

**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 REPLACEMENT OF STRUCTURE # 152-45-1031F  
IN HAMMOND, NORTH TOWNSHIP, LAKE COUNTY, INDIANA**

**WHEREAS** the Indiana Department of Transportation (INDOT) proposes to replace Structure # 152-45-1031F in Hammond, North Township, Lake 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 ("Indiana 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 200' to 3,000' outside of the proposed project limits (see attached map), and

**WHEREAS** the FHWA, in consultation with the Indiana SHPO, has determined that Structure # 152-45-1031F carrying SR 152 (Indianapolis Avenue) over the CSX/Indiana Harbor Belt R.R. (Gibson Yard) 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 Structure # 152-45-1031F 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 Structure # 152-45-1031F will have an adverse effect on the Structure # 152-45-1031F; 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 Structure # 152-45-1031F; and

**WHEREAS** the FHWA has notified the Advisory Council on Historic Preservation ("Council") of the adverse effect in a letter dated October 6, 2005; and

**WHEREAS** the Council declined to participate in consultation in a letter dated October 20, 2005; and

**WHEREAS** an opportunity for the public to comment on the effects of this undertaking was offered on June 23, 2005 through the Northwest Indiana (NWI) Times publicly available newspaper; and

**WHEREAS** the FHWA, in consultation with the Indiana SHPO, has invited the INDOT 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 Council pursuant to 36 C.F.R. Section 800.6[b][1][iv]) and upon the FHWA's approval of the Structure # 152-45-1031F replacement project, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the Structure # 152-45-1031F replacement project on historic properties.

## Stipulations

The FHWA shall ensure that the following stipulations are implemented:

1. The INDOT shall make available Structure # 152-45-1031F to any eligible entity, defined as an Indiana State or Local Government, or a non-profit group within the State of Indiana. Letters describing the availability and condition of the bridge shall be sent directly to local and surrounding county governments. Specific language shall be used to convey the potential to reuse the available trusses on two-lane county highway facilities.
2. The INDOT shall publish a legal notice describing the availability and condition of the bridge in The Indianapolis Star newspaper and The Northwest Indiana Times newspaper, which covers that portion of the State. The notice shall be published twice (45 days apart) in both papers, with the first notice giving the public 90-days to respond and the second notice giving the public 45-days to respond.
3. If no entity is found that will accept ownership of any of the trusses during the marketing period, then the INDOT shall disassemble and store one truss of Structure # 152-45-1031F at a state owned facility until an eligible entity steps forward to accept the bridge, or for 10 years after its disassembly, whichever comes first. The INDOT shall consult with the Indiana SHPO to determine which truss is most desirable for salvage and storage. The methodology for disassembling Structure # 152-45-1031F shall be submitted to the FHWA, the INDOT, and the Indiana SHPO for review prior to proceeding with the disassembly. Each agency shall have 30-days to comment on the proposed disassembly plan. Structure # 152-45-1031F shall remain on the INDOT's historic bridge marketing website until an eligible entity accepts ownership of the truss, or for 10 years after its disassembly, whichever comes first..
4. Any potential eligible entities interested in Structure # 152-45-1031F shall be required to submit a written proposal to the INDOT, the FHWA and the Indiana SHPO for review and approval. This submittal shall include photographs of the proposed relocation site.
5. Eligible entities with approved proposals for relocating Structure # 152-45-1031F shall perform archaeology, as needed, for the proposed relocation site. The archaeological investigations shall be conducted in consultation with the Indiana SHPO.
6. Eligible entities shall be permitted to change relocation sites should archaeological findings block the possibility of relocating Structure # 152-45-1031F to the originally chosen site.
7. Eligible entities with approved proposals and relocation sites shall be eligible for reimbursement from the the FHWA and the INDOT, up to 80%, for costs associated with relocating, disassembling and rehabilitation of Structure # 152-45-1031F. The relocation and rehabilitation may also be funded with other Federal-Aid funds provided the undertaking meets the eligibility requirement for those funds.
8. Two plaques of existing Structure # 152-45-1031F shall be placed in pedestrian accessible areas near both ends of the project site subsequent to construction of the new bridge. The plaques will include an image of the bridge in its existing setting, along with a brief written description of the bridge. The design layout for the plaques shall be given to the Indiana SHPO for review and approval before the solicitation of bids for construction. The Indiana SHPO will reply with comments within 30 calendar days.

9. The INDOT shall document the existing bridge to minimum acceptable standards as advised by the Indiana SHPO. The documentation shall be submitted to the Indiana SHPO for a 30-day review and comment period. The documentation shall be submitted on 8 1/2" x 11" paper and include:
  - a. A cover page with the historic name and location of the bridge;
  - b. A typed or printed description of the bridge's design, including its materials, notable architectural/engineering features and overall dimensions;
  - c. A brief description of the history of the bridge and a statement on the bridge's significance to Lake County, specifically prior to 1950;
  - d. Black and white 35mm photographs showing multiple views of the bridge from different angles with labeled descriptions of the bridge, including the angle of the photo and name of the photographer attached to the back of the photographs.
  - e. A copy of any historical plans and elevations of the bridge, if available;
  - f. Approved documentation shall be provided to the Lake County Historical Society and the Historic Landmarks Foundation of Indiana for record keeping.
10. If a local, non-profit organization willing to display and house an interpretive display of existing Structure #152-45-1031F steps forward before the contract for construction of the new bridge is let, the INDOT will develop an interpretive display. The non-profit organization will notify, in writing, the INDOT and the Indiana SHPO of its willingness to accept the materials. The INDOT and the Indiana SHPO will review and determine the acceptability of the organization to display the materials. If the organization is acceptable to the INDOT and the Indiana SHPO, the organization must agree, in writing, to display the materials for a minimum period of 20 years.
11. If an organization agrees to accept and display interpretative materials of Structure #152-45-1031F in accordance with stipulation 10, then the INDOT will develop an interpretive display in consultation with the Indiana SHPO. The contents of the display shall be reviewed and approved by the Indiana SHPO. The INDOT will prepare and deliver the interpretative materials to the agreed upon organization no later than 2 years after the INDOT and Indiana SHPO agree upon an organization to accept the materials.

