

Seaboard Coast Line Railroad
From Tremain Street to US 441 in the City of Mount Dora
Lake County, Florida

**MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION AND THE FLORIDA STATE
HISTORIC PRESERVATION OFFICER
REGARDING THE SEABOARD COAST LINE RAILROAD
BETWEEN TREMAIN STREET AND US 441 IN MOUNT DORA, LAKE COUNTY,
FLORIDA**

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA), proposes to provide financial assistance for construction of Segments 1 and 2 of the Wekiva Trail - a shared-use path from Tremain Street to Hojin Street - within the City of Mount Dora and unincorporated areas of Lake County, Florida (Florida Department of Transportation Financial Project Identification Number 430975-1-28-01 and Federal Aid Project Number 886-128-A) (the Project); and,

WHEREAS, the undertaking consists of removing the existing historic Seaboard Coast Line Railroad (SCLRR) rails and cross-ties; re-grading the existing embankment and construction of a fourteen-foot-wide, asphalt paved, shared-use trail; and modifying the existing historic railroad bridge over US 441 and existing historic railroad bridge over Tremain Street to accommodate pedestrian and bicycle users; and,

WHEREAS, the FHWA and the Florida State Historic Preservation Officer (SHPO) have determined that SCLRR, which is recorded in the Florida Master Site File (FMSF) as 8LA2957, is eligible for listing in the National Register of Historic Places (NRHP); and,

WHEREAS, the elements that form the SCLRR are owned by Florida Central Railroad (FCRR); and,

WHEREAS, the FHWA has consulted with Florida SHPO pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act [16 U.S.C. Section 470(f)], and has determined that the proposed project will have an adverse effect on the SCLRR and that the consultation efforts have been documented within the *Cultural Resources Section 106 Effects Consultation Case Study Report for: Lake Wekiva Trail Project Development and Environment Study*, hereafter referred to as the Section 106 Report; and,

WHEREAS, the Florida Department of Transportation (FDOT) has participated in the consultation and has been invited to concur with this Memorandum of Agreement (MOA); and,

WHEREAS, the Cultural Resource Committee established during the Project Development and Environment (PD&E) Study shall continue on as the Design and Aesthetics Committee, and shall

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be comprised of representatives from FHWA, SHPO, FDOT, Lake County, the City of Mount Dora and the public; and

WHEREAS, the public has been afforded the opportunity to express their opinion regarding mitigation options as documented in the Section 106 Report; and

WHEREAS, the proposed Wekiva Trail project will ensure the preservation of the SCLRR corridor into perpetuity as a historic linear resource; and,

NOW THEREFORE, FHWA and the Florida SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in consideration of the effects this undertaking will have on the referenced historic property:

STIPULATIONS

FHWA will ensure that the following measures are carried out.

I. Design and Construction of the Project

- A. The project shall be constructed in the existing alignment of the SCLRR. There will be no changes to the project as proposed in the Section 106 Report (April 2016) without consultation with the FHWA and the SHPO, pursuant to Stipulation VIII.D.
- B. A project Design and Aesthetics Committee will be established to continue consultation with locally interested parties, which may include local preservation staff and any consulting parties with an interest in preservation, FHWA, and the SHPO, to provide input on the design of interpretive displays, re-use of historic elements, and design of the SCLRR US 441 Bridge and Tremain Street Bridge.
- C. Should there be any substantive alterations to the project design that could result in adverse effects to historic resources not addressed in this Agreement, FDOT shall notify FHWA who will notify the SHPO of these alterations and provide the SHPO with an opportunity to review and comment on the alterations.

II. Documentation of the Seaboard Coast Line Railroad

- A. Prior to the salvage of the engineering elements and modification to the railroad corridor and bridges, the following documentation of the SCLRR (FMSF No. 8LA2957), SCLRR US 441 Bridge (FMSF No. 8LA4481), and Tremain Street Bridge (8LA4384) will be performed in accordance with Level II Historic American Engineering Record (HAER) standards:

1. Drawings – Select drawings of the existing railway and bridge plans, as available, scanned and provided in an acceptable digital format (i.e., jpg files).
 2. Photographs – Photographs with large-format negatives of context and views from all sides of the railway, and the two bridges including the bridge approaches, roadway and deck views, and noteworthy features and details including existing railway items found along the railway corridor. All negatives and prints will be processed to meet archival standards.
 3. Written Data – Report with narrative description of the railway and bridges, summary of significance, and historical context (primarily derived from the Cultural Resource Assessment Survey – *Cultural Resource Assessment Survey of a Portion of the Lake Wekiva Trail Project Development and Environment Study* (December 24, 2012) and *Cultural Resource Assessment Survey Addendum for the Wekiva Trail Segment 2 (Alternative 2B) Project* (November 2, 2015).
- B. FDOT will provide all copies of the documentation completed in accordance with Stipulation II.A for review and distribution. Construction shall not commence until all documentation has been approved by the parties listed below. FDOT will submit the documentation to the parties as follows:
1. An archival copy to the U.S. Department of Interior, National Park Service Southeast Regional Office for review and approval prior to removal of the railway elements, per HAER guidelines; and
 2. An electronic digital copy to FHWA; and
 3. An archival copy and an electronic digital copy to the SHPO for inclusion in the Florida Archives and the FMSF; and
 4. A non-archival copy to the Mount Dora Historic Preservation Board.

