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*State of New Jersey*

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

HISTORIC PRESERVATION OFFICE

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CHRIS CHRISTIE  
*Governor*

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

September 14, 2016

Zack Asadpour  
Environmental Engineer IV  
Bureau of Landscape Architecture and Environmental Solutions  
New Jersey Department of Transportation  
1035 Parkway Avenue  
PO Box 600  
Trenton, New Jersey 08625-0600

Re: Bergen County, Teaneck Township  
Route 4 Bridge over Palisade Avenue, CSX Railroad, and Windsor Road  
Structure No.0206-169  
Section 106 - Memorandum of Agreement (MOA)

Dear Mr. Asadpour:

I have signed the attached MOA and am returning it to you as requested. Thank you for your substantial efforts to complete the Section 106 review process.

If you have any questions, please contact me at (609) 984-5816.

Sincerely,

Katherine J. Marcopul  
Deputy State Historic  
Preservation Officer

**MEMORANDUM OF AGREEMENT  
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND  
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER  
REGARDING REPLACEMENT OF THE NEW JERSEY ROUTE 4 BRIDGE OVER  
PALISADE AVENUE, CSX RAILROAD AND WINDSOR ROAD, STRUCTURE NUMBER  
0206-169**

**TOWNSHIP OF TEANECK, BERGEN COUNTY, NEW JERSEY**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) proposes to replace the New Jersey Route 4 Bridge over Palisade Avenue, CSX Railroad and Windsor Road, Structure Number 0206-169, and to construct retaining walls, acceleration and deceleration lanes, detention basins, advance warning signs, sidewalks, utility relocations, right-of-way acquisition, and tree removal in the Township of Teaneck, Bergen County using funds provided by the Federal Highway Administration (FHWA); and

**WHEREAS**, the FHWA, the New Jersey State Historic Preservation Office (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 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**, the consultation has resulted in a determination that the Teaneck Route 4 Open Space Corridor Historic District (Teaneck Route 4 Greenbelt) is eligible for listing in the National Register of Historic Places under Criterion A and Criterion C and that the New Jersey Route 4 Bridge over Palisade Avenue, CSX Railroad and Windsor Road, Structure Number 0206-169, is a contributing resource to the Teaneck Route 4 Open Space Corridor Historic District (Teaneck Route 4 Greenbelt), and that no additional archaeological survey is recommended for this undertaking; and

**WHEREAS**, the FHWA has determined that the construction of this project as proposed will adversely affect the Teaneck Route 4 Open Space Corridor Historic District (Teaneck Route 4 Greenbelt); 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 and the SHPO to develop a plan to mitigate the adverse effects; and

**WHEREAS**, the NJDOT has committed to finalize the design of the replacement of the New Jersey Route 4 Bridge over Palisade Avenue, CSX Railroad and Windsor Road, Structure Number 0206-169, in consultation with the SHPO to ensure it is compatible with the Teaneck Route 4 Open Space

Corridor Historic District (Teaneck Route 4 Greenbelt), and responsive to the Secretary of the Interior's Standards; and

**WHEREAS**, the NJDOT has solicited comments from Teaneck Greenbelt Committee, Teaneck Historic Preservation Commission, Bergen County Division of Cultural and Historic Affairs, Bergen County Historic Preservation Advisory Board, and the Bergen County Historical Society and has received comments from the Bergen County Historic Preservation Advisory Board and the Teaneck Greenbelt Committee; and

**WHEREAS**, public officials were given the opportunity to express their opinions at a public officials meeting on February 18, 2014 and no comments pertinent to cultural resources issues were voiced; and

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

**WHEREAS**, the Advisory Council was notified of the adverse effect and has declined to participate in the consultation process on June 3, 2016.

**NOW, THEREFORE**, the FHWA and the New Jersey 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**

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

### **1) Design Considerations**

NJDOT shall ensure that the design, character, materials, quality, and workmanship of the New Jersey Route 4 Bridge over Palisade Avenue, CSX Railroad, and Windsor Road (Structure No. 0206-169) and all associated project components (Including retaining walls, landscaping, pedestrian ramps, fencing, lighting and signage) shall be compatible with the historic and architectural character, significance, and setting of the Teaneck Route 4 Open Space Corridor Historic District and responsive to the guidance and recommended practices found in the Secretary of the Interior's Standards for the Treatment of Historic Properties. NJDOT shall design the project in consultation with the SHPO and the Teaneck Historic Preservation Commission and shall provide an opportunity to review and comment on the design plans at the preliminary and final design phases. All the consultation will be timely and have a comment period of no more than 14 calendar days.

