

**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. 18  
CARRYING COUNTY ROAD 400 WEST OVER FLAT ROCK RIVER  
IN ADAMS TOWNSHIP, DECATUR COUNTY, INDIANA**

**WHEREAS** the Board of County Commissioners of Decatur County, Indiana proposes to replace Decatur County Bridge Number 18 in Adams Township, Decatur County, Indiana and proposes to use funds administered by the Federal Highway Administration (hereinafter referred to as FHWA); and

**WHEREAS** the FHWA, in consultation with the Indiana State Historic Preservation Officer (hereinafter referred to as SHPO), has defined this bridge replacement project's area of potential effects, as the term is defined in 36 C.F.R. Section 800.16(d), which area of potential effect is delineated on the attached map, and

**WHEREAS** the FHWA, in consultation with the Indiana SHPO, has determined that Decatur county Bridge Number 18, which carries County Road 400 West 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 Decatur County Bridge Number 18 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 Decatur County Bridge Number 18 will have an adverse effect on Decatur County Bridge Number 18; and

**WHEREAS** the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act at 16 U.S.C. 470f and its implementing regulations at 36 C.F.R. Part 800 to resolve the adverse effects to Decatur County Bridge Number 18; and

**WHEREAS** in a letter dated August 24, 2001, the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect on Decatur County Bridge Number 18; and

**WHEREAS** in a letter dated March 21, 2002, the Advisory Council on Historic Preservation declined to participate in consultation; and

**WHEREAS** a public hearing was held on, March 16, 2000 to solicit comments on the effects of this undertaking, from which three categories of comments were received supporting the project and three categories of comments were received expressing concern about replacing the bridge and seven public letters were received as a result of the hearing expressing concern about replacing the bridge and one public letter was received as a result of the hearing supporting replacement of Decatur County Bridge Number 18; and

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

**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 (hereinafter referred to as council) pursuant to 36 C.F.R. Section 800.6[b][1][iv], and upon the FHWA's approval of the Decatur County Bridge Number 18 replacement project, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the Decatur County Bridge Number 18 replacement project on historic properties.

### Stipulations

FHWA shall ensure that the following stipulations are implemented:

- I. Decatur County shall make available Decatur County Bridge Number 18 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 published in Indianapolis, Indiana and The Daily News newspaper published in Greensburg, Indiana, which covers the portion of the state where the bridge is located, 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 shall 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 twenty-five (25) years after its disassembly, whichever comes first. Larger components of the disassembled bridge will be stored such that they do not contact the ground to discourage further deterioration of the bridge members and smaller components, such as detached gusset plates, bearings, rods, etc., will be stored indoors in a secured area. Additionally, Decatur county Bridge Number 18 will remain on INDOT's historic bridge marketing website until an eligible entity accepts ownership of the truss, or for twenty-five (25) years after its disassembly, whichever comes first.
- V. In the event that another interested and qualified party requests the bridge prior to December 31, 2019, the Decatur County Recreation and Fitness Path Committee shall have the first right of refusal of the bridge.
- VI. Any potential eligible entities interested in Decatur County Bridge Number 18 shall be required to submit a written proposal to INDOT, FHWA and SHPO for review and approval. That submittal shall include photographs of the proposed relocation site.
- VII. Eligible entities with approved proposals for relocating Decatur County Bridge Number 18 shall perform archaeological investigations, 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 preclude the possibility of relocating Decatur County Bridge Number 18 to the originally chosen site.
- IX. Eligible entities with approved proposals and relocation sites shall be eligible for reimbursement from the FHWA and INDOT, up to 80% of costs associated with relocating, disassembling and rehabilitating Decatur County Bridge Number 18. The relocation and rehabilitation may also be funded with other Federal-Aid funds provided the undertaking meets the eligibility requirement for all funds involved.

