

## **DRAFT MEMORANDUM OF AGREEMENT**

### **THE LAWRENCE TO BRYN MAWR MODERNIZATION 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 Lawrence to Bryn Mawr Modernization 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 LAWRENCE TO BRYN MAWR MODERNIZATION 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 Lawrence to Bryn Mawr Modernization Project (the Project) in Chicago, Illinois; and

**WHEREAS**, the Project consists of reconstructing the existing Red and Purple line track structure as a modern aerial structure and modernizing four stations (Lawrence, Argyle, Berwyn, and Bryn Mawr stations) within the 1.3-mile project limits from Leland Avenue to approximately Ardmore Avenue; and

**WHEREAS**, FTA has defined the Project's Area of Potential Effects (APE) as described 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 listed Uptown Square Historic District, the NRHP listed West Argyle Street Historic District, and the NRHP listed Bryn Mawr 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 the 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. As a coordinated effort between the Wilson Transfer Station Project (Wilson Transfer Station Project MOA Stipulation I.4.A) and the Lawrence to Bryn Mawr Modernization Project, CTA will develop an interpretive exhibit for installation at Wilson station discussing the history and context of the elevated North Red Line. The exhibit will be designed in consultation with a qualified historian or architectural historian who shall 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 shall 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 (including the embankment) 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 shall 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. Uptown Square Historic District**

1. CTA, in coordination with IHPA, shall prepare an updated NRHP nomination form for the Uptown Square Historic District. The update shall be prepared by a qualified historian or architectural historian. The updated nomination form shall include additional photographs, information about the modernization of the track structure, and reassessments of contributing properties, specifically those that have been or will be removed or modified by recently completed and planned improvements to the North Red line. At the direction of the IHPA,

the updated nomination form shall indicate that the track structure remains a contributing element within the district. The updated nomination form shall be submitted to the IHPA for review and comment within two years of the signature of this MOA. Once CTA addresses any review comments, the IHPA shall submit the updated nomination form to the Illinois Historic Sites Advisory Council and/or the Keeper of the National Register to complete the update process.

2. CTA shall prepare a Historic Preservation Plan (HPP) for the Uptown Square Historic District. The HPP shall be prepared by a qualified historian or architectural historian and shall be consistent with the Secretary of the Interior's Standards and Guidelines for Preservation Planning. A draft HPP shall be submitted to the IHPA and any other interested community historic preservation groups for review and comment within two years of the signature of this MOA.

### **C. West Argyle Street Historic District**

1. During the pre-construction project development process, CTA will develop design plans for Argyle station that are consistent with the design of the Prairie style Argyle station originally constructed in 1921, and that integrate into the setting of the encompassing historic district. CTA will offer preliminary station design schematics to the IHPA and other consulting parties for review and comment prior to construction.
2. During the pre-construction project development process, CTA will examine the feasibility and cost implications of preserving existing Argyle station materials and incorporating these features into the station design.
3. CTA, in coordination with IHPA, shall prepare an updated NRHP nomination form for the West Argyle Street Historic District. The update shall be prepared by a qualified historian or architectural historian. The updated nomination form shall include additional photographs and reassess contributing properties that have been modified since the original NRHP nomination form was prepared. The updated nomination form shall remove the CTA Argyle station and the CTA retail building at 1117-1119 W Argyle Street, which are currently contributing properties and will be demolished by the Project. The updated nomination form shall be submitted to the IHPA for review and comment within two years of the signature of this MOA. After CTA addresses review comments, the IHPA shall submit the updated nomination form to the Illinois Historic Sites Advisory Council and/or the Keeper of the National Register to complete the update process.
4. CTA shall prepare a Historic Preservation Plan (HPP) for the West Argyle Street Historic District. The HPP shall be prepared by a qualified historian or architectural historian and shall be consistent with the Secretary of the Interior's Standards and Guidelines for Preservation Planning. A draft HPP shall be submitted to the IHPA and any other interested community historic preservation groups for review and comment within two years of the signature of this MOA.

#### **D. Bryn Mawr Avenue Historic District**

1. During the pre-construction project development process, CTA will develop design plans for Bryn Mawr station that are consistent with the design of the Prairie style Bryn Mawr station originally constructed in 1921, and that integrate into the setting of the encompassing historic district. CTA will offer preliminary station design schematics to the IHPA and other interested consulting parties for review and comment prior to construction.
2. CTA, in coordination with IHPA, shall prepare an updated NRHP nomination form for the Bryn Mawr Avenue Historic District. The update shall be prepared by a qualified historian or architectural historian. The updated nomination form shall include additional photographs and reassess contributing properties that have been modified since the original NRHP nomination form was prepared. The updated nomination form shall remove the CTA retail building at 1116 W Bryn Mawr Avenue, which is currently a contributing property and will be demolished by the Project. The updated nomination form shall be submitted to the IHPA for review and comment within two years of the signature of this MOA. After CTA addresses review comments, the IHPA shall submit the updated nomination form to the Illinois Historic Sites Advisory Council and/or the Keeper of the National Register to complete the update process.
3. CTA shall prepare a Historic Preservation Plan (HPP) for the Bryn Mawr Avenue Historic District. The HPP shall be prepared by a qualified historian or architectural historian and shall be consistent with the Secretary of the Interior's Standards and Guidelines for Preservation Planning. A draft HPP shall be submitted to the IHPA and any other interested community historic preservation groups for review and comment within two years of the signature of this MOA.

