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**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER
REGARDING THE ROUTE 33 BRIDGE (STRUCTURE NO. 1113-150) OVER COUNTY ROUTE 526
WASHINGTON TOWNSHIP, MERCER COUNTY, NEW JERSEY**

WHEREAS, the New Jersey Department of Transportation (NJDOT) proposes to replace the Route 33 Bridge (Structure No. 1113-150) and realign Route 33 between Route 130 and County Route 526 in the Township of Washington, Mercer County, using funds provided by the Federal Highway Administration; and

WHEREAS, the FHWA, the New Jersey State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (Council), and the NJDOT executed a Programmatic Agreement in November of 1996 which stipulates how FHWA's Section 106 responsibilities for NJDOT-administered federal aid projects will be satisfied; and

WHEREAS, in accordance with that agreement, the NJDOT has consulted with the State Historic Preservation Officer (SHPO) in order to determine the area of potential effect (APE), to identify significant National Register eligible and listed properties, and to assess the effects of the project on both eligible and listed properties within the APE pursuant to the requirements of 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, consultation has resulted in agreement that the following properties are eligible for inclusion in the National Register of Historic Places:

- Camden and Amboy Railroad Main Line Historic District (SHPO Opinion: 07/12/91)
- Union School; and

WHEREAS, the consultation has resulted in the determination that the Route 33 Bridge (Structure No. 1113-150) is a contributing feature of the Camden and Amboy Railroad Main Line Historic District; and

WHEREAS, the FHWA has determined that the construction of this project as proposed will have no adverse effect to the Union School; and

WHEREAS, the FHWA has determined that the construction of this project as proposed will have an adverse effect upon the Camden and Amboy Railroad Main Line Historic District via the removal of a contributing feature of the Historic District; and

WHEREAS, the bridge was marketed as required by § 123(f) of the Surface Transportation and Uniform Relocation Assistance Act or STURAA (Public Law 100-17) through the offer of the bridge to potential recipients; and

WHEREAS, as a result of the STURAA marketing process no one elected to take ownership of the bridge; and

WHEREAS, the NJDOT and FHWA have considered alternatives to avoid or minimize the adverse effects and found that they are not feasible; and

WHEREAS, the FHWA has consulted with the NJDOT, the SHPO, Washington Township, Mercer County and members of the public to develop a plan to mitigate the adverse effects and received comments from only the SHPO; and

WHEREAS, the NJDOT has solicited comments from the Washington Township Planning Board Historic Preservation Subcommittee; the Friends of Washington Township; the Mercer County

Cultural and Heritage Commission; the Camden and Amboy Railroad Historical Society; the West Jersey Chapter of the National Railway Historical Society; and the Mercer County Public Library Washington Branch; and received comments from no one or organization; and

WHEREAS, a Public Information Center was held on July 25, 2002 and on April 12, 2005 to solicit comment from the public and no cultural resources issues were raised nor comments pertinent to cultural resources issues were made by the attendees; and

WHEREAS, the NJDOT has participated in the consultation process and has been invited to concur with the MOA; and

WHEREAS, the Advisory Council was notified of the adverse effect on September 7, 2005 and declined to participate in the consultation process;

NOW, THEREFORE the FHWA and the NJ 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 processes in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 USC 470).

STIPULATIONS

The FHWA will ensure that the following measures are carried out:

1. Recordation

The NJDOT shall record the Route 33 Bridge over CONRAIL (**Camden and Amboy Railroad Main Line Historic District**) and its setting consistent with Historic American Engineering Record (HAER) / Historic American Buildings Survey (HABS) quality standards, however, the specific scope, format, quality, and content of the written and photographic documentation shall be determined through consultation between the NJDOT and SHPO.

The recordation will compile and present information from primary and secondary sources relevant to understanding and illustrating the historic relationship(s) among the Village of Robbinsville in proximity to the railroad tracks, the roadway and overhead bridge crossing of the railroad, and the architecture, engineering, and operations of the Pennsylvania Railroad at this point along the **Camden and Amboy Railroad Main Line Historic District**. Primary and secondary resources to be used in this effort shall include local histories, historic maps, historic engineering literature (for example Engineering News-Record, Railway Age, and Railway Gazette), State Highway Commission documents, any available Pennsylvania Railroad drawings, documents, and reports, and other archival material, for example New Jersey Department of Treasury and Interstate Commerce Commission valuation records.

A goal of the recordation should be an understanding of why the Route 33 Bridge was built using the chosen structural and architectural elements and how both the physical environment (setting) and railroad and roadway operations may have influenced the location of the bridge and the engineering and architectural design employed.

