

DRAFT MEMORANDUM OF AGREEMENT

THE RED-PURPLE BYPASS PROJECT, CITY OF CHICAGO, COOK COUNTY, ILLINOIS

The following provides the Draft Memorandum of Agreement prepared as part of the consultation process under Section 106 of the National Historic Preservation Act (NHPA) and in coordination with the State Historic Preservation Officer (SHPO) of the Illinois Historic Preservation Agency (IHPA) and consulting parties to the Section 106 process. A meeting was held with IHPA and consulting parties on March 25, 2015 to review draft provisions and provide an opportunity for comment. The Draft MOA is also included in the Red-Purple Bypass Project Environmental Assessment for public review and comment under the National Environmental Policy Act of 1969 (NEPA).

The final, signed MOA will incorporate consulting party and public input and contain stipulations to be carried out in consultation with all signatories of the document. The MOA will be signed before FTA's final NEPA decision on this project and a copy of the final, signed MOA will be included in the NEPA final decision document.

DRAFT MEMORANDUM OF AGREEMENT

BETWEEN THE FEDERAL TRANSIT ADMINISTRATION, CHICAGO TRANSIT AUTHORITY, AND ILLINOIS HISTORIC PRESERVATION AGENCY

**REGARDING THE RED-PURPLE BYPASS PROJECT,
CITY OF CHICAGO, COOK COUNTY, ILLINOIS**

WHEREAS, the Federal Transit Administration (FTA) intends to provide federal funding to the Chicago Transit Authority (CTA) for the Red-Purple Bypass Project (the Project) in Chicago, Illinois; and

WHEREAS, the Project consists of constructing a new fifth track bypass for the Brown line at Clark Junction in the Lakeview neighborhood, in addition to modernizing approximately 0.3 miles of the mainline Red and Purple line track structure from just north of Belmont station in the south to the segment of track between Newport and Cornelia Avenues on the north; and

WHEREAS, FTA has defined the Project's Area of Potential Effect (APE) as depicted in Attachment A; and

WHEREAS, FTA has determined that the Project may have an Adverse Effect on the National Register of Historic Places (NRHP) eligible elevated track structure, the NRHP eligible Vautravers Building (947-949 West Newport Avenue), and the NRHP eligible Newport Avenue Historic District, and FTA and CTA have consulted with the Illinois Historic Preservation Agency (IHPA) in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), and its implementing regulations (36 C.F.R. § 800); and

WHEREAS, FTA and CTA have consulted with other consulting parties (listed in Attachment B) regarding effects of the Project on historic properties; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FTA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

WHEREAS, consideration was given to alternatives and measures throughout the project development process to avoid, minimize, and mitigate impacts to historic properties listed on or eligible for the NRHP while meeting the stated purpose of the Project;

NOW THEREFORE, FTA, CTA, and IHPA agree that, upon acceptance of this Memorandum of Agreement (MOA), the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.

STIPULATIONS

FTA and CTA shall ensure that the following stipulations of this MOA are carried out as follows:

I. TREATMENT MEASURES

A. Elevated Track Structure

1. During the pre-construction project development process, CTA will solicit visual preferences regarding the elevated track structure from consulting parties. The feedback received will be incorporated as appropriate into the reference materials provided to firms bidding on the project. As part of the project contractor selection process, CTA will incorporate a selection criterion that provides additional points for proposals that consider the aesthetic qualities of the historic elevated track structure in their designs.
2. CTA will develop an interpretive exhibit for installation within the project area discussing the history and context of the elevated North Red Line, specifically highlighting the technology and material components associated with the elevated track structure. The exhibit will be designed in consultation with a qualified historian or architectural historian who will assess the content and presentation to ensure that the important history and associations that contribute to the significance of the track structure are incorporated. The exhibit will be displayed in a publicly accessible space within five years of the signature of this MOA.
3. Prior to any demolition of the existing track structure within the Project limits, CTA will prepare Historic American Engineering Record (HAER) documentation for the existing track structure within the Project limits. CTA will coordinate in advance of construction activities with the National Park Service (NPS) to assess the appropriate level of HAER documentation. CTA will provide draft documentation to NPS to verify that it meets the specified standards and formats. Upon NPS approval, CTA will finalize the documentation for submittal through the HAER Program to the Library of Congress. One paper copy and one electronic copy of the final HAER documentation will be provided to IHPA.

