

**MEMORANDUM OF AGREEMENT
AMONG
FEDERAL HIGHWAY ADMINISTRATION,
THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICE, AND
OKLAHOMA DEPARTMENT OF TRANSPORTATION,
REGARDING
ADVERSE EFFECT TO US-281 BRIDGE OVER CANADIAN RIVER**

WHEREAS, the Oklahoma Department of Transportation (ODOT) plans to address functional and structural deficiencies in the US-281 Bridge over the Canadian River (Bridgeport Bridge) pony truss bridge in Canadian and Caddo Counties, Oklahoma, a property listed on the National Register of Historic Places (NRHP) as an individual property (NR ID MP100005858) and as part of the Bridgeport Hill to Hydro Route 66 segment (NR ID 4000129); and

WHEREAS, ODOT plans to rehabilitate the existing bridge by eliminating the fracture-critical status of the structure by removing fracture-critical pier beams and adding a new multi-beam steel superstructure on the existing piers with a 28-foot-wide concrete deck, and attaching the existing trusses to the superstructure as non-load-bearing elements; and

WHEREAS, ODOT has selected Alternative E, Option 2 as described in CP&Y's report entitled *US-281 at the South Canadian River and Associated Roadway Section Caddo, Canadian, Blaine Counties Alternatives Analysis Report November 2020*; and

WHEREAS, the Federal Highway Administration (FHWA) plans to fund the Federal-Aid Project SSP-109B(154)SS, State Job J/P 26360(04), thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA, 16 U.S.C. § 470 et seq.), and its implementing regulations, 36 CFR Part 800; and

WHEREAS, FHWA and ODOT, in consultation with Oklahoma SHPO (SHPO), have concluded that the Alternative E, Option 2 will have an adverse effect to the historic bridge and historic district; and

WHEREAS, in accordance with 36 CFR § 800.3(f), ODOT and FHWA, in consultation with the SHPO, identified the National Trust for Historic Preservation, Historic Bridge Foundation, the National Park Service Route 66 Corridor Preservation Program, Route 66 Road Ahead Initiative, the Oklahoma Route 66 Association, Route 66 Historian Jim Ross, the Oklahoma Historic Bridge and Highway Group, and Preservation Oklahoma, as consulting parties and has invited them to sign this Memorandum of Agreement (MOA) as a concurring party; and

WHEREAS, FHWA has consulted with the Caddo Nation, Cheyenne and Arapaho Tribes, Comanche Nation, Delaware Nation, Osage Nation, and Wichita and Affiliated Tribes in accordance with 36 CFR § 800.2(c)(2), and determined that no properties of traditional religious and cultural significance will be affected by the undertaking, and invited them to sign this MOA as a concurring party; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iv) as a signatory to this MOA; and

NOW, THEREFORE, FHWA, ODOT, and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA will ensure that the following measures are carried out. Measures will be met within the timeframes presented for each stipulation.

- I. **Documentation.** The subject bridge was listed on the NRHP in 2020. Substantial information was collected to compile the NRHP nomination form and the original construction plans are available.
 - A. The Bridgeport Bridge will be laser scanned and a three-dimensional digital model of the Bridgeport Bridge will be created.
 - i. A PDF of the original as-built plans and the digital files created from the laser scanning will be provided to SHPO in storage format suitable for the size of the files.
- II. **Public Interpretation.** ODOT will implement the following interpretation measures to engage and educate the public on the history of Route 66 and the Bridgeport Bridge.
 - A. ODOT will construct a wayside exhibit at a pullout near the Bridgeport Bridge. The wayside exhibit will be within clear viewshed of the bridge and will feature a connection between visitors and the landscape. ODOT will create an interpretive panel presenting the history of Route 66 and the Bridgeport Bridge and place it at the wayside pullout. The content of the display panel will be coordinated with SHPO and consulting parties.
 - i. ODOT will produce a draft interpretive display panel that will be submitted to SHPO and consulting parties via email for a 30-day review and comment.
 - ii. ODOT will incorporate comments from SHPO and consulting parties and produce a final design, which will be constructed as part of the waypoint exhibit.
 - B. Using the three-dimensional digital model outlined in Stipulation I, ODOT will produce a scale model of the Bridgeport Bridge and interpretive material presenting the history of Route 66 and the Bridgeport Bridge. ODOT will install these interpretive materials at the Oklahoma Route 66 Interpretive Center in Chandler, Oklahoma (Interpretive Center). The design, content, location, and placement of the 3D model and interpretive material will be coordinated with the Interpretive Center and the Oklahoma Route 66 Association.
 - i. If the Interpretive Center is unable to fulfill the obligations to retain the interpretive materials at their facility, the remaining signatories may agree on a suitable, alternative location for the display.
- III. **Oklahoma Route 66 Inventory and Evaluation.** In 2002 a team funded by National