As part of this recordation, NJDOT, in consultation with the SHPO, shall actively solicit from the public and obtain from other accessible archival sources, printed, graphic, and photographic information regarding the Route 33 Bridge and the resources contributing to the **Camden and Amboy Railroad Main Line Historic District** in the immediate vicinity of the bridge (particularly the surviving wooden freight station). The compiled information will be evaluated and (as deemed appropriate during consultation) archivally duplicated as part of the recordation document. NJDOT will also, in accordance with archival standards and in consultation with the SHPO, photo-duplicate selected plans for the bridge (if available) and any photographs or other documents in the NJDOT files related to the Route 33 Bridge.

The SHPO shall receive a draft copy of the recordation document for review and comment. Completion of the photographic recordation will occur within two (2) months of letting the construction contract and prior to the initiation of any demolition or construction activity. Completion of all other elements of the recordation will occur within one (1) year of letting the construction contract.

Copies of the recordation documentation will be provided to the New Jersey SHPO, the Rutgers University Special Collections Library, Washington Township Planning Board Historic Preservation Subcommittee (or Washington Township Branch of the Mercer County Library), the Pennsylvania Railroad Technical and Historical Society, and local archives, as appropriate. The SHPO and Rutgers University copies will be archivally stable.

2. Railroad Character

The NJDOT shall maintain the physical, functional, operational, and visual integrity of the **Camden and Amboy Railroad Main Line Historic District**. Within the project limits the existing railroad grade and tracks shall remain unbroken and unobstructed, unless the rail line receives approval for official abandonment from the Surface Transportation Board.

3. Historic Markers

Interpretive signage for both the vehicular user of the roadway and the user of any abutting or adjacent right of way or pedestrian path shall be developed, installed, and maintained. The size, content, and format of this signage shall be developed in consultation with the HPO. The type of color enamel interpretive signs being developed for the New Jersey Transit's Southern New Jersey Light Rail Transit System will be used as a template. The signage will be worded to describe the railroad history within the Village of Robbinsville.

4. Architectural Treatment for Retaining Wall

All concrete will be tinted in a color agreed to by the consulting parties and conforming to Federal Standard 595B. Consultation shall be undertaken to determine the appropriate character, texture, and surface treatment of the retaining wall.

5. Project Implementation

Consulting parties shall have an opportunity to review project Plans and Specifications for structure engineering and architectural design and the informational signage germane to the history of the railroad in the Village of Robbinsville. The consulting parties agree to respond to any submission within 30 calendar days of receipt.

ADMINISTRATIVE CONDITIONS

1. Professional Qualifications

The FHWA shall ensure that work carried out pursuant to Stipulation 1 of this agreement will be carried out in accordance with the "Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation" (48 FR 44730-44734) and by or under the direct supervision of a person or persons meeting at a minimum the "Secretary of the Interior's Professional Qualifications and Standards" (48 FR 44738-9).

2. Design Changes

If any *major* changes from the proposed Route 33 over Conrail bridge (Structure No. 1113-150) replacement design are proposed, the FHWA shall consult with the NJ SHPO in accordance with 36 CFR Part 800.

3. Dispute Resolution

Should the NJ SHPO object within 30 days to any plans provided for review pursuant to this agreement, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall request the further comments of the Council pursuant to 36 CFR 800.6(b). Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

4. Project Completion

Work required by Stipulations 2, 3, and 4 will be completed during construction.

NJDOT shall submit a short narrative report with the appropriate illustrations demonstrating satisfaction of all of the requirements of this agreement to the State Historic Preservation Officer within 90 days of completion of construction.

5. Review of Implementation

This agreement shall become null and void if construction is not initiated within five years from the date of execution unless the signatories agree in writing to an extension. If, after five years without action, the FHWA chooses to continue with the undertaking, it shall reinstate its review in accordance with the provisions of 36 CFR Part 800.

Execution of this Memorandum of Agreement by the FHWA and the NJ SHPO and the implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to comment on the Route 33 over Conrail bridge (Structure No. 1113-150) replacement project and its effects on historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

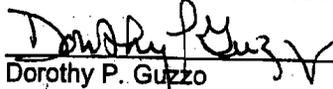
SIGNATORIES

Federal Highway Administration


Dennis L. Merida
Division Administrator, NJ Division Office

Date: 9/21/05

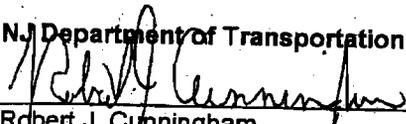
NJ State Historic Preservation Officer


Dorothy P. Guzzo
Deputy State Historic Preservation Office

Date: 9/16/05

INVITED SIGNATORY

NJ Department of Transportation


Robert J. Cunningham
Director, Division of Environmental Resources

Date: 9/19/05