

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI DEPARTMENT OF TRANSPORTATION
AND THE MISSOURI STATE HISTORIC PRESERVATION OFFICE
JACKSON COUNTY AND CLAY COUNTY, MISSOURI**

MoDOT Project No. J4I1507

WHEREAS, the Missouri Department of Transportation (MoDOT) has determined that proposed project activities will have an adverse effect on the Paseo Bridge (No. L734R1), a property eligible for inclusion in the National Register of Historic Places (Register) and may have an effect upon other properties in or eligible for inclusion in the Register, and has consulted with the Missouri State Historic Preservation Office (SHPO) [SHPO Project Number 009-CL-05] pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) has been invited to participate in this Memorandum of Agreement (MOA); and

WHEREAS, the MoDOT has been invited to concur in this Memorandum of Agreement (MOA); and

WHEREAS, the full impacts of this project to cultural resources other than the Paseo Bridge cannot be determined until the final design is completed,

NOW, THEREFORE, the FHWA, MoDOT and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations.

STIPULATIONS

FHWA will ensure that the following measures are carried out:

1. Prior to the commencement of any proposed project activities that will adversely affect the Paseo Bridge, the MoDOT will contact the National Park Service to determine the level and kind of Historic American Engineering Record (HAER) documentation required for the Paseo Bridge. MoDOT will ensure that the recordation is completed, and is accepted in writing by the HAER prior to commencement of any project activities that will have an adverse effect on the Paseo Bridge and, archival copies of this documentation along with photographs will be provided to the SHPO and to the Kansas City Landmarks Commission.

2. MoDOT will place notices in the following periodicals and/or web site to advertise for a responsible party who will agree to take possession and re-erect the bridge at a new location, or adaptively reuse the bridge at the present location. The availability of the bridge will be advertised at least six months prior to the commencement of the proposed project activities.

a. *MOinfo*

Missouri Local Transportation Resource Center.

www.umn.edu/~mltrc

email: mltrc@umn.edu

Jefferson City, Missouri 65102

b. *Preservation News*

National Trust for Historic Preservation

1785 Massachusetts Avenue, N.W.

Washington, DC 20036

or

National Trust Web Site www.nationaltrust.org

Preservation on Line

Distressed Properties

For Sale: Properties at Risk,

c. at least two newspapers serving the local area.

3. If ownership of the bridge is transferred to another party, the transfer deed will include preservation covenants that require the new owner to re-erect or adaptively reuse in place, and maintain the bridge in accordance with the “Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.” The rehabilitation plan and specifications and the proposed maintenance program will be forwarded to FHWA for review and approval in consultation with the SHPO.

4. If no party is found to take possession of the existing bridge and re-erect it at a new location or adaptively reuse the bridge in place, the bridge may be demolished.

5. The project corridor is generally paved or otherwise in current use and could not be examined for the presence of intact archaeological deposits. The project footprint following design shall be examined by professional archaeologists with a phased approach as specified in 36 CFR Section 800.4(b)(2) to first determine if any cultural deposits are present and then to gather appropriate information to evaluate the eligibility of those properties under the National Register criteria (36 CFR 63). For all eligible sites, an Archaeological Data Plan shall be developed in consultation with the SHPO and other consulting parties to mitigate adverse effects to historic properties that cannot be avoided. The Archaeological Data Plan will be consistent with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation (48 FR 190: 44734-44737).

The SHPO and the FHWA concurred in principle with this course of action during a field inspection on December 1, 2004.

Discovery of additional historic resources during the execution of the MOA will be addressed in accordance with 36CFR 800.13.

6. An architectural survey has been conducted of the project area and the SHPO concurred with the recommendation that the project would have no impact on any eligible architectural resources. If the project limits are modified in such a way to impact any significant architectural resources then the MoDOT shall consult with the SHPO and other consulting parties to develop and execute a mitigation plan.

7. Documentation and a brief report of the actions related to Stipulations 1, 2, 3, and 4, will be filed with FHWA and the SHPO within one year after the availability of the bridge is first publicly advertised. Documentation and a brief report of the actions related to Stipulations 5 and 6 will be filed with FHWA and the SHPO within one year after completion of any fieldwork.

