

## **MEMORANDUM OF AGREEMENT**

### **AMONG THE FEDERAL TRANSIT ADMINISTRATION, ADVISORY COUNCIL ON HISTORIC PRESERVATION, 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) may 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 depicted in Attachment A; and

**WHEREAS**, FTA has determined that the Project would 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**, FTA and CTA have consulted with the Miami Tribe of Oklahoma (listed in Attachment B), providing Project information throughout the Section 106 consultation process and inviting their participation; 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 to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

**WHEREAS**, CTA has participated in consultation and has been invited to sign this Memorandum of Agreement (MOA) as an invited signatory; 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, ACHP, and IHPA agree that, upon acceptance of this MOA, the Project will be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.

### **STIPULATIONS**

FTA will ensure that the following stipulations of this MOA are carried out by CTA and will require, as a condition of any approval of federal funding for the undertaking, adherence to the stipulations set forth herein:

#### **I. TREATMENT MEASURES**

##### **A. Elevated Track Structure**

1. During the pre-construction Project design process, CTA will solicit visual preferences regarding the existing and proposed elevated track structure, including the embankment, viaducts, new aerial structures, and any open areas underneath the elevated track structures, from consulting parties through written communication and/or a meeting. A comment period of not less than 30 days will be established. CTA will incorporate the feedback received 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 that meets the Secretary of the Interior's Standards in these disciplines who will assess the content and presentation to ensure it contains information on the important history and associations that contribute to the significance of the track structure. The exhibit will be displayed in a publicly accessible space within five (5) 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 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. Uptown Square Historic District**

1. CTA, in coordination with IHPA, will prepare an updated NRHP nomination form for the Uptown Square Historic District. The update will be prepared by a qualified historian or architectural historian that meets the Secretary of the Interior's Standards in these disciplines. The boundaries, period of significance, and narrative description for the updated nomination will be reevaluated to include properties that may have been too young for inclusion or overlooked in the original nomination. Aspects of the District's history and additional properties may need to be evaluated for inclusion in the District. The form will 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. Similarly, buildings that were deemed non-contributing when the original nomination was prepared may have been restored and should be reevaluated. At the direction of the IHPA, the updated nomination form will indicate that the track structure remains a contributing element within the district. The updated nomination form will be submitted to the IHPA, the Historic Preservation Division of the City of Chicago's Department of Planning and Development, and any other interested community historic preservation groups for review and comment prior to completion of this MOA. Once CTA addresses any review comments, the IHPA will 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 will ensure that a Historic Preservation Plan (HPP) for the Uptown Square Historic District is prepared. The HPP will be prepared by a qualified historian or architectural historian and will be consistent with the Secretary of the Interior's Standards and Guidelines for Preservation Planning. The HPP will include a historical overview of the district that identifies themes and chronological periods, an inventory of contributing properties, and prioritized preservation goals specific to the district. A draft HPP will be submitted to the IHPA, the Historic Preservation Division of the City of Chicago's Department of Planning and Development, and any other interested community historic preservation groups for review and comment prior to completion of this MOA.

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

1. During the pre-construction Project design 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 IHPA and other consulting parties for review and comment over a period of not less than 30 days during the Project design process and prior to construction.

2. During the pre-construction Project design process, CTA will examine the feasibility and cost implications of preserving existing Argyle station materials and reincorporating these features into the station design.
3. CTA, in coordination with IHPA, will prepare an updated NRHP nomination form for the West Argyle Street Historic District. The update will be prepared by a qualified historian or architectural historian that meets the Secretary of the Interior's Standards in these disciplines. The boundaries, period of significance, and narrative description for the updated nomination will be reevaluated to include properties that may have been too young for inclusion or overlooked in the original nomination. Additional aspects of the District's history and additional properties may need to be evaluated for inclusion in the District. Similarly, buildings that were deemed non-contributing when the original nomination was prepared may have been restored and should be reevaluated. The updated nomination form will 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 will be submitted to the IHPA and the Historic Preservation Division of the City of Chicago's Department of Planning and Development and any other interested community historic preservation groups for review and comment prior to completion of this MOA. After CTA addresses review comments, the IHPA will 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 will ensure that a HPP for the West Argyle Street Historic District is prepared. The HPP will be prepared by a qualified historian or architectural historian and will be consistent with the Secretary of the Interior's Standards and Guidelines for Preservation Planning. The HPP will include a historical overview of the district that identifies themes and chronological periods, an inventory of contributing properties, and prioritized preservation goals specific to the district. A draft HPP will be submitted to the IHPA, the Historic Preservation Division of the City of Chicago's Department of Planning and Development, and any other interested community historic preservation groups for review and comment prior to completion of this MOA.

