

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER
AND THE
CITY OF LEE'S SUMMIT, MISSOURI FOR THE MITIGATION OF ADVERSE
EFFECTS**

TO HISTORIC PROPERTY: Missouri State Highway Patrol Troop A Headquarters on Blue Parkway in Lee's Summit, Jackson County, Missouri.

UNDERTAKING: Improvements to the interchange of US Route 50 and Missouri Route 291 North in Lee's Summit, Jackson County, Missouri. Improvements, including the widening of the bridge over US Route 50 and the relocation of the north outer road (Blue Parkway) will improve intersection operations and safety. Missouri Department of Transportation Project Number NHPP-2911(091); (see Attachment A for full description of project and location map).

STATE: Missouri

AGENCY: Federal Highway Administration

WHEREAS, the Federal Highway Administration (FHWA) Missouri Division is the federal agency responsible for ensuring the undertaking complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108) codified in its implementing regulations 36 CFR Part 800, *Protection of Historic Properties*; and

WHEREAS, the Missouri Department of Transportation (MoDOT) administers Federal-aid projects throughout Missouri; the MoDOT's Historic Preservation (HP) staff has assisted the consulting parties in the drafting of this agreement document and will aid in the execution of it; and

WHEREAS, the duties of the Missouri State Historic Preservation Officer (SHPO) pursuant to Section 106 of the NHPA (54 USC 306108) and 36 CFR Part 800 include responsibilities to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies' requests within a specified period of time; and

WHEREAS, the City of Lee's Summit plans to carry out improvements to the US Route 50 and Missouri Route 291 North interchange to ease congestion and improve safety in Jackson County, Missouri, using funding from the National Highway Performance Program funded by the FHWA pursuant to the Infrastructure Investment and Jobs Act (IIJA) (commonly called the Bipartisan Infrastructure Legislation) (BIL) (PL 117-58); and

WHEREAS, the MoDOT, acting on behalf of the FHWA, has determined that the undertaking's area of potential effects (APE), as defined at 36 CFR Part 800.16(d), has been identified the project footprint, including existing right of way (ROW) and new ROW, including permanent and temporary easements, for the consideration of direct effects due to construction-related and ground disturbing activities. For the consideration of direct effects due to auditory, vibration, visual or atmospheric effects caused by the project an offset has been applied around new ROW

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and extends 100 feet beyond these areas. The APE is further described and mapped in Attachment B to this Memorandum of Agreement (MOA); and

WHEREAS, the FHWA has determined that the Missouri State Highway Patrol Troop A Headquarters, which is eligible for listing in the National Register of Historic Places (National Register) under Criterion A for significance in politics and government for its association with the expansion and modernization of the Missouri State Highway Patrol and Criterion C for significance in architecture as an example of the International style and its association with other highway patrol buildings built in the late 1960s and has consulted with the SHPO pursuant to 36 CFR Part 800, *Protection of Historic Properties*, regulations implementing Section 106 of the NHPA (54 U.S.C. § 306108) (see Attachment C), as amended; and

WHEREAS, the FHWA has applied the criteria of adverse effects (36 CFR Part 800.5) and determined that the proposed improvements to the US Route 50 and Route 291 North interchange will have an adverse effect upon the Missouri State Highway Patrol Troop A Headquarters; a property eligible for inclusion in the National Register (see Attachment D); and has consulted with the SHPO pursuant to 36 CFR Part 800, *Protection of Historic Properties*; and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination (May 10, 2023) and the Council did not respond to this notification; and

WHEREAS, the City of Lee's Summit has been invited to participate in the preparation of and be invited signatories to this MOA; and

WHEREAS, the FHWA recognizes that the Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Indian Nation of Oklahoma, Miami Tribe of Oklahoma, Osage Nation, Ponca Tribe of Nebraska, Ponca Tribe of Indians of Oklahoma, Sac and Fox Nation of the Missouri in Kansas and Nebraska, Meskwaki Nation – Sac and Fox Tribe of the Mississippi in Iowa, Sac and Fox Nation of Oklahoma, Shawnee Tribe, and Wyandotte Nation have an interest in the undertaking area, and has consulted with them on a government-to-government basis (February 13, 2023); and,