- X. Prior to the commencement of demolition and construction activities, Decatur County Bridge No. 18 shall be documented, including, at a minimum, the following elements:
- A. The historic documentation information shall be saved as a Microsoft Word document on a compact disk (hereinafter referred to as CD) or digital video disk (hereinafter referred to as DVD).
1. A cover page with the historic name or names such as Decatur County Bridge Number 18, most recent name, if any, and street address of the historic property.
  2. A typed or printed description of the historic property, including the following as a minimum:
    - 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, including length, height and width.
    - b. A copy of the applicable 1:24,000/25,000 USGS topographic map, at a scale of 1:50,000, with the location of the historic property marked.
    - c. A map of Adams Township, Decatur County, Indiana 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 that documentation is prepared. Documentation shall include the date or era of construction, as well as the engineer and builder when such information is known, dates and descriptions of any major alterations when such information is known, 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 shall be included in this section.
- B. Photographic documentation shall be 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 shall 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 procedures shall be as follows:
    - a. A camera of at least 3.0 megapixel qualities, with a Tagged Image File (hereinafter referred to as TIF) setting capability, shall be used. If a TIF setting is not available, images may be taken in another format, but must be converted to a TIF format with the following size and resolution: each image must be 1600x1200 pixels at 300 pixels per inch or larger. Digital images shall be saved in 8-bit or larger color format.
    - b. A CD or DVD containing a digital photograph log and the electronic image files shall be provided to the Indiana SHPO.
      - i. The CD or DVD shall be labeled with the name of the property, the township, and the county in which the property is located.
      - ii. There shall be a log for all photographs, and the photograph numbers of the saved digital images shall correspond to the log.
      - iii. The photograph log shall 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 shall be labeled so they reference the state and county in which the property is located. The image files shall be labeled as "IN Decatur County Decatur County Bridge Number 18 1 .tif", "IN Decatur County Decatur County Bridge Number 18 2 .tif," and so on.
  - v. The electronic image files shall be saved in an uncompressed TIF 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 shall be used in a suitable single lens reflex camera.
    - b. Prints shall not be smaller than three (3) inches by five(5) inches nor larger than eight (8) inches by ten (10) inches.
    - c. Each print shall 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 the photograph
  - C. When available, copies or high resolution scans of historic photographs shall be included with information on the source of the original photographs.
  - D. When available, existing engineering drawings shall be scanned into a readily available viewing program such as a portable document format and saved to the CD or DVD. When available, drawings shall include a site plan, floor plans, structure elevations, and structure sections and details. If the drawings can not be scanned, they shall be sized so that they are no smaller than eleven (11) inches by seventeen (17) inches and no larger than twenty-four (24) inches by thirty-six (36) inches.
- XI. Prior to the commencement of demolition and construction activities, drafts of all documentation specified in Stipulation X shall be submitted to the Indiana SHPO for preliminary review for a thirty (30) day comment period, prior to submitting the final duplicate originals of the documentation to the designated recipients.
  - XII. 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 Decatur County, Indiana 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 and the other set of prints will be submitted to Decatur County, Indiana.

- C. If black and white photographic prints are used to document the historic property, one set of photographs along with the photographic negatives shall be submitted to the Indiana SHPO.

- XIII. Prior to the commencement of demolition and construction activities, FHWA shall request that Decatur County Historical Museum ensures 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.

#### XIV. 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 Decatur County Bridge Number 18 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, 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:
  - 1. 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
  - 2. 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.

#### XV. POST REVIEW DISCOVERY

In the event that one or more historic properties, other than Decatur County Bridge Number 18, are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the Federal Highway Administration shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as and IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana State Historic Preservation Officer and the Indiana Department of Transportation Cultural Resources Section of such unanticipated discoveries or effects within two (2) business days. Any necessary

archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, and the most current Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites.

**XVI. 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.

**XVII. TERMINATION**

- A. If the undertaking for the replacement of Decatur County Bridge Number 18 has not been completed by December 31, 2019 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 Decatur County Bridge Number 18 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

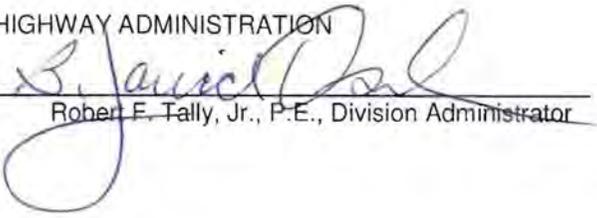
**INVITED SIGNATORIES:**

INDIANA DEPARTMENT OF TRANSPORTATION

DECATUR COUNTY BOARD OF COUNTY COMMISSIONERS

**SIGNATORY**

FEDERAL HIGHWAY ADMINISTRATION

Signed By:    
 Robert F. Tally, Jr., P.E., Division Administrator

Date: 11/24/09

**SIGNATORY**

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed By: James A. Mason, Deputy SHPO Date: 11/23/2009  
*RCJ* Robert E. Carter, Jr., Indiana SHPO

**INVITED SIGNATORY**

INDIANA DEPARTMENT OF TRANSPORTATION

Signed By:

*James M. P. [Signature]*  
for Mike Reed, Commissioner

Date:

*11/6/09*

**INVITED SIGNATORY**

DECATUR COUNTY BOARD OF COMMISSIONERS

Signed By: Jerome Buening  
Jerome Buening, Member

Date: 10/19/09

Signed By: Rick Nobbe  
Rick Nobbe, Member

Date: 10-19-09

Signed By: John Richards  
John Richards, Member

Date: 10-19-2009

Attest:  
By: Bridgett C. Weber  
Bridgett C. Weber, Auditor

Date: 10-19-09