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

1. During the pre-construction Project design 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 over a period of not less than 30 days during the Project design process and prior to construction.

2. CTA, in coordination with IHPA, will prepare an updated NRHP nomination form for the Bryn Mawr Avenue Historic District. The update will be prepared by a qualified historian or architectural historian that meets the Secretary of the Interior's Standards in these disciplines. The boundaries, period of significance, and narrative description for the updated nomination will be reevaluated to include properties that may have been too young for inclusion or overlooked in the original nomination. Additional aspects of the District's history and additional properties may need to be evaluated for inclusion in the District. Similarly, buildings that were deemed non-contributing when the original nomination was prepared may have been restored and should be reevaluated. The updated nomination form will include additional photographs and reassess contributing properties that have been modified since the original NRHP nomination form was prepared. The updated nomination form will 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 will be submitted to the IHPA, the Historic Preservation Division of the City of Chicago's Department of Planning and Development, and any other community historic preservation groups for review and comment prior to completion of this MOA. After CTA addresses review comments, the IHPA will 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 will ensure that a HPP for the Bryn Mawr Avenue Historic District is prepared. The HPP will be prepared by a qualified historian or architectural historian and will be consistent with the Secretary of the Interior's Standards and Guidelines for Preservation Planning. The HPP will include a historical overview of the district that identifies themes and chronological periods, an inventory of contributing properties, and prioritized preservation goals specific to the district. A draft HPP will be submitted to the IHPA, the Historic Preservation Division of the City of Chicago's Department of Planning and Development, and any other interested community historic preservation groups for review and comment prior to completion of this MOA.

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

1. To minimize the potential for construction impacts, CTA will comply with any relevant FTA standards and guidelines regarding noise and vibration impacts. CTA will also implement Best Management Practices during construction. Mitigation commitments and compliance requirements will be provided in the Final NEPA decision document for this Project.

2. CTA will 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 will prepare a *Protection and Stabilization Plan* prior to construction. CTA will give IHPA and the respective property owner an opportunity to review and comment on the conditions assessment and the adequacy of any warranted plan over a period of not less than 30 days.
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 will give the Section 106 consulting parties an opportunity to review and comment on this plan over a period of not less than 30 days.

## **II. DURATION**

This MOA will expire if its terms are not carried out within fifteen (15) 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 June 1 following the date of the signing of this MOA until it expires or is terminated (whichever comes first), CTA will provide the FTA, ACHP, 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 will be submitted within 3 months of completion of construction of the Project or at completion of this MOA's terms if later. The summary will include any tasks undertaken relevant to stipulations within this MOA, scheduling changes, problems encountered, and any disputes regarding implementation of these stipulated measures.

## **IV. COORDINATION WITH OTHER FEDERAL REVIEWS**

In the event any other federal agency provides funding, permits, licenses, or other assistance to CTA for the Lawrence to Bryn Mawr Modernization Project as it was planned at the time of the execution of this MOA, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this MOA and so notifying and consulting IHPA and ACHP. Any necessary amendments will be coordinated pursuant to Stipulation VII.

## **V. POST-REVIEW DISCOVERIES**

If properties are discovered that may be historically significant or unanticipated effects on historic properties found, then CTA will 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 and no later than 7 days from the date of discovery; CTA, in consultation with FTA and IHPA,

will conduct an on-site evaluation of the discovery; FTA and CTA will consider eligibility and effects and will define reasonable measures to avoid or minimize harm to the property. IHPA will review and provide concurrence on the eligibility, effects and measures to avoid or reduce harm and provide concurrence within one week of receipt of this information. CTA will then 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. If human remains are discovered, then the Illinois Human Skeletal Protection Act (20 ILCS 3440) will be followed, which directs that work in the vicinity will cease and the coroner will be notified. In addition, CTA will notify FTA and IHPA about any discoveries.

## **VI. 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 will 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 will 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 will 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 will 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 will remain unchanged.