WHEREAS, the FHWA received responses from the Iowa Tribe of Kansas and Nebraska (February 18, 2023) and Miami Tribe of Oklahoma (February 27, 2023), where the Iowa Tribe of Kansas and Nebraska responded that they had no objections to the project as proposed and the Miami Tribe of Oklahoma accepted the invitation to serve as a consulting party and

WHEREAS, the Missouri State Highway Patrol, Jackson County Historical Society, and Historical Society of Lee's Summit have been notified of undertaking and have been invited to participate in consultation (January 8, 2023); and

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WHEREAS, the Missouri State Highway Patrol accepted the invitation to participate in consultation regarding the effects of the undertaking on historic properties and

WHEREAS, public involvement for this undertaking has been handled in accordance with the MoDOT *Engineering Policy Guide*, Chapter 129: Public Involvement; and

WHEREAS, the project has been the subject of a presentation at a public city council meeting communicating the project goals, proposed design, costs, and funding; local press coverage; a city-produced YouTube video; and a public notice on the city website noting the historical significance of Troop A Headquarters, and will be the subject of a formal public meeting that will include making a draft version of this agreement available for review by the public; and

WHEREAS, no public comments regarding historic properties, project effects on historic properties, or proposed mitigation measures were received; and

WHEREAS, to the best of the FHWA's knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001), are expected to be encountered; and

NOW, THEREFORE, the FHWA and the SHPO agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA, with the assistance of the City of Lee's Summit, shall ensure that the following measures are carried out by, or under the direction of, a professional who meets or exceeds the *Secretary of the Interior's Professional Qualification Standards* for History and/or Architectural History (36 CFR Part 61):

I. ARCHIVAL DOCUMENTATION

The FHWA, acting by and through the City of Lee's Summit, shall develop archival documentation to the following specifications.

- A. Prior to letting the undertaking, the City of Lee's Summit shall take archival photographs of the Missouri State Highway Patrol Troop A Headquarters complex.
 1. Take archival photographs, consistent with the National Register standards, with sufficient coverage to provide overall views of the buildings and other contributing features, including overall setting, of the property and significant details of the resources, and including photographs of significant interior spaces.

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2. Prior to project letting and the production of archival prints, consult with the SHPO regarding the adequacy of the photographic coverage and the selection of images.
 3. Print photographs in 8 X 10-inch format.
 4. Print and label photographs in a manner consistent with National Register standards.
 5. Photographs shall be keyed to a site plan, map and/or design plans.
 6. Provide original photographs and digital images (black and white .tiff images and color .jpeg images) on archival discs to the SHPO and MoDOT; each agency will maintain original photographs and digital images.
- B. Produce a narrative history of the property in the historical context of Missouri State Highway Patrol regional headquarters built in the 1960s.
- C. Mapping of the location of buildings and resources within the Troop A Headquarters property shall be provided as part of the documentation in paper and digital format (.pdf).
- D. A report consisting of the historical documentation, photo log, photo key map, photo plates of the archival photographs and construction plans shall be provided to the SHPO, MoDOT the Missouri State Highway Patrol and to Jackson County Historical Society in paper and digital (.pdf) formats.

II. TREATMENT OF HUMAN REMAINS

- A. The FHWA recognizes that any human remains (other than from a crime scene or covered under Missouri's Cemeteries Law, §§ 214. RSMo) that may be discovered during project activities and are located on non-federal land are subject to the immediate jurisdiction of the SHPO, albeit FHWA's delegate is responsible to have a professional archeologist analyze the remains and advise SHPO of the physical location and cultural and biological characteristics, and if SHPO determines, as per the consultation conducted under Section 106, excavation is warranted such remains will be handled pursuant to the Missouri Unmarked Human Burial Sites Act, §§ 194.400 – 194.410, RSMo. All discoveries of human remains shall be treated as sensitive information and shall not be made available to the public.
- B. If human remains are encountered during construction:
1. The contractor shall immediately stop all work within a fifty (50)-meter (approximately 165-foot) radius of the remains and shall not resume without specific authorization from either the SHPO or the local law enforcement officer, or if on federal land the land management agency, whichever party has jurisdiction over and responsibility for such remains.
 2. MoDOT HP staff will notify the local law enforcement (to ensure that it is not a crime scene) and the SHPO as per the Missouri Unmarked Human Burial Sites Act and contact FHWA and Tribes that have expressed interest in Section 106 undertakings in the County the remains were found in, within twenty-four (24) hours of the discovery.

