

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)****REGARDING THE SR 257 BRIDGE OVER VEALE CREEK REPLACEMENT PROJECT****1.03 MILES SOUTH OF US 50, WASHINGTON TOWNSHIP, DAVIESS COUNTY, INDIANA**

WHEREAS the Federal Highway Administration ("FHWA") proposes to reach an agreement through this document by all parties involved for the complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A, 1.03 miles south of US 50, Washington Township, Daviess County, Indiana; and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer ("SHPO"), has defined this SR 257 Bridge Project's area of potential effects, as the term defined in 36 C.F.R. Section 800.16(d), to be the area within a one quarter (1/4) mile radius of SR 257 Bridge over Veale Creek, Br #257-14-03017A; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that Br #257-14-03017A 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 Br #257-14-03017A 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 complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A will have an adverse effect on Br #257-14-03017A; 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. Section 800) to resolve the adverse effect on Br #257-14-03017A; and

WHEREAS the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on December 18, 2007 in the Washington Times Herald, after an adequately documented finding was issued by the FHWA; and

WHEREAS the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect and invited the Council's participation in the project, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated January 11, 2008; and

WHEREAS the Advisory Council on Historic Preservation declined to participate in consultation in a letter dated February 14, 2008; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited INDOT to participate in the consultation and to become a signatory to this memorandum of agreement; 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) concerning the scope of work as presented in the materials and plans dated May 11, 2007, and

SR 257 Bridge Replacement over Veale Creek, 1.03 miles south of US 50 in Daviess County, IN
(Des No. 0100917) Version Date: 04-03-09

agreed to proceed with the project as proposed with the recommendations provided by the Indiana SHPO by letter dated September 6, 2007; and

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 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 of the complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A , the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A on historic properties.

Stipulations

- I. Mitigation stipulations:
 - A. SR 257 Bridge over Veale Creek, Br #257-14-03017A shall be placed on INDOT's historic bridge marketing website, after this MOA is executed and signed by all signatories. The bridge shall stay on the website for ten (10) years, so long as the website exists or until a suitable applicant takes possession. INDOT, FHWA, and SHPO shall review all applicants.
 - B. INDOT shall offer the existing Br #257-14-03017A truss to an approved entity. The Br #257-14-03017A will be offered for 30 days in accordance with applicable federal regulations. In addition to agencies and organizations already contacted, the offer shall be made to the public through public notices in The Indianapolis Star and a Local newspaper covering that portion of the State and by direct mail to local historical organizations.
 - C. INDOT, FHWA, and the SHPO shall review proposed offers. If the bridge is transferred to another entity, the suitable applicant shall have sufficient funding to encompass the cost of the state funding portion (20 percent match) of the dismantling / relocation / reconstruction such that no additional cost shall be borne by the State of Indiana.
 - D. A formal plan of action for dismantling / relocation / reconstruction of the bridge and the cost of doing so shall be submitted by the applicant to FHWA / INDOT / SHPO for review and approval. The plan for dismantling shall include the match-marking and mapping of the bridge's components. The timing of the dismantling of Br #257-14-03017A shall complement and coincide with the plans of INDOT for the construction of the new bridge. The formal plan shall be submitted within 30 days of the applicant's initial offer. If a detailed scope of work for the repair or rehabilitation of the bridge or detailed information about the proposed location for reconstruction cannot be prepared at that time, then that information will be provided to FHWA / INDOT / SHPO for review and approval well in advance of the reconstruction.
 - E. If it is decided by INDOT, FHWA, and the SHPO that the offer and the applicant is suitable and satisfactory to all parties, Br #257-14-03017A will be approved for transfer and dismantling / relocation / reconstruction.
 - F. If no acceptable proposals are received by a date determined by INDOT that is complementary to the construction of the new bridge, then INDOT will submit a plan of action to FHWA / SHPO / for dismantling Bridge #257-14-03017A, which shall include the match-marking and mapping of the bridge's components. INDOT will then store Bridge #257-14-03017A for a period of ten (10) years at the Washington, Indiana I-69 Field Office fenced enclosure located on the east side of Washington at the intersection of US 50 and Old US 50 in Daviess County or until the bridge is removed by a suitable applicant, whichever occurs first. The larger bridge components will be stored off the ground in order to prevent unnecessary corrosion. Smaller components will be stored indoors or in an otherwise locked facility.

