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January 19, 2017

**SECTION 106 REVIEW: DETERMINATION OF NO ADVERSE EFFECT
SECTION 4(f) REVIEW: NOTIFICATION OF INTENT TO RENDER *DE MINIMIS* SECTION 4(f)
FINDING**

District: Waco
County: Bosque
CSJ#: 0909-28-022
Highway: County Road 333
Project Limits: At North Bosque River
Section 4(f) Property: Clifton City Park

Ms. Linda Henderson
History Programs
Texas Historical Commission
Austin, Texas 78711

Dear Ms. Henderson:

Thank you for your letter of December 21, 2016. This correspondence is in response to your questions and summarizes the results of two in-person meetings with TxDOT engineers and staff, the Bosque County judge and commissioner, the City of Clifton mayor and Main Street Manager, members of the Bosque County Historical Commission, the Historic Bridge Foundation, and yourself held on January 6, 2017 and January 13, 2017. TxDOT requests you provide feedback on this additional information within 10 days, as stipulated in our Interagency Cooperation Contract signed in 2015.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT. As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency. In accordance with 36 CFR 800 and our Section 106 Programmatic Agreement for Transportation Undertakings, this letter continues Section 106 consultation.

Physical Condition of the Bridge

At your request, TxDOT bridge engineers revisited cost estimates based on a reassessment of the bridge's condition to sustain rehabilitation into a pedestrian facility. By narrowing the walkway on the bridge to not encompass the full width of the bridge, TxDOT's estimates for rehabilitation did decrease. Our revised estimate for the pedestrian rehabilitation of the bridge is \$1,182,000. TxDOT estimates these costs through a database of all metal truss bridge costs borne by TxDOT under other projects. We realize that costs vary based on project and based on contractors, so our costs are just provided as estimates for planning purposes.

The bridge consists of one Whipple truss, likely constructed of wrought iron, two Warren pony

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trusses built of steel, and wooden approach spans. The Whipple truss and Warren pony truss bridges all have evidence of paint, and TxDOT's testing of that paint indicated the presence of lead. Although wrought iron initially does not need painting to protect the metal from the elements, unlike steel, the Whipple truss bridge has deteriorated in many places past the stable layer inherent in the wrought iron. This is shown by the presence of pack rust on the bridge. Even if the bridge did not receive a coat of paint, TxDOT engineers continue to recommend the cleaning of the bridge to remove the current pack rust. Hand cleaning is necessary to remove the pack rust in the joints of the bridge and the cost for this type of cleaning is high. Such cleaning activities require lead abatement procedures to ensure worker safety. TxDOT continues to recommend painting the bridge after cleaning, even the Whipple truss, for a protective coat.

Costs and Funding Mechanisms Available

The CR 333 at Bosque River Bridge is owned and maintained by Bosque County. Bosque County entered into an agreement with TxDOT to develop this project and receive Highway Bridge Replacement and Rehabilitation funds from the Federal Highway Administration (FHWA) in 2000. The funding available through this program is limited in scope by law and regulation. Funding is tied to the location of this crossing, and Bosque County wants to maintain this crossing in a safe and efficient manner.

As part of the FHWA funding, TxDOT is allowed to use the money it would normally spend to demolish a historic bridge in a manner that could lead to the stabilization or reuse of the historic bridge. TxDOT estimates that it would cost \$90,000 to demolish this bridge. This is all the funding allowed by law that TxDOT can spend on the maintenance or reuse of the bridge. TxDOT confirmed with FHWA that once demolition funds are spent on a bridge removed from service, no other FHWA funds can be spent on that bridge. This includes funding from FHWA programs such as the Transportation Alternative Set-Aside (formerly the Transportation Enhancement program) and Recreational Trails. Even if demolition funds were not spent on the bridge, FHWA would limit the amount of funding it would give to the bridge from the TASA or RT grant programs to the demolition costs.

During our meeting with the county and city officials, TxDOT learned that neither the city of Clifton nor Bosque County is able to pursue additional grant money. The county's budget for all road maintenance is approximately \$300,000 per year, and the cost to rehabilitate this bridge for an alternative use is out of reach for this economically disadvantaged county. In addition, neither the county nor the city has the staff to administer any type of federal grant.