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3. FHWA will notify any tribe that might attach cultural affiliation to the identified remains as soon as possible after their identification.
4. FHWA shall, to the maximum extent possible, seek consensus and incorporate identifications, recommendations, and Native American traditional knowledge to the maximum extent possible regarding treatment of the remains and proposed actions, and then FHWA shall follow 36 CFR Part 800.13(a)(2).
5. MoDOT shall monitor the archaeological data recovery and handling of any such human remains and associated or unassociated funerary objects, sacred objects or objects of cultural patrimony, to assure itself that these are handled, excavated or processed in accordance with the Missouri Unmarked Human Burials Sites Act.
6. Should, through consultation with Tribes, excavation be determined necessary, MoDOT will provide notification within twenty-four (24) hours to affiliated Tribes when physically transferring possession of ancestors or cultural items to SHPO for curation and continued consultation.

III. POST-REVIEW DISCOVERIES**A. Planning for Subsequent Discoveries**

The City of Lee's Summit shall include in any environmental document, contract, and specifications a plan for post-review discovery of historic properties.

Implementation of the plan as originally proposed or modified as necessary owing to the nature and extent of the properties discovered, will be in accordance with 36 CFR Part 800.4-6.

B. If cultural resources are encountered during construction:

1. The contractor shall immediately stop all work within a fifty (50)-meter (approximately 165 foot) radius around the limits of the resource and shall not resume work without specific authorization from a MoDOT Historic Preservation Specialist.
2. The contractor shall notify the MoDOT Resident Engineer or Construction Inspector, who shall contact the MoDOT Historic Preservation (HP) section within twenty-four (24) hours of the discovery.
3. MoDOT HP shall contact FHWA, Tribes and SHPO within forty-eight (48) hours of learning of the discovery to report the discovery after a preliminary evaluation of the resource and reasonable efforts to see if it can be avoided.
4. FHWA shall make an eligibility and effects determination based upon the preliminary evaluation and consult with MoDOT, Tribes and SHPO to minimize or mitigate any adverse effect.
5. FHWA shall take into account Tribal recommendations regarding the eligibility of the property and proposed actions, and direct MoDOT to carry out the appropriate actions. The Council does not need to be notified if the SHPO, Tribes, and other parties agree to treatment plan.

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6. MoDOT shall provide FHWA and SHPO with a report of the actions when they are completed.
 7. Upon receipt, FHWA shall provide this report to the Tribes.
 8. MoDOT, in coordination with FHWA, will make this report available to the public and other consulting parties, if it is not limited by the requirements for confidentiality, as identified in Stipulation V.
- C. If the discovery is not limited by the confidentiality requirements of Section 304 of the NHPA and Stipulation V of this Agreement, the public shall be notified of the late discovery, in the following manner:
1. Information on the discovery shall be posted to the MoDOT website associated with the project, if one exists. This information will include the nature of the discovery, how it is being treated, and the evaluation of it. The website will include information on how to contact the project manager or the MoDOT HP Section with comments or concerns about the discovery.
 2. MoDOT will issue a press release about the discovery. The press release will include the nature of the discovery, how it is being treated and the evaluation. The press release will include a way for the public to contact the project manager or the MoDOT HP Section if they have comments or concerns about the discovery.

IV. CONFIDENTIALITY

The signatories acknowledge that information about historic properties may be subject to the provisions of Section 304 of the NHPA or would be otherwise exempt from disclosure pursuant to Freedom of Information regulations (5 USC 552 and Section 610.021.14 RSMo). Section 304 allows the applicable Lead Federal Agency to withhold from disclosure to the public, information about the location, character or ownership of a historic property if the applicable Lead Federal Agency determines that disclosure may: 1) cause a significant invasion of privacy, and 2) risk harm to the historic property. All actions stipulated in this MOA, where necessary, will be consistent with the requirements of Section 304 of the NHPA.

V. DURATION

This agreement shall commence upon having been signed by the FHWA, SHPO and the City of Lee's Summit and shall expire five (5) years from the date of its execution by the last of the signatories, unless otherwise terminated or amended pursuant to Stipulations VIII or IX.

