

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE INDIANA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. SECTION 800.6(b)(iv)
REPLACEMENT OF DECATUR COUNTY BRIDGE NO. 19
CARRYING COUNTY ROAD 600 NORTH OVER FLAT ROCK RIVER
IN ADAMS TOWNSHIP, DECATUR COUNTY; IN**

WHEREAS the Decatur County Board of Commissioners proposes to replace Bridge No. 19 in Adams Township, Decatur County, Indiana and proposes to use funds administered by the Federal Highway Administration (FHWA); and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer ("SHPO"), has defined this bridge replacement project's area of potential effects, as the term defined in 36 C.F.R. Section 800.16(d), to include an area approximately 300' outside of the proposed project limits (see attached map), and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined that Bridge No. 19 carrying County Road 600 North over Flat Rock River is within the area of potential effects; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. Section 800.4(c), that Bridge No. 19 is eligible for inclusion in the National Register of Historic Places; and

WHEREAS the FHWA in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. Section 800.5(a), that the replacement of Bridge No. 19 will have an adverse effect on Bridge No. 19; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Part 800) to resolve the adverse effects to Bridge No. 19; and

WHEREAS in a letter dated September 17, 2007, the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect; and

WHEREAS in a letter dated October 15, 2007, the Advisory Council on Historic Preservation declined to participate in consultation; and

WHEREAS an opportunity for the public to comment on the effects of this undertaking was offered on, March 29, 2005 through the Daily News (Greensburg, IN) publicly available newspaper, from which two public letters were received prior to April 27, 2005 supporting replacement of Bridge No. 19; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the Indiana Department of Transportation (INDOT) and the Decatur County Board of Commissioners to participate in the consultation and become a signatory to this memorandum of agreement; and

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Sections 800.11(e) and (f) to the Advisory Council on Historic Preservation ("Council" pursuant to 36 C.F.R. Section 800.6[b][1][iv]) and upon the FHWA's approval July 10, 2006 of the Bridge No. 19 replacement project, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the Bridge No. 19 replacement project on historic properties.

Stipulations

FHWA shall ensure that the following stipulations are implemented:

- I. Decatur County shall make available Bridge No. 19 to any eligible entity, defined as an Indiana State or Local Government, or a non-profit group within the State of Indiana by placing the bridge on INDOT's Historic Bridge Marketing Website.
- II. Decatur County shall send letters describing the availability and condition of the bridge directly to local and surrounding county governments at least once every three years, for as long as the bridge remains available under this agreement.
- III. Decatur County shall publish a legal notice describing the availability and condition of the bridge in The Indianapolis Star newspaper and The Daily News (Greensburg, IN) newspaper, which covers that portion of the State, at least once every three years for as long as the bridge remains available under this agreement.
- IV. If no entity is found that will accept ownership of any of the trusses during the marketing period, then Decatur County will match-mark and map components, disassemble and store the metal bridge components at a county owned facility until an eligible entity steps forward to accept the bridge, or 15 years after its disassembly, whichever comes first. Additionally, Bridge No. 19 shall remain on INDOT's historic bridge marketing website until an eligible entity accepts ownership of the metal bridge components, or for 15 years after its disassembly, whichever comes first.
- V. The Decatur County Recreation and Fitness Path Committee has expressed its desire to acquire and move Bridge No. 19 and is pursuing funding for the relocation and rehabilitation of the bridge. In the event that another interested and qualified party requests the bridge prior to December 31, 2017, then Decatur County Recreation and Fitness Path Committee shall have the first right of refusal of the bridge.
- VI. Eligible entities interested in Bridge No. 19 shall be required to submit detailed rehabilitation and reassembly plans to SHPO, INDOT Cultural Resources Section and Historic Landmarks Foundation for a 30 day review before beginning construction activities. The submitted plans will include detailed match-marking and mapping of bridge components and photographs of the potential location.
- VII. Eligible entities with approved proposals for relocating Bridge No. 19 shall perform archaeology, as needed, for the proposed relocation site. The archaeological investigations shall be conducted in consultation with SHPO.
- VIII. Eligible entities shall be permitted to change relocation sites should archaeological findings block the possibility of relocating Bridge No. 19 to the originally chosen site.
- IX. Eligible entities shall submit detailed rehabilitation and reassembly plans to SHPO, INDOT Cultural Resources Section and Historic Landmarks Foundation for a 30 day review before beginning construction activities. The submitted plans will include detailed match-marking and mapping of bridge components.
- X. Eligible entities with approved proposals and relocation sites shall be eligible for reimbursement from the FHWA and INDOT, up to 80%, for costs associated with relocating, disassembling and rehabilitating Bridge No. 19. The relocation and rehabilitation may also be funded with other Federal-Aid funds provided the undertaking meets the eligibility requirement for those funds.

