MEMORANDUM OF AGREEMENT

AMONG THE FEDERAL TRANSIT ADMINISTRATION, ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND ILLINOIS HISTORIC PRESERVATION AGENCY

REGARDING THE RED-PURPLE BYPASS 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 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 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 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, in addition to being NRHP eligible, the Newport Avenue Historic District is designated as a Landmark District by the City of Chicago, and the Vautravers Building (947-949 West Newport Avenue) is contributing to the District; 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, FTA and CTA have consulted with the Miami Tribe of Oklahoma, providing Project information throughout the Section 106 consultation process and inviting its 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, the Historic Preservation Division of the City of Chicago's Department of Planning and Development 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 from consulting parties through written communication and/or a meeting. A comment period of not less than thirty (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. 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 that meets the Secretary of 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 fifteen (15) years of the signature of this MOA, or prior to the completion of Project construction, whichever is sooner.

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

1. Pursuant to Sections 2-120-740 to 2-120-825 of the Municipal Code of Chicago, the Vautravers Building is subject to the Commission on Chicago Landmarks' permit review authority over alteration, relocation and demolition of Chicago Landmarks. During the pre-construction Project design process, CTA will coordinate with the Commission on

Chicago Landmarks regarding any mitigation options identified herein for this building to secure approval and appropriate permits prior to disturbance.

In addition, should the Commission on Chicago Landmarks approve and recommend demolition of 40% or more of the Vautravers Building, that recommendation will be subject to review by the Chicago City Council. CTA will coordinate with the Chicago City Council to secure approval and appropriate permits as required, prior to any disturbance of the Vautravers building if demolition or partial demolition is recommended.

2. During the pre-construction Project design process, CTA will examine the feasibility and cost implications of relocating the entire Vautravers Building. The amount of unknown Project variables prevents CTA from unequivocally committing to relocating the Vautravers Building yet its preservation is a priority for CTA. As such, CTA will follow the process outlined below to minimize impacts on the Vautravers building and to continue to engage with consulting parties.

   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. Excluding the property acquisition cost, the full cost of moving the building in a manner that satisfies any structural constraints identified as part of the structural inspection referenced in I.B.2.i does not exceed $3.4 million, 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. CTA will also host an in-person meeting with a webinar/conference call option for IHPA, ACHP, and the consulting parties to review the findings and provide an opportunity for questions.

3. If FTA and CTA determine that relocation of the Vautravers Building represents a viable option and prudent expenditure, Stipulations I.B.3.i-iii will 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.

4. Otherwise, if FTA and CTA determine that relocation of the Vautravers Building does not represent a viable option or prudent expenditure, Stipulations I.B.4.i-iv will 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.

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. The Commission on Chicago Landmarks will review any future permits for new construction on the vacated Vautravers Building parcel.

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, IHPA, ACHP 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 will be submitted within three (3) months of completion of construction of the Project or at completion of this MOA's terms, if later. The summary report 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 Red-Purple Bypass 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 seven (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 within seven (7) days 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 thirty (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, IHPA, ACHP or CTA 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 or CTA 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 Signatories

CHICAGO TRANSIT AUTHORITY

Signature: _____
Carole Morey, Chief Planning Officer

Date: _____

HISTORIC PRESERVATION DIVISION OF THE CITY OF CHICAGO'S DEPARTMENT OF PLANNING AND DEVELOPMENT

Signature: _____
Eleanor Gorski, Director of Historic Preservation

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 Signatories

CHICAGO TRANSIT AUTHORITY

Signature: _____
Carole Morey, Chief Planning Officer

Date: _____

HISTORIC PRESERVATION DIVISION OF THE CITY OF CHICAGO'S DEPARTMENT OF PLANNING AND DEVELOPMENT

Signature: _____
Eleanor Gorski, Director of Historic Preservation

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 Signatories

CHICAGO TRANSIT AUTHORITY

Signature: Carole Morey
Carole Morey, Chief Planning Officer

Date: August 6, 2015

HISTORIC PRESERVATION DIVISION OF THE CITY OF CHICAGO'S DEPARTMENT OF PLANNING AND DEVELOPMENT

Signature: _____
Eleanor Gorski, Director of Historic Preservation

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 Signatories

CHICAGO TRANSIT AUTHORITY

Signature: _____
Carole Morey, Chief Planning Officer

Date: _____

HISTORIC PRESERVATION DIVISION OF THE CITY OF CHICAGO'S DEPARTMENT OF PLANNING AND DEVELOPMENT

Signature: Eleanor Gorski
Eleanor Gorski, Director of Historic Preservation

Date: 8.13.15

SIGNATORIES

FEDERAL TRANSIT ADMINISTRATION

Signature: _____
Marisol R. Simón, Regional Administrator

Date: _____

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Signature: _____
John M. Fowler, Executive Director