B. Vautravers Building and Newport Avenue District

It should be noted that the Vautravers Building is a local landmark and is subject to the permitting process established for Chicago Landmarks in addition to measures described herein.

1. During the pre-construction project development process, CTA will examine the feasibility and cost implications of relocating the entire Vautravers Building. CTA, in coordination with FTA, will ultimately determine whether relocating the entire Vautravers Building is a viable option and a prudent expenditure. The determination of viability and prudence will be based on the ability to meet the following criteria:

- i. The building can be moved without compromising the structural integrity to a degree that impacts its function. This determination will be based on an on-site inspection by a structural engineer to determine if the building's current condition can withstand a move, as well as whether its condition would be habitable afterwards.
- ii. The property (3427 N Clark Ave), on which the building would have to be moved, can be acquired.
- iii. The process of moving the building can be completed in a timely manner without impacting the project construction schedule.
- iv. The full cost of moving the building under these conditions does not exceed \$3.0 million¹, inclusive of all risks associated with moving the aging masonry building.

CTA will provide the results of this examination, as well as the proposed next steps, in a stand-alone written document to the IHPA and the consulting parties.

2. If FTA and CTA determine that relocation of the Vautravers Building represents a viable option and prudent expenditure, Stipulations I.B.2.i-iii shall be implemented once all project funding and approvals have been secured:
 - i. CTA will move the Vautravers Building (i.e., the entirety of the building above the foundation) approximately 29 feet to the west, and place it on a new foundation. The work will be performed by a professional who has the demonstrated capability to move historic buildings.
 - ii. CTA will solicit input from community stakeholders to determine whether any remaining open space surrounding the relocated Vautravers Building should be made available for redevelopment or preserved as open space upon completion of the Project.
 - iii. CTA will coordinate with the Commission on Chicago Landmarks to update the 2004 Landmark Designation Report prepared for the Newport Avenue District. The update will reflect an expansion of the district boundary on the western side, shifted west to include the entirety of the relocated Vautravers Building.
3. Otherwise, if FTA and CTA determine that relocation of the Vautravers Building does not represent a viable option or prudent expenditure, Stipulations I.B.3.i-iv shall be implemented once all project funding and approvals have been secured:
 - i. CTA will solicit feedback from the IHPA and the consulting parties regarding which, if any, key architectural features of the Vautravers Building should be removed and preserved prior to demolition. The key architectural features could include copper detailing on the window bays, dentil molding, stone archway, stone pediment, and stained glass transom above the entry door.

¹ This number is a placeholder based on general considerations of what costs may be required to move a building. This number will be updated based on additional considerations specific to this property prior to executing the MOA.

CTA will solicit feedback on the use of any key architectural features preserved. Options to be considered would be physically incorporating the key architectural features into a potential redevelopment occurring on the block bounded by Newport Avenue, Clark Street, and the elevated Red and Purple line track structure, or making the features available to an architectural material preservation organization. CTA will incorporate appropriate commitment language into its solicitation package for development proposals.

- ii. CTA will solicit feedback from the IHPA and the consulting parties regarding other aesthetic considerations, such as height, surface materials/treatments, setbacks, etc., for any redevelopment occurring on the block bounded by Newport Avenue, Clark Street, and the elevated Red and Purple line track structure. CTA will seek input from IHPA and the consulting parties prior to completion of a solicitation package for development proposals. CTA will incorporate appropriate commitment language into its solicitation package for development proposals.
- iii. Prior to any demolition of the Vautravers Building, CTA will prepare Illinois Historic American Building Survey (IL HABS) documentation for the existing building. IL HABS documentation will be provided to IHPA for review and approval prior to any demolition.
- iv. CTA will coordinate with the Commission on Chicago Landmarks to update the 2004 Landmark Designation Report prepared for the Newport Avenue District. The update will reflect that the Vautravers Building is no longer a contributing element to the district. The western boundary of the district will be shifted east of the track structure.

II. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FTA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

III. MONITORING AND REPORTING

Every year on **DATE** following the date of the signing of this MOA until it expires or is terminated, whichever comes first, CTA shall provide the IHPA and the consulting parties with a summary report detailing the work undertaken throughout the previous year pursuant to the stipulations of this MOA. The last report shall be submitted within 3 months of completion of construction of the Project. The summary report shall include any tasks undertaken relevant to stipulations within this MOA, scheduling changes, problems encountered, and any disputes regarding implementation of these stipulated measures.

IV. POST-REVIEW DISCOVERIES

If properties are discovered that may be historically significant or unanticipated effects on historic properties found, then CTA shall implement the following procedures. All work will stop immediately within 100 feet of the property; FTA and IHPA will be notified as soon as possible; CTA and FTA, in consultation with IHPA, will define reasonable measures to avoid or minimize harm to the property; and CTA will implement these measures accordingly and resume work. This applies to not only aboveground resources but also any archaeological sites that may be discovered during the course of the Project.

V. DISPUTE RESOLUTION

Should any signatory to this MOA object in writing at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FTA shall consult with such signatory to resolve any objection. If FTA determines that such objection cannot be resolved, FTA will:

- A. Forward all documentation relevant to the dispute, including FTA's proposed resolution, to the ACHP. The ACHP shall provide FTA with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FTA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FTA will then proceed according to its final decision.
- B. If ACHP does not provide its advice regarding the dispute within the 30 day time period, FTA may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, FTA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them to the ACHP with a copy of such written response.

The responsibility of FTA and CTA to carry out all other actions under the terms of this MOA that are not the subject of the dispute shall remain unchanged.

VI. AMENDMENT

This MOA may be amended when such amendment is agreed to in writing by all signatories. The amendment will be effective on the date that a copy is signed.

VII. TERMINATION

This MOA will terminate in five (5) years or upon completion of its terms, whichever comes first. If FTA or CTA determines that the terms of this MOA will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VI above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, FTA or CTA may terminate the MOA upon written notification to the other signatories.