8. After completion of the project, FHWA shall provide a written report regarding the actions taken to fulfill the terms of the agreement to all signatories.

9. Any party to this agreement may terminate it by providing thirty (30) days notice to the other party, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination, 36 CFR 800.6(c)(8).

10. Any party may request that the agreement be amended, whereupon the proposed changes shall be submitted to the other parties and the ACHP in accordance with 36 CFR 800.6(c)(7).

11. Failure to carry out the terms of the Agreement requires that the FHWA again request the ACHP comments in accordance with 36 CFR Part 800. If FHWA cannot carry out the terms of the Agreement, it will not take or sanction any action or make any irreversible commitment that would result in adverse effects with respect to the National Register or eligible properties covered by the Agreement, or would foreclose the ACHP's consideration of modifications or alternatives that could avoid or mitigate the adverse effects until the commenting process has been completed.

12. Execution of this Memorandum of Agreement by FHWA, MoDOT, and the Missouri SHPO and implementation of its terms constitutes evidence that FHWA has taken into account the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment on the proposed FHWA I-29/35 Paseo Bridge Project in Jackson County and Clay County, Missouri.

Signed:

Federal Highway Administration

Date

Missouri State Historic Preservation Office

Date

Concur:

Missouri Department of Transportation

Date

**INFORMATION TO ACCOMPANY THE
MEMORANDUM OF AGREEMENT REGARDING
THE
PASEO BRIDGE (NO. L07345) OVER THE MISSOURI RIVER
JACKSON COUNTY AND CLAY COUNTY, MISSOURI
MoDOT Project No. J4I1507**

I. Project Description

The Missouri Department of Transportation (MoDOT) Project No. J4I1507 proposes to reconstruct and widen Interstate 29/35 with new interchange configurations, bridges, including the bridge over the Missouri River, and roadways in Clay and Jackson Counties. The study corridor extends approximately 4.7 miles (7.6 kilometers), just north of Missouri Route 210/Armour Road in Clay County and continues south on I-29/35/US 71, to the northwest corner of the central business district (CBD) freeway loop in downtown Kansas City, Missouri. The project includes the north side of the CBD loop, designated as both I-35/70 and US 24/40.

The DEIS document examines operational and capacity improvements for this section of I-29/35 and I-35/70 and evaluates whether to complete a major rehabilitation of the existing I-29/35 Paseo Bridge over the Missouri River and construct a new companion bridge, construct two new bridges or replace the existing Paseo Bridge with a single new structure. This project would have an adverse effect on the Paseo Bridge, which is eligible for inclusion on the National Register of Historic Places.

Of the architectural properties recorded during the course of the survey, a total of eight are individually eligible for the National Register of Historic Places as well as three bridges. The only NRHP eligible property, landscape, district, structure, or bridge that would be adversely affected by the proposed action is the Paseo Bridge. The Paseo Bridge is eligible for the NRHP as per the SHPO's concurrence with MoDOT's recommendation on March 29, 2004. Bridge is eligible for listing in the National Register of Historic Places under Criterion C for engineering.

II. Previous Work

As per correspondence dated March 11, 2004, MoDOT formally submitted the Paseo Bridge to the SHPO, recommending that it was eligible for the NRHP. On March 29, 2004 SHPO concurred with MoDOT that the Paseo Bridge was eligible for listing on the National Register of Historic Places, under Criterion C, in the area of engineering. A standard MOA with stipulations for SHPO level documentation and advertisement for adaptive reuse would be drafted for the Paseo Bridge and submitted with the Draft EIS for I-29/35 Paseo Bridge Improvement Project.

III. Description of the Historic Property

The Paseo Bridge, Bridge L07345, is a self-anchored suspension bridge designed by Howard, Needles, Tammen, and Bergendoff. It was built by several local construction firms between 1952-54 and opened August 13, 1954. The Paseo Bridge, a three span suspension bridge, has four steel plate girder approach spans and is 1,832 feet in length (MoDOT 2004). Two steel towers anchored in concrete piers carry the main cable, which is anchored underground on the north and south shores. Each cable band consists of four twisted galvanized steel rope suspender cables connected to a stiffening truss. These suspender cables support the floor beams, stringers, and floor of the bridge roadbed.