VI. REPORTING

The City of Lee's Summit, acting on behalf of FHWA, shall, at the end of each calendar year following the execution of this agreement document, provide to all signatories a written report regarding the actions taken to fulfill the terms of the agreement, and shall file a copy with the Council per 36 CFR Part 800.6(b)(iv). The report shall include the following information:

- A. Any stipulations completed during the calendar year;

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- B. Work done toward completion of any stipulations during the calendar year;
- C. Any consultation done regarding any of the stipulations during the calendar year, the subject of the consultation and parties consulted with; and
- D. The status of the project, including tasks that remain outstanding.

VII. DISPUTE RESOLUTION

- A. Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:
 - 1. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the Council. The Council shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Council, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
 - 2. If the Council does not provide its advice regarding the dispute within the thirty (30) day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA and provide them and the Council with a copy of such written response.
 - 3. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.
- B. At any time during implementation of the terms of this Agreement, should any member of the public raise an objection in writing pertaining to such implementation to any signatory party to this Agreement, that signatory party shall immediately notify FHWA. FHWA shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment on the objection to FHWA. FHWA shall establish a reasonable time frame for this comment period. FHWA shall consider the objection, and in reaching its decision, FHWA will take all comments from the other parties into account. Within 15 days following closure of the comment period, FHWA will render a decision regarding the objection and respond to the objecting party. FHWA will promptly notify the other parties of its decision in writing, including a copy of the response to the objecting party. FHWA's decision regarding resolution of the objection will be final. Following the issuance of its final decision, FHWA may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

VIII. AMENDMENTS

FHWA

Missouri, Jackson County

Missouri State Highway Patrol Troop A Headquarters, US Route 50 and Missouri Route 291
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This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the Council.

IX. TERMINATION

If any signatory to this MOA determines its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR Part 800.6 or (b) request, take into account, and respond to the comment of the Council under 36 Part CFR Part 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

X. EXECUTION

Execution of this agreement document by the FHWA, the SHPO and the City of Lee's Summit and the implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment. A copy of the executed agreement document shall be provided by FHWA to the Council for their records.

The parties agree a person may execute this document by electronic symbol or process attached to or logically associated with the document, with an intent to sign the document and by method that must include a feature to verify the identity of the signer and the authenticity of the document, commonly referred to as verified electronic signature.

This document may be signed in two or more counterparts, each of which shall be deemed an original for all purposes, and all of which when taken together shall be considered one and the same agreement.

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FHWA
Missouri, Jackson County
Missouri State Highway Patrol Troop A Headquarters, US Route 50 and Missouri Route 291
North Interchange Improvements, MoDOT Job No. NHPP-2911(091)

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THE MISSOURI STATE HISTORIC PRESERVATION OFFICER
AND THE
CITY OF LEE’S SUMMIT, MISSOURI FOR THE MITIGATION OF ADVERSE
EFFECTS**

TO HISTORIC PROPERTY: Missouri State Highway Patrol Troop A Headquarters on Blue Parkway in Lee’s Summit, Jackson County, Missouri.

UNDERTAKING: Improvements to the interchange of US Route 50 and Missouri Route 291 North in Lee’s Summit, Jackson County, Missouri. Improvements, including the widening of the bridge over US Route 50 and the relocation of the north outer road (Blue Parkway) will improve intersection operations and safety. Missouri Department of Transportation Project Number NHPP-2911(091); (see Attachment A for full description of project and location map).

STATE: Missouri

AGENCY: Federal Highway Administration

Signed:

FEDERAL HIGHWAY ADMINISTRATION:

By: _____ **Date:** _____
Title: Environmental Protection Specialist

FHWA
Missouri, Jackson County
Missouri State Highway Patrol Troop A Headquarters, US Route 50 and Missouri Route 291
North Interchange Improvements, MoDOT Job No. NHPP-2911(091)

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STATE: Missouri

AGENCY: Federal Highway Administration

Signed:

THE MISSOURI STATE HISTORIC PRESERVATION OFFICER:

By: _____ **Date:** _____

Title: Deputy Director, Division of State Parks, Deputy State Historic Preservation Officer

FHWA
Missouri, Jackson County
Missouri State Highway Patrol Troop A Headquarters, US Route 50 and Missouri Route 291
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STATE: Missouri

AGENCY: Federal Highway Administration

Invited Signatory:

CITY OF LEE’S SUMMIT, MISSOURI:

By: _____ **Date:** _____

Title: _____

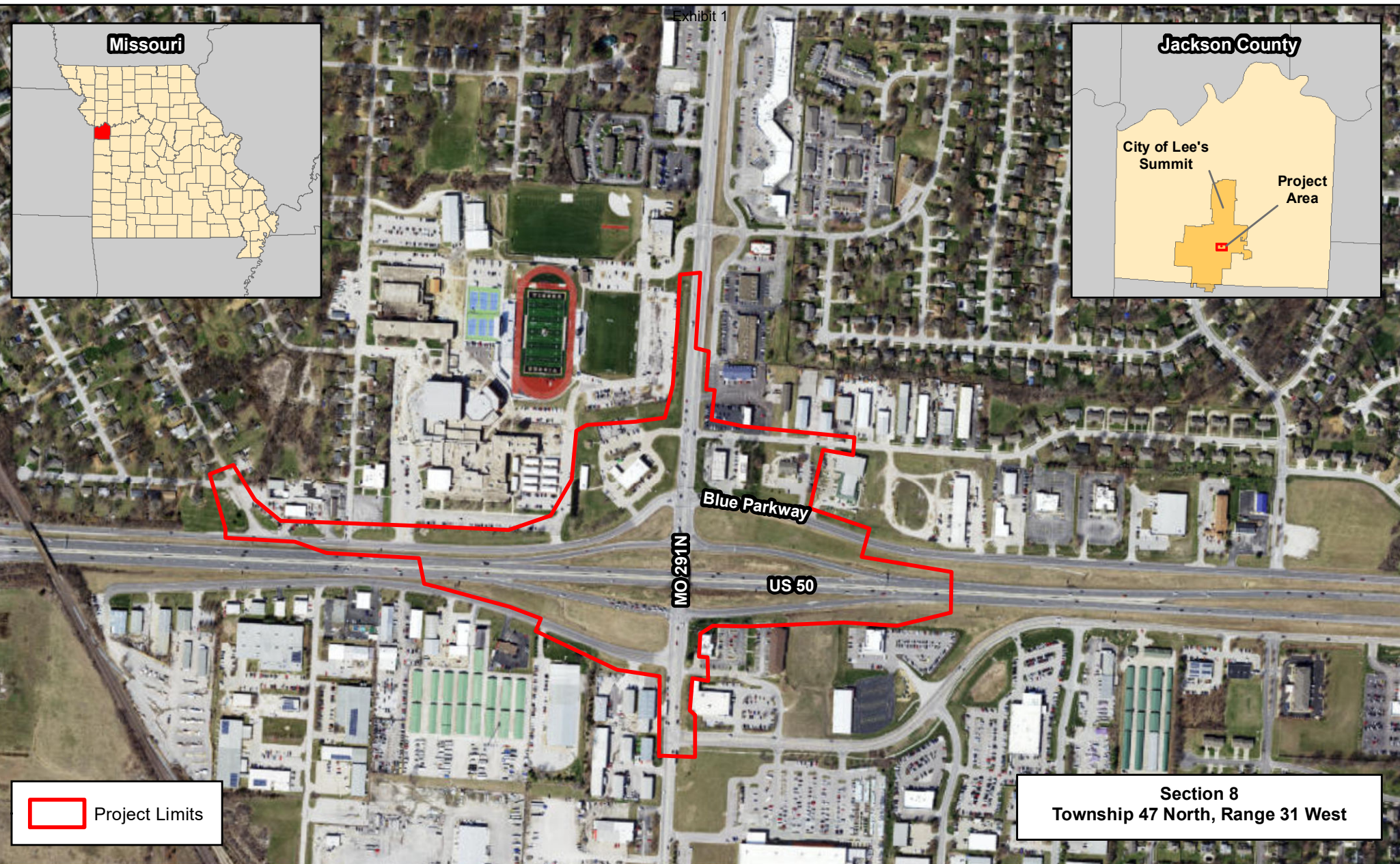
Attest:

Approved as to form:

City Clerk

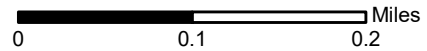
City Counsel

ATTACHMENT A
Project Location Map



 Project Limits

Section 8
Township 47 North, Range 31 West



Project Number: 021-04786

Project Location Map
Route 291/US 50 Interchange
Lee's Summit,
Jackson County, MO

Drawn By: MS

Revision Date: 8/17/2023

DISCLAIMER : This Geographic Information System (GIS) and its components are designed as a source of reference for answering inquiries, for planning and for modeling. GIS is not intended, nor does it replace legal description information in the chain of title and other information contained in official government records such as the County Clerk and Records office or the courts. In addition, the representations of locations in this GIS cannot be substituted for actual legal surveys.