Per FHWA policy, TxDOT proposes to use the approximately \$90,000 demolition funds to stabilize the bridge, remove the deteriorated approach spans, and improve the substructure. TxDOT plans to "mothball" the bridge by removing or correcting certain conditions that can advance deterioration of the bridge. In addition, Bosque County passed a resolution that it will perform minimal maintenance on the bridge. This resolution will be memorialized in an amendment to the funding agreement between TxDOT and Bosque County governing federal funds for this project. A draft of the amendment to the existing funding agreement is attached for your review. The final amendment is contingent on the conclusion of Section 106 consultation. All responsibilities detailed in this Advanced Funding Agreement (AFA) and the attached amendment are ultimately enforced by FHWA.

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The historic CR 333 at Bosque River Bridge will remain the county's property. Any local movement to raise funds for the rehabilitation of the bridge should be done in partnership with the county. TxDOT's stabilization work of the historic bridge would sufficiently ensure that future rehabilitation work could still proceed at the bridge. The bridge itself will not be demolished and will remain intact. Non-contributing and deteriorated features of the bridge, such as the wooden approach spans and the wooden deck, will be removed.

Construction of New Bridge Adjacent to Historic Bridge

While not required under FHWA regulations, TxDOT did consider an alternative location to the CR 333 at Bosque River Bridge crossing. The current bridge is load posted for passenger vehicles only. The school district is interested in using the crossing to avoid stopped train traffic along FM 219. The stopped trains block traffic from leaving Clifton and crossing the Bosque River along FM 219. Detour routes to avoid this crossing do not accommodate oversized vehicles. TxDOT examined the possibility of creating a grade separated crossing at FM 219 over the railroad tracks.

The downtown area of Clifton is located along FM 219 from Avenue C to Avenue E. It is likely that the historic portion of downtown Clifton is eligible for listing in the National Register of Historic Places. In addition to downtown, industrial and agricultural companies are located along the railroad tracks and access FM 219. TxDOT found that a railroad overpass in this area would place commercial businesses directly under the overpass and would remove direct access to FM 219. Construction of an overpass would require demolition of at least one side of the historic downtown area for approximately 2 blocks. Based on the amount of business displacement that would come under this alternative, TxDOT did not develop it further.

Members of the Bosque County Historic Commission suggested closing the crossing at CR 333 over the Bosque River altogether. However, a 2011 traffic count showed over 570 vehicles use the crossing on a daily basis. Bosque County, the owner of the bridge and the road, entered into the AFA to forestall closing the crossing and adversely affecting the traffic that currently utilizes the crossing.

Based on TxDOT's alternatives analysis, we determined bypassing the historic bridge, leaving it in place, and constructing a new bridge adjacent to the historic one is the only prudent alternative that minimizes harm to the historic property. This allows for minimal reworking of the road system currently in place, does not require the demolition of a historic property, and only requires Bosque County to acquire a minimal amount of new road right-of-way (ROW) for the bridge. Bosque County indicated to TxDOT that it intends to use the new bridge to inspect and maintain the historic bridge by staging inspections and cleaning from the new bridge.

The new bridge is designed for two 10-foot travel lanes and two 5-foot shoulders. Currently, there are no pedestrian elements on the historic bridge, nor are there any sidewalks along CR 333 on either side of the Bosque River. The new bridge does not include any pedestrian elements, as there are no pedestrian elements existing or planned for CR 333. Adding sidewalk to the proposed new bridge would cause a redesign of the project and would also require a higher rail along the bridge to accommodate pedestrian safety. A higher bridge profile could affect any viewsheds of the historic truss bridge. As planned, the historic truss bridge will remain visible from adjacent property parcels, as discussed below.

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TxDOT plans to construct the new bridge and keep the existing bridge open to traffic as long as possible. It is possible that TxDOT or our contractor may choose to close the historic bridge at an earlier time in the project as deemed necessary for safety or construction operations. The new bridge will have drilled shafts, so no pile-driving equipment is necessary. TxDOT currently does not anticipate any vibratory effects from the new construction on the historic bridge. The vibrations on the historic bridge caused by existing traffic are of a greater concern to TxDOT than any adjacent new construction.