When the bridge opened in 1954, a toll of 15-35 cents was collected to finance the construction bonds. During the late 1960s, I-29/35 was constructed and the bridge was incorporated into the interstate system. The convenience of the highway system added another link between Jackson and Clay Counties and promoted growth of the area. In 1972, the construction bonds were retired and the bridge tolls were discontinued. The next year the roadbed was resurfaced. Replacement of the expansion joints was completed in 1984 and the guardrails were finished in 1997. Extensive emergency repair work was completed in 2003. In 2005 additional rehabilitation work was undertaken, this rehabilitation was considered minor. Both emergency repair and the minor rehabilitation projects did require the Paseo Bridge to be closed to traffic during the work. The number of vehicles crossing the Missouri River daily is approximately 94,000 (MoDOT 2004).

IV. Adverse Effect on the Historic Property

This project will have an adverse effect on the Paseo Bridge, which has been determined NRHP eligible under Criterion C, for engineering. The project constitutes an “adverse effect” to the bridge as described in 36 CFR 800.3 (b)(1)(4) of the National Historic Preservation Act.

V. Alternative Courses of Action.

There are three alternative courses of action for this project. These include the no build, no action; the rehabilitation of the existing structure; and the replacement of the existing structure. Mitigation for the proposed action is historical and photographic documentation (Historic American Engineering Record) and the advertisement of the bridge’s availability for adaptive reuse.

A. No Build, No Action

The no build, no action alternative consists leaving the Paseo Bridge in its present condition with no improvements or modifications. This is not a viable option as the current river crossing does not meet current FHWA and MoDOT design standards, is in need of improvement.

The existing bridge superstructure has capacity for four twelve foot lanes, two four foot shoulders and two barrier curbs (56' roadway.) This roadway width cannot accommodate a twelve foot auxiliary lane or the twelve foot shoulders. The four foot shoulders on the existing bridge make the bridge functionally obsolete since they do not match the twelve foot shoulder width of the approach roadways. The existing bridge superstructure can not be widened in a cost effective manner.

B. Rehabilitation of the Paseo Bridge

Rehabilitation and continued use of the existing Paseo Bridge is not a viable option. Due the Suspension configuration of the main spans, the deck cannot be widened beyond the current width. Due channel migration over time, the navigation channel is no longer between the main spans but is between a main span and the south shore.

The I-29/35 bridge over the Missouri River (I-29/35 Paseo Bridge – bridge number L07345) is over 50 years of age. It has a sufficiency rating of just over 50, which means it is classified as deficient and is close to qualifying for full federal bridge replacement funding. Maintenance problems have been a concern on this bridge. In January 2003, the bridge was closed for several weeks, as maintenance was required to replace the hold-down linkage of the bridge suspension system, which had fractured. A larger bridge rehabilitation occurred in 2005 which required closure of the I-29/35 Paseo Bridge for five months. The completion of this major rehabilitation will extend the bridge's service life 10 to 15 years. At that time another major maintenance project would be needed to reconstruct the structural steel floor system to accommodate on direction traffic, if the existing bridge is to remain in use, and to construct a new slab. The major tasks completed within the I-29/35 Paseo Bridge rehabilitation included minor repairs to the bridge deck, repainting the bridge, replacing deteriorated steel, wrapping the cables and replacing the permanent lighting system. The rehabilitation was completed in 2005. The 2005 rehabilitation was let for approximately \$8 million. The project required a closure of the bridge in order for the rehabilitation to be completed. The decision to replace the bridge deck and other measures needed to extend the bridge's service life an additional 30 years was studied and was considered and compared to replacement options as part of the I-29/35 Paseo Bridge Improvement DEIS.