7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213
P: 913.381.1170
F: 913.381.1174

Figure

1

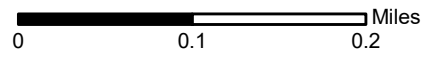
ATTACHMENT B
Area of Potential Effects

Area of Potential Effects

The Project's Area of Potential Effects (APE) is considered to be the Project footprint (i.e. existing and new right-of-way, temporary easements, and permanent easements) plus a 100-foot buffer surrounding the new right-of-way and easements. The APE was developed in consideration of direct effects due to construction-related and ground disturbing activities, as well as auditory, vibration, visual, or atmospheric effects caused by the Project. The APE is identified on the following map.



 Area of Potential Effects (APE)



Project Number: 021-04786
 Drawn By: MS
 Revision Date: 8/18/2023

Project APE Map
 Route 291/US 50 Interchange
 Lee's Summit,
 Jackson County, MO

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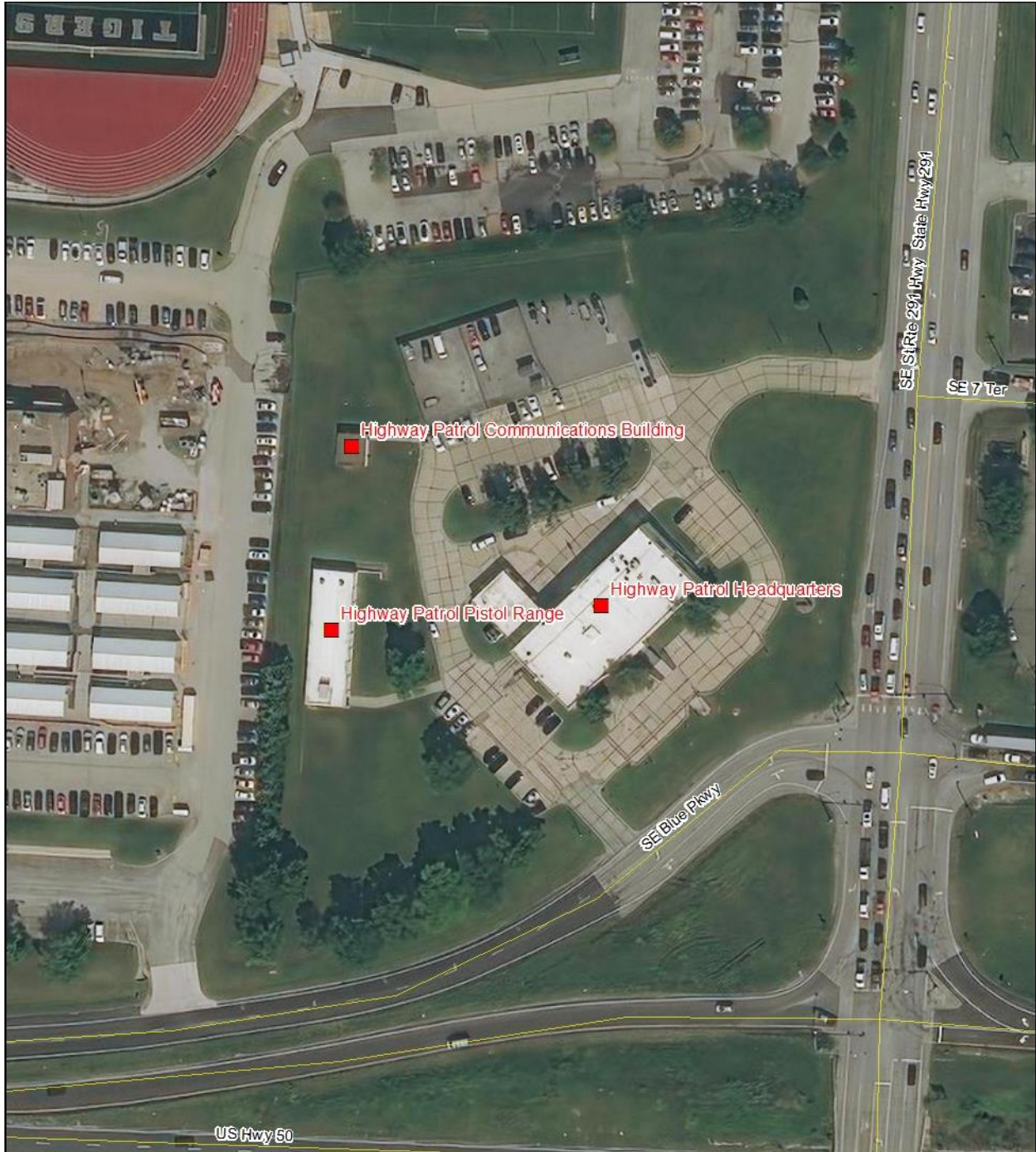
7301 West 133rd Street
 Suite 200
 Overland Park, Kansas 66213
 P: 913.381.1170
 F: 913.381.1174