Consulting Party/Interested Party Correspondence

TxDOT initially contacted the Bosque County Historical Commission (CHC) and Historic Bridge Foundation (HBF) about this project over the summer and fall. These letters from TxDOT summarized informal notifications and discussions over this bridge with both parties, as well as provided a discussion of alternatives and our findings. Both the CHC and the HBF told TxDOT they did not concur with our findings of "no adverse effect" to the historic bridge.

The CHC expressed concern about the proposed new bridge affecting viewsheds from the location of the Old Clifton Mill. The owner of the Old Clifton Mill demolished it in 1915 and only a portion of the foundation of the mill remains. The historic dam associated with the mill has been destroyed by multiple floods of the Bosque River over the decades.

In addition to the comments from the CHC, we also received letters from W. Leon Smith and George W. Larson, and an e-mail from Mary Orbeck. Mr. Smith and Dr. Larson expressed concern about the construction of a new bridge adjacent to the Clifton City Park and in the viewshed from the Old Mill. Ms. Orbeck asked that the bridge not be abandoned. The concern about abandoning the bridge is best directed to the bridge's owner, Bosque County. The concerns about the viewshed and the Old Mill are addressed below.

"Old Mill Park," Clifton City Park, and Viewshed Analysis

The THC's survey of the Meridian Highway identified both sides of CR 333 as park space and recommended them eligible for listing in the National Register of Historic Places. TxDOT believes this recommendation is based on erroneous information, but will not argue this determination for the current project, due to the project timeline. We will treat the Clifton City Park-Old Mill Park as one landscape, per your determination in your letter of 21 December 2016.

The park south of CR 333 is the Clifton City Park. This park has some Civilian Conservation Corps (CCC) features remaining in the park, although these features are not well-maintained. The portion of the park closest to the historic bridge contains athletic fields and driveways. TxDOT performed a viewshed analysis of the historic bridge from this portion of the park. The historic bridge is minimally visible from Clifton City Park, due to the vegetation on the river. If the vegetation would be removed, the bridge would be visible from much more of the Clifton City Park. The proposed new bridge will be on the opposite side of the Clifton City Park and would not affect the viewshed from Clifton City Park to the historic bridge. This is the portion of the park that has park amenities, such as picnic tables, athletic fields, and the American Legion building. According to the mayor of Clifton and the Clifton Main Street Manager, Clifton City Park is not used much by the citizens, but when it is, the citizens will retain their view of the historic bridge from this park (see attached viewshed analysis).

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Clifton designated the open space north of CR 333 as Old Mill Park in 2004. This open space is maintained by mowing. No park amenities are provided in this space, and according to the mayor of Clifton, no park amenities are planned for this space. The open space floods approximately once a decade, and there are Federal Emergency Management Administration (FEMA) restrictions prohibiting any construction of buildings on this land. Citizens can still access the Old Mill foundation and fish from open spots along the banks of the Bosque River, as they have done for decades. The historic bridge is minimally visible from certain spots along the banks of the river in this open space. Existing vegetation screens most views from the open space to the historic bridge.

The proposed new bridge will be constructed on the open space/Old Mill site side of the historic truss bridge. TxDOT performed a viewshed analysis to assess the effects of the proposed new bridge to the views of the historic bridge (see attached viewshed analysis). The viewshed analysis found that the historic bridge is minimally visible from the Old Mill foundation, and the new bridge should not be visible from the Old Mill foundation at all, due to the existing vegetation and the curve in the river that minimizes views.

The proposed new bridge will be visible from portions of the open space/Old Mill Park that are not associated with the location of the Old Mill. However, the new bridge will not obstruct the views of the Whipple truss, which will still be visible over the top of the new bridge. The new bridge's deck will obscure approximately 5 feet of the bottom of the Whipple truss from any view from Old Mill Park.

Previous Determinations

TxDOT continues to request your concurrence with the following eligibility determinations discussed in our previous correspondence to you.

Stone Buildings

There are two stone buildings located within the APE on CR 333. Property 3 is a one-story stone building with a metal, clipped-gable roof. Local knowledge holds that the building was originally Clifton's African American school later moved to the park. Other locals note that the building served as a convenience store along the main road into town. TxDOT historians were unable to determine the history of the building or any significance. TxDOT determines this building **not eligible** for the NRHP due to lack of any documented significance.