Park Service (NPS) identified alignments of Route 66 in Oklahoma and established specific criteria to inventory certain road-related resources that might possess significance sufficient to meet the NRHP Criteria for Evaluation. The team produced the *Oklahoma Route 66 Documentation Project (1926-1970): A Survey of Roadbed and Integral Structures*. Certain roadbed and road-related resources were assigned resource IDs and were inventoried as part of that project.

The NRHP Multiple Property Documentation Form, *Route 66 and Associated Historic Resources in Oklahoma (MPDF)*, dated 1995 and amended in 2003, is the basis of the application of the NRHP Criteria for Evaluation for the Route 66 in Oklahoma. The registration requirements of the MPDF are general and lack specific guidance for completing NRHP evaluations of roadbed segments and integral structures (integral structures include bridges and culverts and roadside parks and markers).

- A. ODOT will produce a document that provides guidance to supplement the registration requirements of the MPDF to effectively apply the NRHP Criteria for Evaluation. The guidance will incorporate the roadbed segments and integral structures identified from the 2002 Survey, segments and road-related resources eliminated from evaluation in the 2002 Survey, and other roadside properties (buildings and structures) as appropriate to produce a comprehensive guidance document for evaluating all of Route 66 in Oklahoma.
- i. Upon execution of this MOA, ODOT will begin work collaboratively with SHPO to review the MPDF, identify areas within the MPDF that require development, and complete a guidance to supplement the registration requirements for the MPDF that will assist ODOT and other agencies in practically applying the MPDF to transportation projects.
 - ii. ODOT will produce or cause to produce a scope of work, for review by SHPO, that identifies the project needs, proposed workplan, and proposed deliverables.
 1. SHPO will provide comment on the scope within 30 days of receipt of document via regular mail.
 2. ODOT will integrate SHPO comments and produce a Final scope of work. The scope of work will be acceptable to SHPO and ODOT.
 - iii. ODOT will incorporate public involvement in seeking to identify roadbed segments or other road-related resources not previously identified.
 - iv. As the MPDF provides the historic context and registration requirements that guide the application of the NRHP Criteria for Evaluation, ODOT will complete an inventory and evaluation of segments of Route 66 identified in the scope of work .
 - v. Based on the results of the test, ODOT will coordinate with SHPO to prepare the guidance document. The draft guidance document will be

submitted to SHPO.

1. SHPO will provide comment on the guidance document within 30 days of receipt of document via regular mail.
2. ODOT will integrate SHPO comments and produce a Final guidance document. The guidance document will be acceptable to SHPO and ODOT and will be used for all future undertakings that involve roadbed and road-related resources.

IV. **Mitigation.** In 2014, ODOT completed the *Historic Bridge Railing Study for Route 66 Bridges* study. The study was undertaken in accordance with goals outlined in the *Route 66 Corridor Management Plan* and the *Route 66 Economic Impact Study* (the study) to maintain the intrinsic qualities of Route 66 and identify the historic route to tourists and the travelling public. The study was also conducted to identify context-sensitive crash-tested railings for Route 66 bridge replacement projects. The report documented 32 historic-age Route 66 bridges that still retained their original railings and identified nine distinct railing types among those structures, which have already been implemented on other Route 66 bridges that were not eligible for or listed on the NRHP. The current railings for the approach spans are an example of a concrete post and double rail within inset panels (Railing Type C from the study). The current railings for the main spans are an example of a two horizontal steel I-beam (Railing Type G from the study).

- A. ODOT will incorporate the T66 railing on the bridge approaches carrying US-281 over the Canadian River.
- B. ODOT will incorporate the T1W railing on the bridge carrying US-281 over the Canadian River

V. **Duration.** This MOA will be null and void if its stipulations are not carried out within ten (10) years from the date of its execution. At such time, and prior to work continuing on the undertaking, FHWA shall either (a) execute a MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below. FHWA shall notify the signatories as to the course of action it will pursue.