- XI. Eligible entities with proposals that involve keeping the two trusses together will be favored over those entities that have proposals that involve separating and relocating the trusses to different locations.
- XII. Larger components of the disassembled bridge shall be placed on blocks or railroad ties and stored off the ground to discourage further deterioration of the bridge members. Smaller components such as (e.g., detached gusset plates, bearings, pins, bracing rods and lower chord eye-bars) and other detached members shall be stored indoors or in an otherwise locked facility.
- XIII. Prior to the commencement of demolition and construction activities, Decatur County Bridge No. 19 shall be documented, including, at a minimum, the following elements:
- A. The following historic documentation information shall be saved as a Microsoft Word document on a compact disk ("CD") or digital video disk ("DVD").
1. A cover page with the historic name or names (i.e., Decatur County Bridge #19), most recent name (if any), and street address of the historic property.
 2. A typed or printed description of the historic property, including at least the following:
 - a. A verbal description of the property's design, which shall include building materials, architectural/engineering style, plan, number of stories, organization of major elevations, notable architectural/engineering features, and a statement of the overall dimensions of the property (length, height, and width).
 - b. A copy of the applicable 1:24K/25K USGS topographic map, at a scale of 1:50,000, with the location of the historic property marked.
 - c. A map of Adams Township with the location of the historic property clearly marked.
 3. A brief, typed or printed history of the property and a written statement of the property's significance to Decatur County and its engineering significance, focusing, in particular, on its history up to and including the year that is 50 years before the year in which this documentation is prepared. Documentation must include the date or era of construction, as well as the engineer and builder (if known), dates and descriptions of any major alterations, association with any historic events, movements, and/or association with historically significant people. A list of bibliographic sources, including author, title, place of publication and publisher, and date of publication must be included in this section.
- B. Photographic documentation, either digital images on a CD or DVD or black and white photographic prints and negatives. Depending upon the size and complexity of the structure to be recorded, ten (10) or more views may be necessary. Views must include all exterior facades, the major entrance, significant interior spaces, such as principal rooms and stairs, common/public space, and interior and exterior architectural/engineering details.
1. For digital images, the following procedures shall be followed:
 - a. A camera of at least 3.0 megapixel quality, with a .TIF setting capability, shall be used.

Please note: .TIF is not an option on many digital cameras, so please check your owner's manual. If .TIF is not available, images may be taken in another format, but they must be capable of conversion to the following size and resolution: size of each .TIF image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. It is recommended that digital images be saved in 8-bit (or larger) color format, which provides maximum detail even when printed in black and white.

- b. A CD or DVD containing a digital photo log and the electronic image files shall be provided to the Indiana SHPO.
 - i. The CD or DVD must be labeled with the name of the property, the Township, and the county in which the property is located.
 - ii. There must be a photo log for all photos, and the photo numbers of the saved digital images must correspond to the photo log.
 - iii. The photo log must contain the following:
 - property name
 - address
 - Township and County
 - location, cardinal direction of camera, and description of the view
 - date of photograph
 - iv. The individual image files must be labeled so that they reference the state and county in which the property is located. For example, the image files for Union Station in Marion County, Indiana, would be saved as "IN_MarionCounty_UnionStation1.tif," "IN_MarionCounty_UnionStation2.tif," and so on.
 - v. The electronic image files must be saved as uncompressed .TIF (Tagged Image File format) in keeping with the guidance on digital photographic records issued by the U.S. National Archives and Records Administration.
2. For black and white photographic prints and negatives the following procedures shall be followed:
 - a. Kodak Tri-X or Plus X, Ilford FP4 or HP 5, or Agfa Pan 35 mm film must be used in a suitable Single Lense Reflex camera.
 - b. Prints must not be smaller than 3" x 5" or larger than 8" x 10".
 - c. Each print must be labeled, on the back, in pencil or with an archival photographic marker as follows:
 - i. property name
 - ii. address
 - iii. Township and County
 - iv. location, cardinal direction of camera, and description of the view
 - v. date of photograph
 - C. If available, copies or high resolution scans of historic photographs should be included with information on the source of the original photographs.
 - D. If available, existing engineering drawings should be scanned into a readily available viewing program (such as PDF) and saved to the CD or DVD. Drawings should include, if available, a site plan, floor plans, structure elevations, and structure sections and details. If the drawings can not be scanned, they should be sized so that they are no smaller than 11" x 17" and no larger than 24" X 36".
- XIV. Prior to the commencement of demolition and construction activities, drafts of all of the documentation specified in Stipulation X shall be submitted to the Indiana SHPO for preliminary review, with at least a thirty (30) day comment period, prior to submitting the final duplicate originals of the documentation to the designated recipients.