### **2) Architectural Recording**

Prior to the removal, demolition, or alteration of any components of the New Jersey Route 4 Bridge over Palisade Avenue, CSX Railroad, and Windsor Road (Structure No. 0206-169) or the Teaneck Route 4 Open Space Corridor Historic District (Greenbelt), using the services of a consultant meeting the Secretary of the Interior's Professional Qualifications Standards [48 FR 44738-9] in History and/or

Architectural History, NJDOT shall document the existing conditions and setting of the bridge to the standards of the Historic American Engineering Record (HAER). NJDOT shall ensure that all documentation is completed and accepted by the SHPO prior to any demolition or alteration of the bridge or new construction. NJDOT shall provide one original copy of the recordation documentation to the SHPO and duplicate copies, with original photographs, shall be provided to appropriate repositories as identified in consultation with SHPO staff.

### **3) Programmatic Agreement**

NJDOT, in consultation with the SHPO and additional consulting parties that may wish to participate, shall develop and implement a Programmatic Agreement for future undertakings within the Teaneck Route 4 Open Space Corridor Historic District. In the interest of streamlining future Section 106 consultation for projects that may affect the historic district, the Programmatic Agreement shall identify the character defining features of the historic district, appropriate design treatments that are developed through consultation pursuant to Stipulation 1 of this MOA for the Route 4 Bridge over Palisade Avenue, CSX Railroad, and Windsor Road, and any appropriate additional mitigation measures.

## **ADMINISTRATIVE CONDITIONS**

### **1. Professional Qualifications**

NJDOT, on behalf of FHWA, will ensure that all work under Stipulation #2, Architectural Recording is carried out by/under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualifications Standards [48 CFR 44738-44739]*.

### **2. Dispute Resolutions**

A. At any time during the implementation of the measures stipulated in this MOA, should an objection to any such measure or its manner of implementation be raised, FHWA will notify all signatories to the agreement, take the objection into account, and consult as needed to resolve the objection.

B. Disputes regarding the completion of the terms of this agreement as necessary shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, the FHWA shall then initiate appropriate actions in accordance with the provisions of 36 CFR §800.6(b) and §800.7 as appropriate.

C. Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.

### **3. Design Changes**

If any major changes to the proposed New Jersey Route 4 Bridge over Palisade Avenue, CSX Railroad and Windsor Road, Structure Number 0206-169, Bridge Replacement project design occur, the FHWA shall consult with the New Jersey SHPO in accordance with the provisions of 36 CFR Part 800.

#### 4. Project Completion

A. Project Completion - Work required by the Stipulations 1, and 2 and Administrative Conditions 1, 2, and 3 will be completed before or during construction.

B. Documentation of Satisfaction of Stipulations - NJDOT shall submit a short narrative report with appropriate photographs 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 ten years from the date of execution unless the signatories agree in writing to an extension. If, after ten years without action the FHWA chooses to continue with the undertaking, it shall re-initiate its review in accordance with the provisions of 36 CFR Part 800.

Execution of this Memorandum of Agreement by the FHWA and the NJSHPO, its subsequent acceptance by the Council, and the implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to comment on the New Jersey Route 4 Bridge over Palisade Avenue, CSX Railroad and Windsor Road, Structure Number 0206-169, Bridge Replacement project and its effects on historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: \_\_\_\_\_ Date: \_\_\_\_\_

Robert Clark

Division Administrator, New Jersey Division Office

NEW JERSEY STATE HISTORIC PRESERVATION OFFICER

By: Katherine J. Marcopul Date: 9/14/2016

Katherine J. Marcopul

Deputy State Historic Preservation Officer

NEW JERSEY DEPARTMENT OF TRANSPORTATION

By: Richard G. Jaffe Date: 8/26/16

Richard G. Jaffe

Director, Division of Capital Program Support