Figure
2

ATTACHMENT C
Description of Historic Property

Description of the Historic Property

The Missouri State Highway Patrol (MSHP) Troop A Headquarters Complex, including the main headquarters building, a communications building, and a pistol range, was constructed in 1969 and is over fifty years old. The headquarters building, which was designed in the International style by John D. Paulus, is still largely unaltered and the two ancillary buildings are still extant. It has been determined that the complex is eligible for listing in the National Register of Historic Places because of its significance at the statewide level under Criterion A (area of significance category– politics/government), specifically its association with the expansion and modernization of the MSHP that took place during the 1960s as that organization adapted policing strategies and training as a response to larger cultural events unfolding in the United States at that time. The complex may also be eligible at a statewide level under Criterion C for architecture as an example of the International style, and for its association with other highway patrol buildings built in the state during the 1960s whose design and materials form a coherent and distinct architectural pattern.



<p>Stone Point Services</p> <p>Date: August 04 2022</p> <p>Project No: SPS22C0373</p> <p>Scale: 1 inch = 125 feet</p> <p>Drawn By: JJ</p>	<p>■ structures</p> <p>— street</p> <p>0 10 20 30 40 Meters</p>		<p>Site map/Plan Highway Patrol Building Lee's Summit, MO</p> <p>Jackson County, Missouri</p>
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Location of buildings within the Highway Patrol Complex



View of the front entrance to the headquarters building. Camera facing northwest.



View of the front and side of the headquarters building. Camera facing north.



View of the rear of the headquarters building. Camera facing southeast.



View of the side and rear of the headquarters building. Camera facing southwest.



View of the pistol range. Camera facing southwest.



View from the northern boundary of the parcel, showing all three buildings with the communication building in the foreground. Camera facing south.