- XV. Prior to the commencement of demolition and construction activities, the final version of the documentation specified in Stipulation X shall be submitted to the Indiana SHPO for review, approval, and ultimate transmittal to the Indiana State Archives.
- A. The Indiana SHPO will print a copy of the historic documentation specified in Stipulation X.A on acid free, 100% cotton paper.
 - B. If digital images are used to document the historic property, the Indiana SHPO will print two copies of the electronic image files from the CD or DVD. The cost of printing will be the current rate charged by the Indiana SHPO to print digital photos for National Register submissions and Butler, Fairman and Seufert, Inc. will receive an invoice before the photos have been printed. Payment must be received before the photos will be printed. One set of prints will be retained by the Indiana SHPO. The second set of prints will be mailed to *[Butler, Fairman and Seufert, Inc.]*.
 - C. If black and white photographic prints are used to document the historic property, one set (with the photographic negatives) shall be submitted to the Indiana SHPO.
- XVI. Prior to the commencement of demolition and construction activities, FHWA shall request that *[Decatur County Historical Museum] ensure that the documentation specified in Stipulation X shall be permanently retained and made available for examination by the public. Upon *[Decatur County Historical Museum]*'s acceptance of the responsibility, [Decatur County Historical Museum]* shall be given a CD or DVD containing the information specified in Stipulation X, a printed copy of the information specified in Stipulation X-A, and one set of archival digital prints or black and white photographic prints.

XVII. OBJECTION RESOLUTION PROVISION

Disagreement and misunderstanding about how this memorandum of agreement is or is not being implemented shall be resolved in the following manner:

- A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to the Bridge No. 19 replacement project or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve the objection. If after such consultation in the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
 - 2. Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection: or
 - 3. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. The FHWA shall take into account the Council's comments in reaching a final decision regarding its response to the objection.
- B. If comments or recommendations from the Council are provided in accordance with this stipulation, then the FHWA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

XVIII. POST REVIEW DISCOVERY

In the event that one or more historic properties—other than Bridge No. 19 are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13.

XIX. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. Section 800.6(c) (7) shall govern the execution of any such amendment.

XX. TERMINATION

- A. If the undertaking for the disassembly of Bridge No. 19 has not been completed by December 31, 2017 this memorandum of agreement shall be considered null and void. In such an event, the FHWA shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the Bridge No. 81 project, then it shall either execute a memorandum of agreement with signatories or request the comments of the Council, pursuant to 36 C.F.R. Part 800.
- B. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the bridge replacement.
- C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the bridge replacement.

The execution of this memorandum of agreement by the FWHA, INDOT and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Sections 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the bridge replacement and its effect on historic properties and that the FHWA has taken into account the effects of the bridge replacement on historic properties.

SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION

INDIANA STATE HISTORIC PRESERVATION OFFICER

INVITED SIGNATORIES:

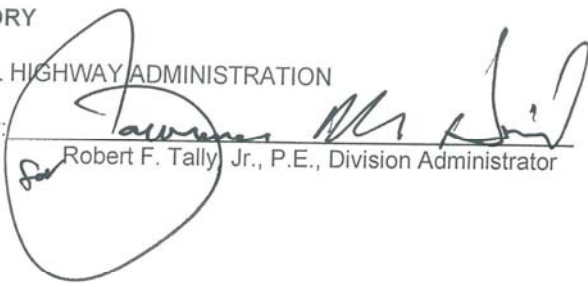
INDIANA DEPARTMENT OF TRANSPORTATION

DECATUR COUNTY BOARD OF COMMISSIONERS

SIGNATORY

FEDERAL HIGHWAY ADMINISTRATION

Signed By:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'Robert F. Tally Jr.'.

Robert F. Tally Jr., P.E., Division Administrator

Date: 1-16-2008

SIGNATORY

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed By: 
Robert E. Carter, Jr., Indiana SHPO

Date: 1/2/2008

INVITED SIGNATORY

INDIANA DEPARTMENT OF TRANSPORTATION

Signed By: *Jane M. R. [Signature]*
for Karl B. Browning, Commissioner

Date: *Jan. 9, 2008*

INVITED SIGNATORY

DECATUR COUNTY BOARD OF COMMISSIONERS

Signed By: Charles Buell
Charles Buell, Chariman

Date: 11/19/07

Signed By: Jerome Buening
Jerome Buening, Member

Date: 11/19/07

Signed By: John H. Richards
John Richards, Member

Date: 11/19/07