## **VII. AMENDMENT**

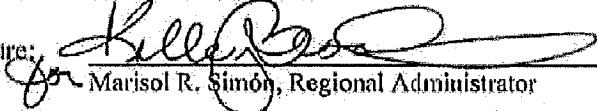
This MOA may be amended when such amendment is agreed to in writing by all signatories. The amendment will be effective on the date that a copy is signed by the last signatory.

## **VIII. TERMINATION**

This MOA will terminate in fifteen (15) years or upon completion of its terms, whichever comes first. If FTA, ACHP, or IHPA determines that the terms of this MOA will not or cannot be carried out, that party will immediately consult with the other signatories to attempt to develop an amendment per Stipulation VII above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, FTA may terminate the MOA upon written notification to the other signatories. The regulations at 36 C.F.R. § 800.7 provide supporting information on all termination requirements of this MOA.

**SIGNATORIES**

**FEDERAL TRANSIT ADMINISTRATION**

Signature:   
\_\_\_\_\_  
for Marisol R. Simón, Regional Administrator

Date: September 2, 2015

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Signature: \_\_\_\_\_  
John M. Fowler, Executive Director

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

**ILLINOIS HISTORIC PRESERVATION AGENCY**

Signature: \_\_\_\_\_  
Rachel Leibowitz, Deputy State Historic Preservation Officer

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

**Invited signatory:**

**CHICAGO TRANSIT AUTHORITY**

Signature: \_\_\_\_\_  
Carole Morey, Chief Planning Officer

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



**SIGNATORIES**

**FEDERAL TRANSIT ADMINISTRATION**

Signature: \_\_\_\_\_  
Marisol R. Simón, Regional Administrator

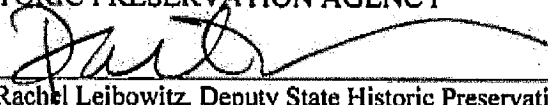
Date: \_\_\_\_\_

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Signature: \_\_\_\_\_  
John M. Fowler, Executive Director

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

**ILLINOIS HISTORIC PRESERVATION AGENCY**

Signature:  \_\_\_\_\_  
Rachel Leibowitz, Deputy State Historic Preservation Officer

Date: 9-1-15

**Invited signatory:**

**CHICAGO TRANSIT AUTHORITY**

Signature: \_\_\_\_\_  
Carole Morey, Chief Planning Officer

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

**SIGNATORIES**

FEDERAL TRANSIT ADMINISTRATION

Signature: \_\_\_\_\_  
Marisol R. Simón, Regional Administrator

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Signature: \_\_\_\_\_  
John M. Fowler, Executive Director

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

ILLINOIS HISTORIC PRESERVATION AGENCY

Signature: \_\_\_\_\_  
Rachel Leibowitz, Deputy State Historic Preservation Officer

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

**Invited signatory:**

CHICAGO TRANSIT AUTHORITY

Signature: Carole Morey  
Carole Morey, Chief Planning Officer

Date: August 6, 2015

**SIGNATORIES**

FEDERAL TRANSIT ADMINISTRATION

Signature: \_\_\_\_\_  
Marisol R. Simón, Regional Administrator

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Signature: John M. Fowler  
John M. Fowler, Executive Director

Date: 9/28/15

ILLINOIS HISTORIC PRESERVATION AGENCY

Signature: \_\_\_\_\_  
Rachel Leibowitz, Deputy State Historic Preservation Officer