#### **E. Measures regarding Project Construction**

1. To minimize the potential for construction impacts, CTA shall comply with any relevant FTA standards and guidelines regarding noise and vibration impacts. CTA shall also implement Best Management Practices during construction.
2. CTA shall conduct a conditions assessment for any NRHP listed, eligible, or contributing structures located within 15 feet of Project construction activities. If warranted based on structure type and condition, CTA shall prepare a protection and stabilization plan prior to construction. IHPA and the respective property owner shall be given an opportunity to review and comment on the adequacy of individual plans.
3. As a commitment from the NEPA process to offset potential community impacts, CTA will develop and implement a *Construction Outreach and Coordination Plan*. The plan will include a Business Outreach Program to assist local businesses and residents affected by construction. The plan will be tailored to business and community needs, and will include a series of initiatives to minimize construction disruptions. As historic properties and districts

make up a substantial portion of the communities that will be potentially impacted, CTA commits to engaging Section 106 consulting parties in the development of this plan.

## **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 VII 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 consulting parties (listed in Attachment B) 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 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.

DRAFT

**SIGNATORIES**

FEDERAL TRANSIT ADMINISTRATION

Signature: \_\_\_\_\_

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

CHICAGO TRANSIT AUTHORITY

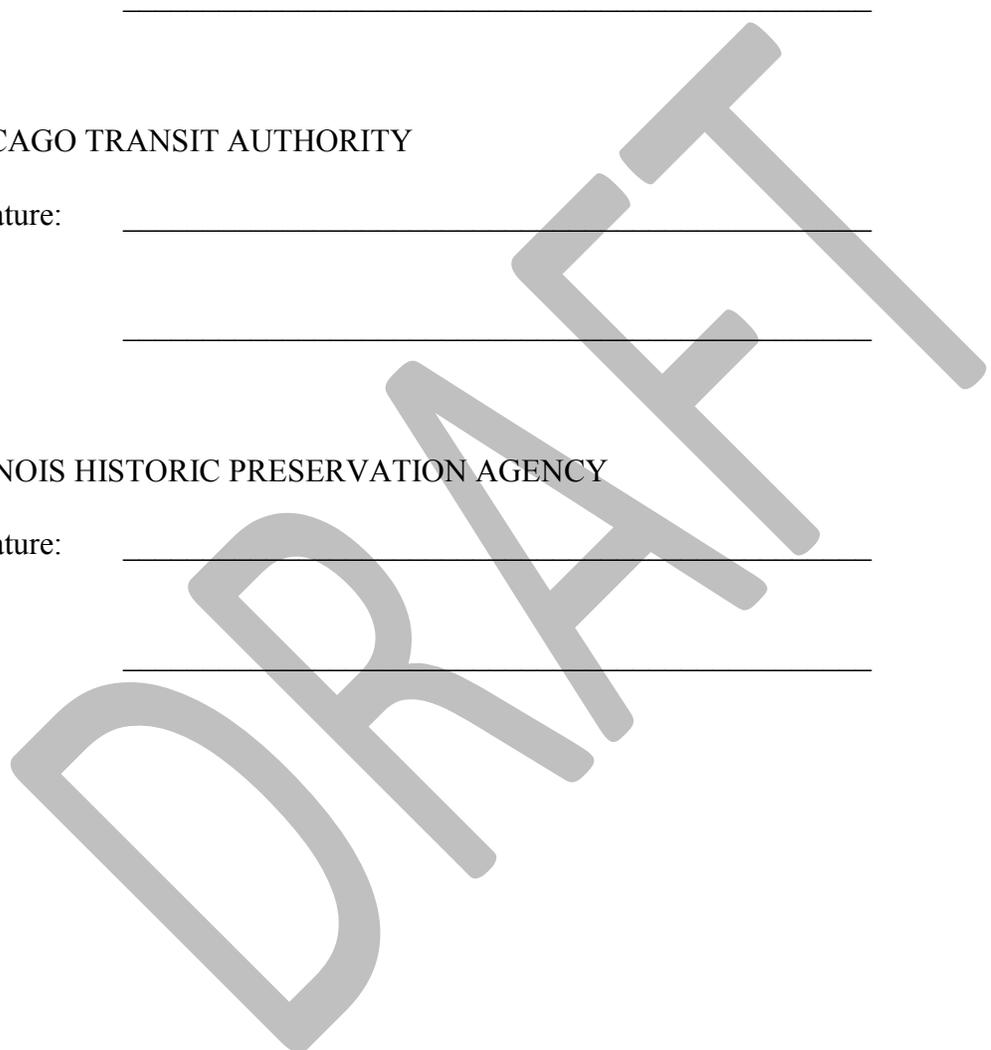
Signature: \_\_\_\_\_

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

ILLINOIS HISTORIC PRESERVATION AGENCY

Signature: \_\_\_\_\_

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



## 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

CTA invited a number of organizations to participate as part of the Section 106 process in July 2012. In addition to the SHPO and THPO mentioned above, 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

Edgewater Historical Society & Museum  
ATTN: LeRoy Blommaert  
5358 N Ashland Ave  
Chicago, IL 60640

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

Uptown Chicago Commission  
ATTN: Cindi Anderson  
937 West Lakeside Place  
Chicago, IL 60640

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

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

Uptown Historical Society  
ATTN: Martin Tangora  
4636 N Magnolia Ave  
Chicago, IL 60640