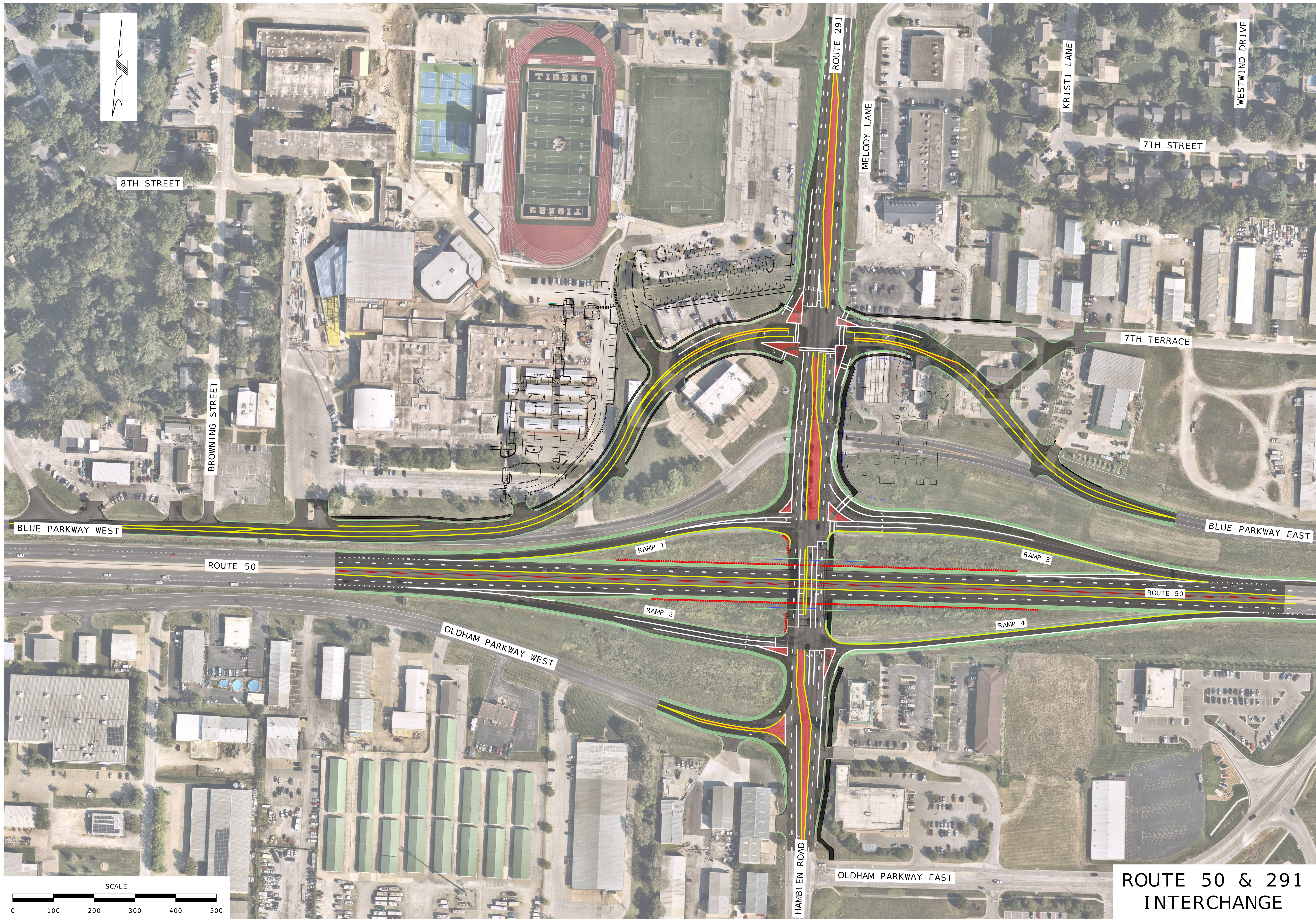
View of the site taken from the southern edge of the property. Camera facing north.

ATTACHMENT D
Description of Adverse Effect

Description of the Adverse Effect

Demolition of the three buildings in the MSHP Complex and destruction or removal of other contributing resources to accommodate the relocation of Blue Parkway will be an adverse effect on the complex as an NRHP-eligible property. The four acres of property made vacant by the removal of the Highway Patrol facility will be transferred to the City to facilitate the relocation of Blue Parkway. An engineering plan sheets is provided on the following page.

Highway Patrol representatives have publicly expressed their support for the Project and the relocation of Troop A Headquarters, citing that the age of the current facility has left it continually in need of significant updates and repairs. A property near the interchange of Route 291 and Interstate 470 is currently owned by the State of Missouri, with the intention that it would be the site of MoDOT Kansas City District headquarters and Troop A Headquarters in the future. The City of Lee's Summit, the Missouri Office of Administration, and the MSHP agreed that the relocation of Troop A Headquarters and conveyance of the current parcel to the City is in the best interest of public safety, improved infrastructure, and better governance. Execution of a Memorandum of Understanding (MOU) between the City, the Missouri Office of Administration, and the MSHP to that effect was approved by the Lee's Summit City Council on March 3, 2020.



**ROUTE 50 & 291
INTERCHANGE**

DATE PREPARED		\$DATE\$
ROUTE	STATE	
50 / 291	MO	
DISTRICT	SHEET NO.	
KC	0	
COUNTY		
JACKSON		
JOB NO.		
J4P3196		
CONTRACT ID.		
PROJECT NO.		
BRIDGE NO.		

DATE	DESCRIPTION

LEE'S SUMMIT
MISSOURI®

Olsson
1301 BURLINGTON STREET, STE. 100
NORTH KANSAS CITY, MO 64116
CERTIFICATE OF
AUTHORITY NO. 001592