C. Proposed Action: Replacement of the Existing Structure

The type of bridge structure for the Proposed Action Missouri River crossing has not yet been defined. The Proposed Action was based on issues irrespective of bridge type, leaving the bridge type as a subsequent recommendation. The plan requires the construction of a new bridge adjacent to and downstream of the existing Paseo Bridge, then the removal of the existing structure and the construction of a parallel twin structure, either at the location of the existing Paseo Bridge or downstream of the new bridge structure. The subsequent bridge type recommendation will be based on the physical, operational, navigational, economic and environmental impact constraints defined for the Missouri River crossing.

Numerous bridge type options are available for the new Missouri River crossing. More detailed study of the Proposed Action is necessary to identify the type of structure to be constructed. Constraints affecting the bridge's design features are identified in the Environmental Impact Statement, including the bridge alignment and navigational requirements. Based on the general span requirements of the crossing, a number of bridge types are feasible, including a suspension type structure, a tied arch bridge, or a cable-stayed structure. The determination of the bridge type will consider the construction and maintenance costs of the bridge and the financial limitations of MoDOT. This in-depth study would be conducted in close coordination with the community's civic leadership and the public. The bridge type study would evaluate the bridge's ability to be an expression of the community while being sensitive to the financial constraints of the project.

VI. Proposed Mitigation

1. Prior to the commencement of any proposed project activities, that will adversely affect the Paseo Bridge, the MoDOT will contact the National Park Service the level and kind of Historic American Engineering Record (HAER) documentation required for the Paseo Bridge. MoDOT will ensure that the recordation is acceptable to the HAER in writing prior to commencement of the project activities that would have an adverse effect on the Paseo Bridge and archival copies of this documentation along with photographs will be provided to the SHPO and to the Kansas City Landmarks Commission.

2. MoDOT will place notices in the following periodicals and/or web site to advertise for a responsible party who will agree to take possession and re-erect the bridge at a new location, or adaptively reuse the bridge at the present location. The availability of the bridge will be advertised at least six months prior to the commencement of the proposed project activities.

a. *MOinfo*

Missouri Local Transportation Resource Center.
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email: mltrc@umn.edu
Jefferson City, Missouri 65102

b. *Preservation News*

National Trust for Historic Preservation
1785 Massachusetts Avenue, N.W.
Washington, DC 20036
or
National Trust Web Site www.nationaltrust.org
Preservation on Line
Distressed Properties
For Sale: Properties at Risk,

c. at least two newspaper serving the local area.

3. A Phase I archaeological and archival survey of the study corridor determined that there are 23 locations where archaeological sites may be located (two of which will be impacted by the present project limits). The potential sites in the areas of archaeological interest are historic in nature and date from the mid 19th through the early 20th century and include residences, businesses, a railroad station, and a possible cemetery. Due to landscape modification, prehistoric sites are not anticipated to be found in the project corridor. The 23 areas of archaeological interest are paved or otherwise in current use and could not be examined for the presence of intact deposits. If any of these areas of archaeological interest are to be impacted by the I-29/35 project then they shall be examined by professional archaeologists with a phased approach as specified in 36 CFR Section 800.4(b)(2) to first determine if any cultural deposits are present and then to gather appropriate information to evaluate the eligibility of those properties under the National Register criteria (36 CFR 63). For all eligible sites, an Archaeological Data Plan shall be developed in consultation with the SHPO and other consulting parties to mitigate adverse effects to historic properties that cannot be avoided. The Archaeological Data Plan will be consistent with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation (48 FR 190: 44734-44737). The SHPO and the FHWA concurred with this course of action during a field inspection on December 1, 2004. An architectural survey has been conducted of the project area and the SHPO concurred with the recommendation that the project would have no impact on any eligible architectural resources. If the project limits are modified in such a way to impact any architectural resources then the MoDOT shall consult with the SHPO and other consulting parties to develop and execute a mitigation plan

Discovery of additional historic resources during the execution of the MOA will be dealt with in accordance with 36CFR 800.13.

4. After completion of the project, FHWA shall provide a written report regarding the actions taken to fulfill the terms of the agreement to all signatories.

VII. List of Appendices

A. USGS Quadrangle Map, and County Highway Map showing the location of the Paseo Bridge (L07345).

B. Photographs of the Paseo Bridge (L07345)

C. Pertinent Correspondence