

MEMORANDUM OF AGREEMENT

SUBMITTED BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR SECTION 800.6(A)

FINANCE DOCKET - 32549 (SUB-NO. 9)

WHEREAS, THE INTERSTATE COMMERCE COMMISSION (ICC), in consultation with the Oklahoma State Historic Preservation Officer ("Oklahoma SHPO") and with Burlington Northern Railroad Company ("BN") and The Atchison, Topeka and Santa Fe Railway Company ("Santa Fe"), pursuant to the regulations (39 CFR part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), has determined that the proposed construction of a connection by the BN and Santa Fe in the southern section of Perry, OK will constitute an adverse effect upon the Buildings #7, #6/5, #4, #3, #2, and #1 at 8 S. 7th Street, Perry, Oklahoma which are eligible for inclusion in the National Register of Historic Places; and

WHEREAS, THE OKLAHOMA SHPO, AND THE ICC AND THE BN/SANTA FE agree that the preparation of the documentation described in Appendix I to this MOA submitted to the SHPO is sufficient to mitigate the adverse effect of the proposed construction on the buildings;

WHEREAS, THE OKLAHOMA SHPO shall, within 30 days of the submittal to it of the documentation required by Appendix I, accept in writing the documentation or provide written guidance to BN and Santa Fe necessary to correct an unacceptable submission. There shall be no demolition of any of the affected buildings until the documentation has been accepted by the OKLAHOMA SHPO or the 30 day review period following an initial submittal or any subsequent re-submittal has elapsed. The Oklahoma SHPO will serve as the repository for such documentation;

EXECUTION OF THIS MEMORANDUM OF AGREEMENT by the ICC, the OKLAHOMA SHPO, BN/Santa Fe and its subsequent acceptance by the Council, evidences that the ICC has afforded the Council an opportunity to comment on the impact of the proposed construction on the affected buildings, and that the ICC has taken into account the effects of the undertaking on historic properties.

NOW, THEREFORE, THE ICC, THE OKLAHOMA SHPO, AND THE COUNCIL AGREE that the affected buildings may be disposed of without further mitigative measures.

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INTERSTATE COMMERCE COMMISSION

BY: Milan P. Yager DATE: July 19, 1995
Director, Office of Economic & Environmental Analysis

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OKLAHOMA HISTORICAL SOCIETY

BY: Blake Woods DATE: 13 July 1995
Oklahoma State Historic Preservation Officer

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CONCUR: Burlington Northern Railroad Company

BY: J. Elizabeth Hill DATE: July 19, 1995

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CONCUR: The Atchison, Topeka and Santa Fe Railway Company

BY: Richard E. Wuerker DATE: July 17, 1995

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ACCEPTED
FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: Robert W. Bush DATE: 7/28/95

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