Date: 9/28/15

ILLINOIS HISTORIC PRESERVATION AGENCY

Signature: _____
Rachel Leibowitz, Deputy State Historic Preservation Officer

Date: _____

Invited Signatories

CHICAGO TRANSIT AUTHORITY

Signature: _____
Carole Morey, Chief Planning Officer

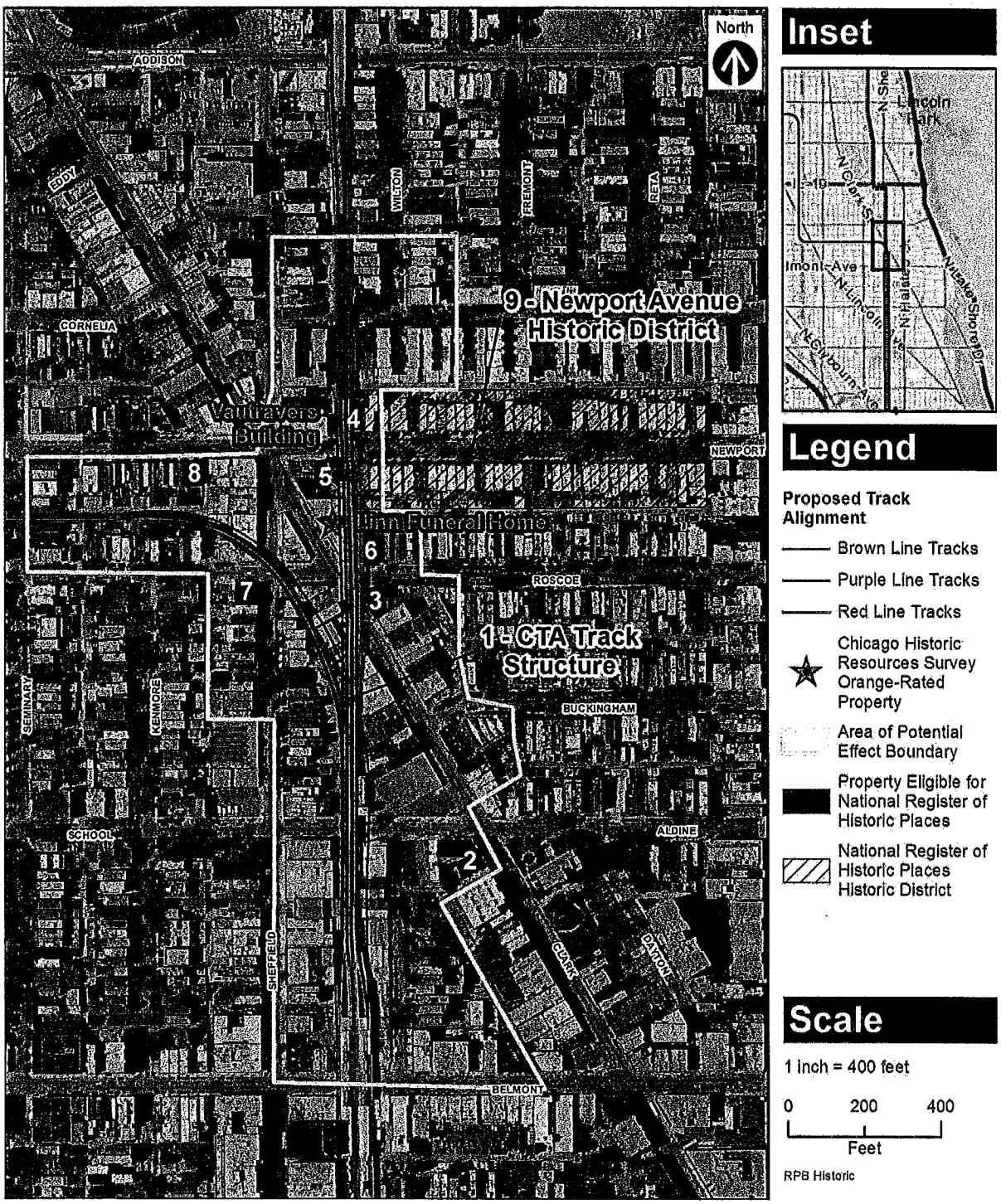
Date: _____

HISTORIC PRESERVATION DIVISION OF THE CITY OF CHICAGO'S DEPARTMENT OF PLANNING AND DEVELOPMENT

Signature: _____
Eleanor Gorski, Director of Historic Preservation

Date: _____

Attachment A
Area of Potential Effects



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

In addition to the SHPO and ACHP 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

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

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

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