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

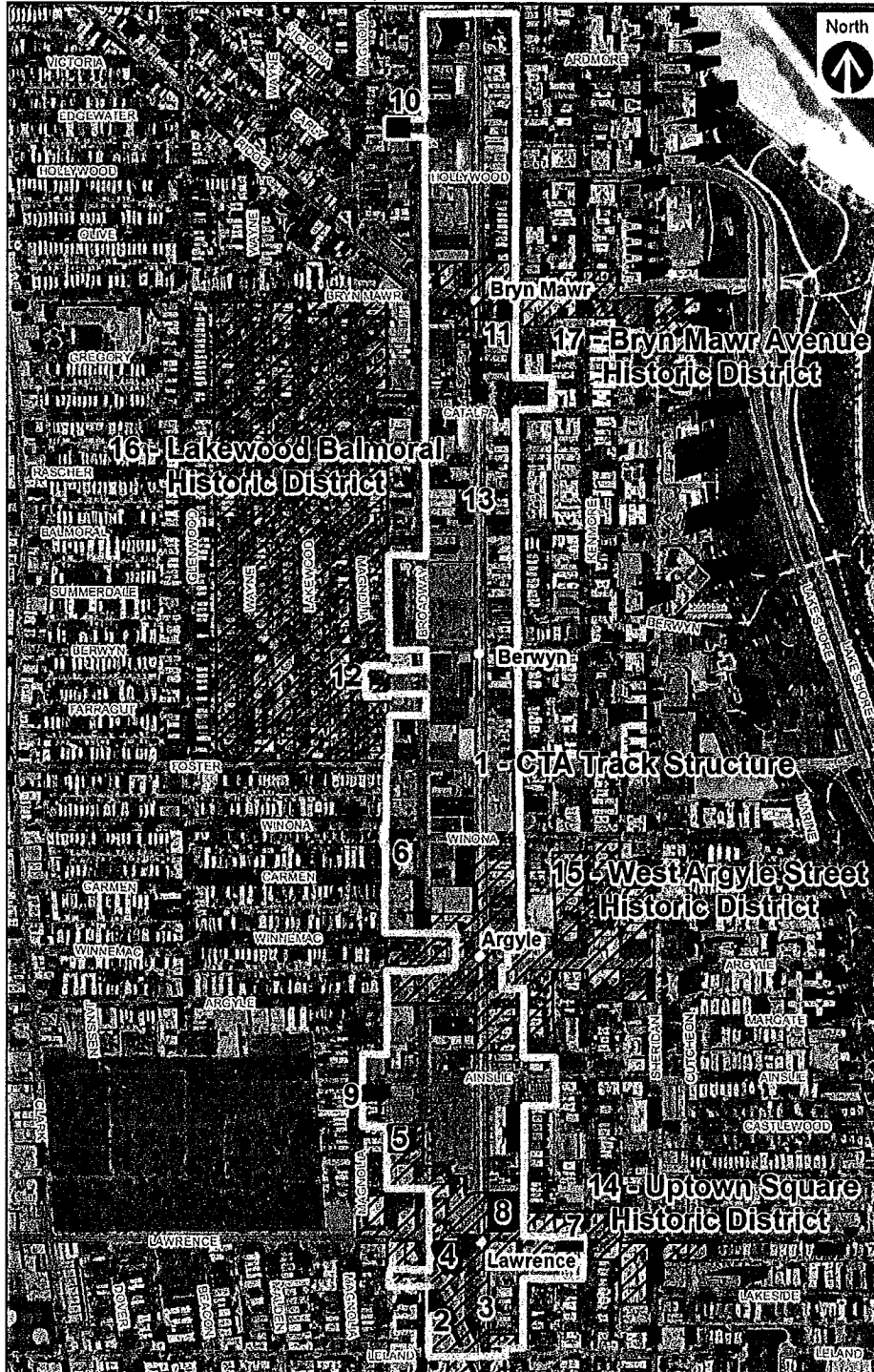
**Invited signatory:**

CHICAGO TRANSIT AUTHORITY

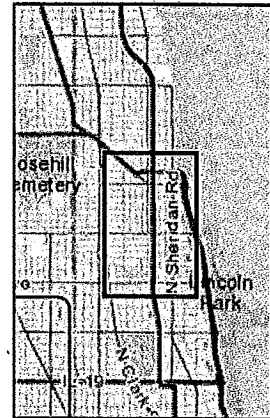
Signature: \_\_\_\_\_  
Carole Morey, Chief Planning Officer

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




Attachment A  
 Area of Potential Effect



**Inset**

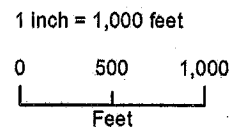


**Legend**

-  Property Eligible for National Register of Historic Places
-  Area of Potential Effect Boundary
-  National Register of Historic Places Historic District

Lawrence to Bryn Mawr Modernization Project Detailed APE

**Scale**



LBMM Historic

**Attachment B**  
List of Section 106 Consulting Parties

The State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP) participated in the consultation process for the Project:

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

Advisory Council on Historic Preservation  
ATTN: Christopher Wilson  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

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

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

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