VI. **Post-Review Discoveries.** If potential historic properties are discovered or unanticipated effects on historic properties found, FHWA shall follow ODOT Spec 107.09, Protection of Archeological and Unmarked Human Burial Sites.

VII. **Human Remains.** Treatment and disposition of any human remains that may be discovered will be managed in a manner consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) (Public Law 101-601; 25 U.S. Code 3001 et seq.), the Advisory Council on Historic Preservation's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funeral Objects; and the Burial

Desecration Law-Oklahoma Statute Chapter 47 (Section 1168.0-1168.6). Any human remains, burial sites, or funerary objects, sacred objects, or items of cultural patrimony that are discovered will at all times be treated with dignity and respect. Specific processes for treatment of human remains will be outlined in the data recovery plan.

- VIII. **Dispute Resolution.** Should any signatory party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:
- A. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA 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, FHWA 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. FHWA will then proceed according to its final decision.
 - B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA 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 and the ACHP with a copy of such written response.
 - C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.
- IX. **Amendments.** This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
- X. **Termination.** If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties 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, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by FHWA and SHPO and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

Signatory

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

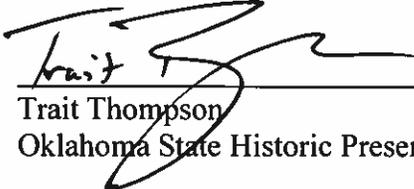
FEDERAL HIGHWAY ADMINISTRATION

BY: _____ DATE: _____
Basharat A. Siddiqi
Division Administrator – Oklahoma Division

Signatory

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

OKLAHOMA STATE HISTORIC PRESERVATION OFFICE

BY:  DATE: 6/3/21
Trait Thompson
Oklahoma State Historic Preservation Officer

Invited Signatory

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

OKLAHOMA DEPARTMENT OF TRANSPORTATION

BY:  _____ DATE: 06/08/2021
Tim Gatz
Executive Director

Invited Signatory

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

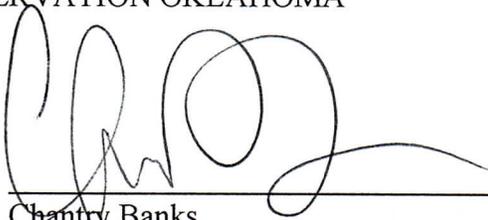
ROUTE 66 INTERPRETIVE CENTER

BY:  DATE: 5/26/21
Susan Pordos
Executive Director

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

PRESERVATION OKLAHOMA

BY:  _____ DATE: 5/20/21 _____
Chantry Banks
Executive Director

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

OKLAHOMA ROUTE 66 ASSOCIATION

BY:  _____ DATE: 05/20/21
Rhys Martin
President

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

NATIONAL TRUST FOR HISTORIC PRESERVATION

BY: _____ DATE: _____

Betsy Merritt
Deputy General Counsel

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

NATIONAL PARK SERVICE



BY: _____ DATE: 06/04/2021
Kaisa Barthuli
Route 66 Corridor Preservation Program

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

HISTORIC BRIDGE FOUNDATION

BY:  DATE: 5/28/21
Kitty Henderson
Executive Director

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

HISTORICBRIDGES.ORG

BY:  DATE: 5/20/2021
Nathan Holth

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

THE ROAD AHEAD PARTNERSHIP

BY:  DATE: June 7, 2021
Anne Haaker

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

BY:  DATE: 5-28-21
Jim Ross

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

CADDO NATION

BY: _____ DATE: _____

TITLE: _____

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

CHEYENNE AND ARAPAHO TRIBES

BY: _____ DATE: _____

TITLE: _____

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

COMANCHE NATION

BY: _____ DATE: _____

TITLE: _____

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

DELAWARE NATION

BY: _____ DATE: _____

TITLE: _____

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

OSAGE NATION

BY: _____ DATE: _____

TITLE: _____

Concurring Party

**MOA for SSP-109B(154)SS; Job/Piece 26360(04) US-281 over Canadian River in Canadian
County**

WICHITA AND AFFILIATED TRIBES

BY: _____ DATE: _____

TITLE: _____