- G. As a part of INDOT's plan of action for dismantling Bridge #257-14-03017A, photographic documentation shall be completed by INDOT before the dismantling process begins. Photographic documentation shall be in the format of digital images on a CD-R Archival Gold or DVD-R Archival Gold disc, or black and white photographic prints and negatives. At least 10 and no more than 16 different views must be recorded. Views must include the bridge approaches, deck, superstructure, substructure, and one photo showing the physical environment and topography of the site.
1. For digital images, the following procedures shall be followed:
 - a. Electronic images submitted to the Indiana SHPO must:
 - i. be first generation
 - ii. (Tagged Image File Format, file extension .tiff or .tif), Original-capture .tiff or raw converted to .tiff
 - iii. have a pixel array (also referred to as pixel depth or pixel dimension) of at least 3000 x 2000,
 - iv. have a resolution of 300 ppi (pixels per inch), and
 - v. be RGB color mode. RGB color mode provides maximum detail even when printed in black-and-white.
 - b. A CD-R Archival Gold or DVD-R Archival Gold disc containing a digital photo log and the electronic image files shall be provided to the Indiana SHPO.
 - i. The CD-R Archival Gold or DVD-R Archival Gold disc must be labeled with the name of the property (Bridge #257-14-03017A), the township (Washington Township), and the county (Daviess County) in which the property is located. Labeling should be done using archival CD/DVD labeling markers, archival labels, or a direct print CD. Permanent markers are not permitted to label the disc.
 - 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
 - State, Township, and County
 - location, cardinal direction of camera, and description of the view
 - date of photograph
 - name of photographer
 - photograph number
 - 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 Bridge #257-14-03017A, in Daviess County Indiana, would be saved as "IN_DaviessCounty_Bridge#257-14-03017A_0001.tif," "IN_DaviessCounty_Bridge#257-14-03017A_0002.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. Photographs must be unmounted (do not affix photographs to archival paper or any other material using staples, paper clips, glue, or other means).

- d. Each print must be labeled, on the back, in pencil (soft lead #1) or with an archival photographic marker. Photos with adhesive backed labels will not be accepted. Please include all of the following during photo labeling:
 - i. property name
 - ii. State, Township, and County
 - iii. location, cardinal direction of camera, and description of the view
 - iv. date of photograph
 - v. name of photographer
 - vi. photograph number

- H. As a part of INDOT's plan of action for dismantling Bridge #257-14-03017A, written documentation shall be completed by INDOT before the dismantling process begins, including, at a minimum, the following elements:
 1. The following historic documentation information shall be saved as a Microsoft Word document on a compact disk ("CD") or digital video disk ("DVD").
 - a. A cover page with the historic name or names (i.e., Bridge #257-14-03017A), most recent name (if any), and street address of the historic property.
 - b. A typed or printed description of the historic property, including at least the following:
 - i. 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).
 - ii. 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.
 - iii. A map of the Township with the location of the historic property clearly marked.
 - c. A brief, typed or printed history of the property and a written statement of the property's significance to Daviess County and its architectural/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 architect/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.
 2. If available, copies or high resolution scans of historic photographs should be included with information on the source of the original photographs.
 3. If available, existing, architectural/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".

- I. Prior to the commencement of construction activities for the bridge replacement project, drafts of all of the specified written and photographic documentation 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.

- J. Prior to the commencement of construction activities for the bridge replacement project, the final version of the documentation specified in Stipulations G and H shall be submitted to the Indiana SHPO for review, approval, and ultimate transmittal to the Indiana State Archives and the Daviess County Historical Society located at P.O. Box 2341, Washington, IN 47501.
1. The Indiana SHPO will print three copies of the documentation on acid free, 100% cotton paper. One copy will be retained by the Indiana SHPO. One copy will be transmitted to the Indiana State Archives. The other copy will be transmitted to the Daviess County Historical Society at the address noted above.
 2. The Indiana SHPO will print three 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 INDOT 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 submitted to the Indiana State Archives. The third set of prints will be sent to the Daviess County Historical Society at the address noted above.

II. 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 complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve this 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:
 - i. 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
 - ii. 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.

III. POST REVIEW DISCOVERY

In the event that one or more historic properties--other than Br #257-14-03017A -- 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, 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 SHPO and the INDOT 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*.

IV. 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. 800.6(c)(7) shall govern the execution of any such amendment.

V. TERMINATION

- a. If the terms of this memorandum of agreement have not been implemented by ten (10) years after execution, then 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 complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A, then it shall reinitiate review of the complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A in accordance with 36 C.F.R. Sections 800.3 through 800.7.
- 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 complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A.
- 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 complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A.

The execution of this memorandum of agreement by the FHWA, INDOT, and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 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 complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A and its effect on historic properties and that the FHWA has taken into account the effects of the complete replacement of SR 257 Bridge over Veale Creek, Br #257-14-03017A on historic properties.

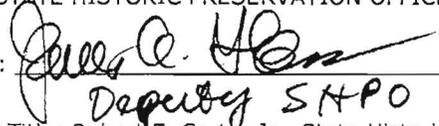
SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION

Signed by: _____ Date: _____

Name and Title: Robert F. Tally Jr., PE, Division Administrator

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by:  _____ Date: 5/5/2009

for Name and Title: Robert E. Carter Jr., State Historic Preservation Officer

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

Signed by: _____ Date: _____

Name and Title: Michael Reed, Commissioner

SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION

Signed by: by R. Tally Date: 5-18-2009

Name and Title: ^{FOR} Robert F. Tally Jr., PE, Division Administrator

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: _____ Date: _____

Name and Title: Robert E. Carter Jr., State Historic Preservation Officer

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

Signed by: Jan M. Pastorski Date: 5/11/09

^{for} Name and Title: Michael Reed, Commissioner

James M. Pastorski
Deputy Commissioner