SIGNATORIES

FEDERAL TRANSIT ADMINISTRATION

Signature: _____

Date: _____

CHICAGO TRANSIT AUTHORITY

Signature: _____

Date: _____

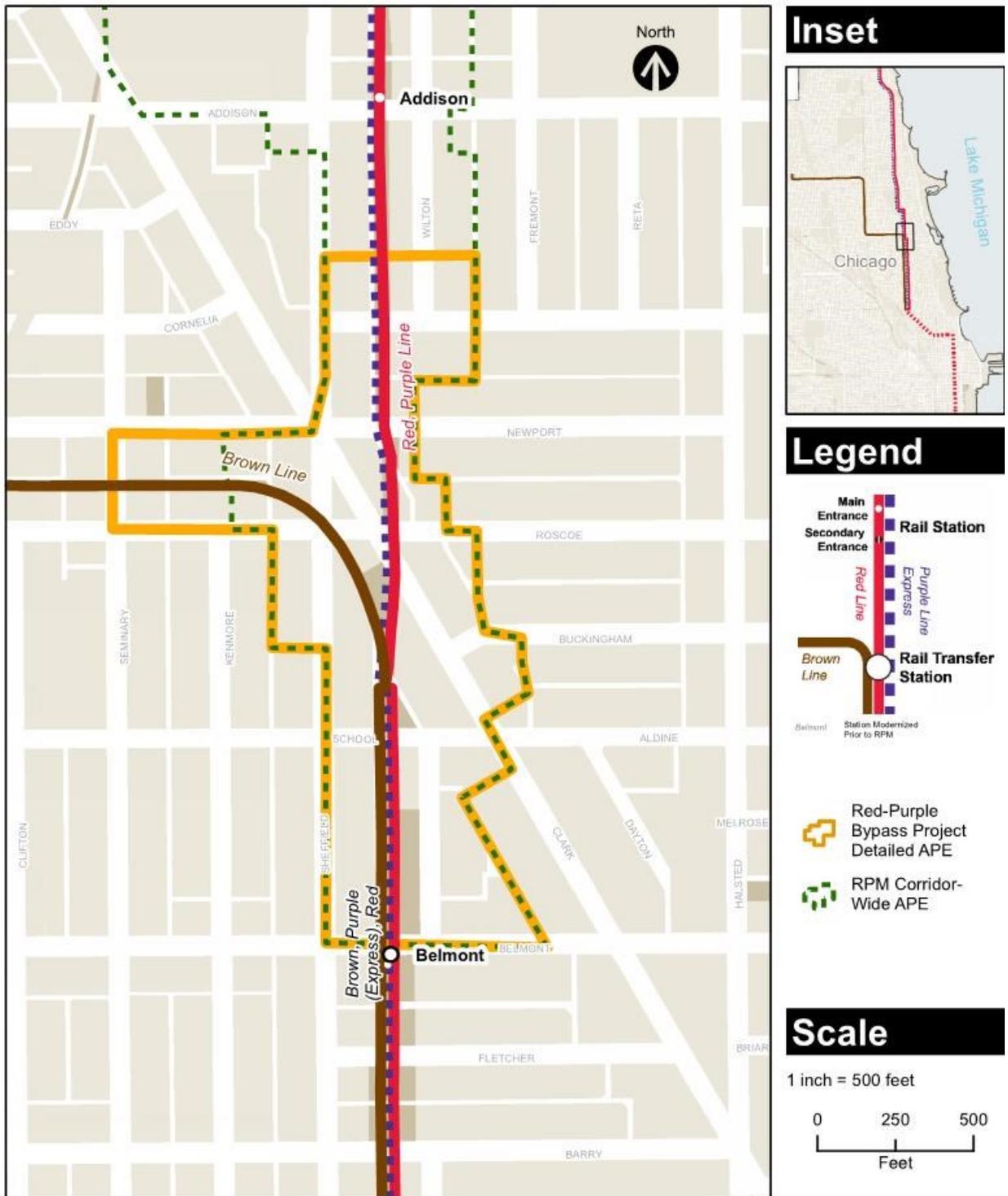
ILLINOIS HISTORIC PRESERVATION AGENCY

Signature: _____

Date: _____

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Attachment A Area of Potential Effect



Attachment B
List of Section 106 Consulting Parties

The State Historic Preservation Office (SHPO) and one Tribal Historic Preservation Office (THPO) participated in the consultation process for the Project:

Illinois Historic Preservation Agency
ATTN: David Halpin
One Old State Capitol Plaza
Springfield, IL 62701

Miami Tribe of Oklahoma
ATTN: George Strack
202 S. Eight Tribes Trail
Miami, OK 74354

In addition to the SHPO and THPO mentioned above, CTA invited a number of organizations to participate as part of the Section 106 process in July 2012. The following is a list of those organizations that accepted the invitation to participate as a consulting party.

Chicago Historic Preservation Division
Department of Planning and Development
ATTN: Matt Crawford
121 N. LaSalle St., Room 1101
Chicago, IL 60602

Landmarks Illinois
ATTN: Lisa DiChiera
30 N. Michigan Avenue, Suite 2020
Chicago, 60602

Preservation Chicago
ATTN: Ward Miller
4410 N. Ravenswood
Chicago, IL 60640

Friends of the Parks
ATTN: Cassandra Francis
17 N State Street, Suite 1450
Chicago, IL 60602-3315