO, and the Council for possible modifications, termination, or extension. At the written request of any of the parties, this Agreement may be reviewed for possible modifications or termination at any time.

B. If any of the signatories to this Agreement determines that the terms of the Agreement cannot be met, or believes a change is necessary, that signatory shall request in writing that the other parties thereto consider an amendment or addendum to the Agreement. Such an amendment or addendum may be executed in the same manner as the original Agreement.

Execution of this Programmatic Agreement and carrying out its terms evidences that UMTA has afforded the Council a reasonable opportunity to comment on this program and that UMTA has taken into account the effect of the CTA's capital improvement program on historic properties.

CHICAGO TRANSIT AUTHORITY

By: Clark Bennett
Chairman

Attest

By: Quilts Marie Brzezick
Secretary

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John W. Gault

Attest

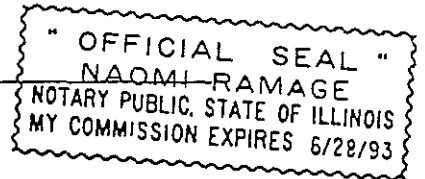
By: Ornella Nall

STATE HISTORIC PRESERVATION OFFICER,
ILLINOIS HISTORIC PRESERVATION AGENCY

By: Michael J. ...

Attest

By: Naomi Ramage



URBAN MASS TRANSPORTATION ADMINISTRATION

By: J.P.H.
Area Director

Attest

By: Dorothy B. Bowman