#### 11. 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 Structure # 152-45-1031F 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:
  - 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 recommendation 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.

## 12. POST REVIEW DISCOVERY

In the event that one or more historic properties—other than Structure # 152-45-1031F—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.

## 13. 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.

## 14. TERMINATION

- A. If the undertaking for the replacement of the Structure # 152-45-1031F has not been completed by December 31, 2015 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 Structure # 152-45-1031F 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, the 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.

**REQUIRED SIGNATORY**

FEDERAL HIGHWAY ADMINISTRATION

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

Date: 12/5/05

**REQUIRED SIGNATORY**

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed By: \_\_\_\_\_

Jon C. Smith, Deputy Indiana SHPO

Date: \_\_\_\_\_

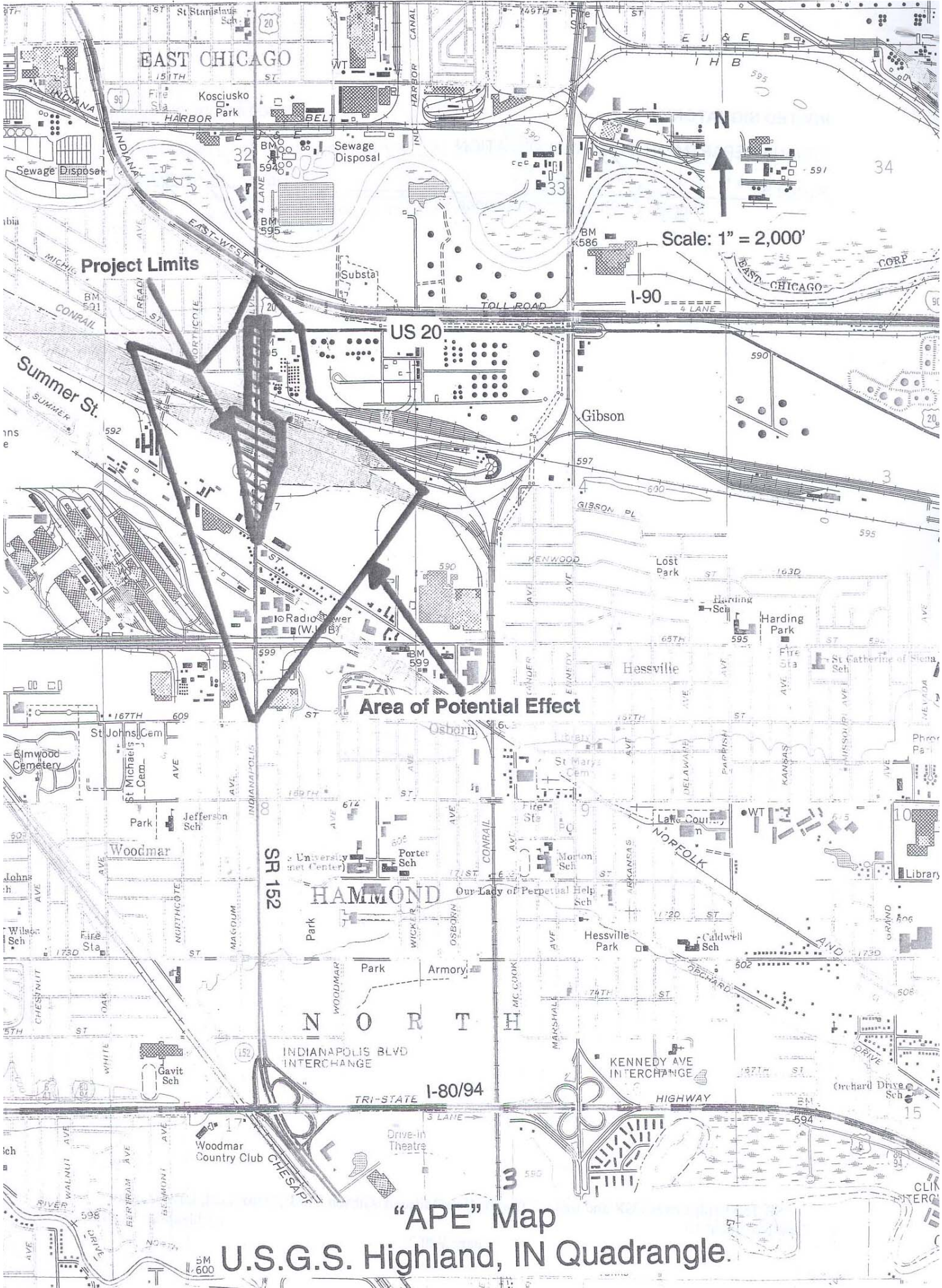
12.12.05

**INVITED SIGNATORY**

INDIANA DEPARTMENT OF TRANSPORTATION

Signed By:   
Thomas O. Sharp, Commissioner

Date: 12/08/05



**Project Limits**

Scale: 1" = 2,000'

**Area of Potential Effect**

**"APE" Map**

**U.S.G.S. Highland, IN Quadrangle.**