III. Salvage and Reuse of Existing Railroad Elements

- A. Representative, significant engineering elements from the SCLRR will be identified and salvaged. These elements may be incorporated into the design interpretive displays, left in place within the trail corridor, or displayed in accordance with paragraph C of this Section. The identification and reuse of these historic elements will be determined in coordination with the project Design and Aesthetics Committee, which includes FHWA and SHPO, per Section I.B of the Stipulations of this document. Construction may begin upon final acceptance of the Design and Aesthetics Committee.

- B. The railroad elements identified for salvage will be removed in a manner that minimizes damage and stored in an area protected from human and natural damage until elements can be reused on the trail project or elsewhere displayed in accordance with paragraph C of this Section. Any restoration of railroad elements identified for salvage shall be completed in accordance with Secretary of the Interior (SOI) standards in consultation with SHPO.
- C. If during construction it is determined that the existing railroad elements identified by the Design and Aesthetics Committee are not salvageable for reuse into the design of the new trail project, selected intact elements will be salvaged for display in a location identified by the Mount Dora Historic Preservation Board and within the vicinity of the trail project.
- D. Any railroad element identified by the Design and Aesthetics Committee to be salvaged shall be coordinated with FCRR prior to removal of rail elements as indicated in an MOA signed by FCRR, Lake County and the City of Mount Dora that was executed on November 30, 2012. If any of the identified elements cannot be salvaged or reused, the Design and Aesthetics Committee will reconvene to determine an alternative mitigation path.

IV. Public Education

Information regarding the SCLRR suitable for inclusion in interpretive displays to be located along a public trail corridor will be developed. This information will provide a historical account of the railroad to educate the public on its history. The educational interpretive displays will be designed to reasonably withstand exposure to prolonged normal local weather conditions. The number and content of the panels will be determined by the Design and Aesthetics Committee.

V. Archaeological Monitoring/Discoveries

FDOT, in consultation with the FHWA and the SHPO, will ensure efforts to avoid, minimize, or mitigate adverse effects to any significant archaeological resources inadvertently discovered during the Project are addressed in accordance with 36 CFR 800.13(b). All records resulting from archaeological discoveries shall be handled in accordance with 36 CFR 79 and shall be submitted to the SHPO.

VI. Maintenance

The proposed trail facility and associated salvaged railroad elements, educational interpretive displays and other mitigative elements shall be maintained by the City of Mount Dora as per the terms of a Maintenance Agreement between the City of Mount Dora and Lake County. If this Maintenance Agreement is not executed by June 1, 2017, this MOA shall be amended in accordance with Stipulation VIII E.

VII. Professional Qualifications

All architectural history work carried out pursuant to this Agreement shall be conducted by, or under the direct supervision of, a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards for Architectural History (48 FR 44738-9); and all archaeological work carried out pursuant to this Agreement shall be conducted by, or under the direct supervision of, a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (48 FR 44738-9).

VIII. Administrative Stipulations

- A. Should any signatory party to this Agreement object in writing to FHWA regarding any action carried out or proposed with respect to the undertaking or implementation of the Agreement, FHWA shall consult with the objecting party to resolve the objection. If after initiating such consultation FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the Advisory Council on Historic Preservation (ACHP), including FHWA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
1. Provide FHWA with written concurrence of the agency's proposed response to the objection, whereupon FHWA will respond to the objection accordingly;
 2. Provide FHWA with recommendations, which the agency will take into account in reaching a final decision regarding its response to the objection; or
 3. Notify FHWA that the objection will be referred for comment pursuant to 36 CFR Part 800, and proceed to refer the objection and comment. FHWA shall take the resulting comment into account in accordance with 36 CFR Part 800 and Section 110 (1) of the NHPA.
- B. Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, FHWA will assume the ACHP's concurrence in its proposed response to the objection and will respond to the objection accordingly.

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Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute.


- C. If the terms of this Agreement have not been implemented within 20 years of the effective date of this Agreement as stipulated in Section VIII.E, this Agreement will be considered null and void. In such event, FHWA will so notify the signatories to this Agreement, and if they choose to continue with the undertaking, the FHWA shall reinstate review of the undertaking in accordance with 36 CFR Part 800.
- D. Any signatory party to this Agreement may request that it be amended, whereupon the signatory parties will consult in accordance with 36 CFR Part 800.6 to consider such an amendment. All parties must signify their acceptance of the proposed changes to the Agreement in writing within 30 days of their receipt. This Agreement shall only be amended by a written instrument executed by all the parties. The amendment will be effective on the date of signature of the last party to sign the amendment. When no consensus can be reached, the Agreement will be terminated.
- E. The effective date of this Agreement will be the date of the last signature. The signatory parties agree this Agreement shall continue in full force until it is amended or terminated, as provided in Stipulations VIII.D and VIII.C, respectively

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Execution of this MOA by the FHWA, FDOT and Florida SHPO, and implementation of its terms, provides evidence that the FHWA has taken into account the effects of the Project on historic properties, and FHWA has satisfied the requirements of Section 106 of the National Historic Preservation Act [16 U.S.C. 470(f)].

Federal Highway Administration

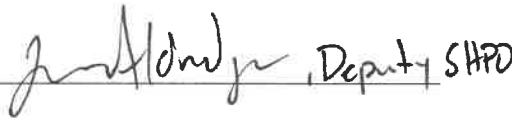
Approved:


for James Christian, P.E.
Division Administrator

Date: 12/7/2016

Florida State Historic Preservation Officer


Approved:


for Timothy A. Parsons, Ph.D., RPA
State Historic Preservation Officer

Date: 12/12/2016

Florida Department of Transportation

Concurred:


Frank Judea
for Noranne B. Downs, P.E.
District Five Secretary

Date: 12/7/2016