Property 4 is a one-story stone building with a metal gable roof. The building was originally a residence and is now vacant and boarded. A non-historic-age wooden shed is adjacent to the stone building. TxDOT historians did not identify any significance to this building, and stone is a common historic building material in Bosque County. Therefore, TxDOT determines this building is **not eligible** for the NRHP due to lack of significance.

Determination of Effects

It is long-standing Federal Highway Administration (FHWA) policy that the bypassing and monumenting of a historic bridge poses **no adverse effect** to that bridge and is not a use under Section 4(f) regulations. FHWA requires that the bypassed bridge be maintained in order to keep its historic significance. Because of this policy, TxDOT finds the proposed bypass and

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construction of a new bridge to have **no adverse effect** on the CR 333 at North Bosque River Bridge because TxDOT will ensure the following measures:

1. TxDOT will stabilize the historic bridge as part of the current project by:
 - a. Removing the northeast and southwest timber approach spans, including the abutments, bents, and piles. The timber approach spans are rapidly deteriorating and do not meet the necessary rating for pedestrian use (P90). We understand your office is concerned about the reversibility of the removal of these spans. If left in place, the spans will continue to deteriorate to the point of necessitating replacement. In addition, if Bosque County or the City of Clifton were to choose to fund a pedestrian crossing on this bridge, the approach spans would need replacement to carry the appropriate load rating for pedestrian access.
 - b. Encasing the severely rusted columns at piers 3 and 6.
 - c. Replacing the vertical member bracing rod that has fallen into the channel.
 - d. Removing the deteriorated timber deck throughout the structure.
 - e. Removing debris and vegetation on the structure, including the tree behind the east wingwall.
 - f. Stabilizing the historic bridge by cleaning and strengthening structural members and replacing or tightening missing or loose bolts, rivets, and nuts.
2. As the owner of the bridge, Bosque County committed to continuing maintenance of the structure by:
 - a. Conducting annual inspections that consist of visually inspecting the bridge, cleaning connections and bearings with water to prevent rust, cleaning debris from the substructure to prevent scour, and removing vegetation.
 - b. Conducting as needed maintenance that consists of removing debris from the bridge after flooding events and painting over graffiti in a color that matches the bridge.

TxDOT and Bosque County's commitment to the maintenance of the bridge is documented in an amendment to the Advanced Funding Agreement overseeing this project, as well as in a Bosque County resolution dated May 9, 2016.

TxDOT finds the proposed project will have **no adverse effect** on the Clifton City Park-Old Mill Park. TxDOT proposes to incorporate 0.15 acre of land within the boundaries of the Clifton City Park-Old Mill Park into the project ROW to construct the new bridge. This land is on the north side of CR 333 and is part of the open land encompassing the Old Mill Park. Additionally, it is only 2% of the total approximate 65 acres of the entire park and open space.

TxDOT finds the proposed construction of the new bridge will have **no adverse effect** to the viewshed from Clifton City Park and open spaces along the Bosque River. The historic bridge will be unobstructed from view from the most-used and oldest portions of the park and open space, while the new bridge will be screened by existing vegetation and the curve of the river from most views in the Old Mill Park section.

Determination of *De Minimis* Finding

As part of this coordination, TxDOT determined that the proposed project meets the requirements for a Section 4(f) *de minimis* impact finding under 23 CFR 774. TxDOT based its

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determination on the fact that the use of the Clifton City Park-Old Mill Park amounts to 2% of the property's overall acreage and the project will have **no adverse effect** on the NRHP-listed property. The function of the park will not be impaired, nor will it cease. The work would take place on non-park land and any contributing features of the NRHP property are located at least 0.25 miles from the proposed project.

TxDOT further determined that the project does not meet the requirements for a Section 4(f) *de minimis* impact finding for the Old Mill Park. The propose use of the Old Mill Park will not affect a significant park, according to the official with jurisdiction over the park, the City of Clifton. TxDOT provided this correspondence to your office on 1 December 2016.

Conclusion

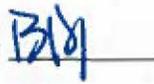
In accordance with 36 CFR 800 and our Section 106 PA, I hereby request your signed concurrence with TxDOT's finding of **no adverse effect** to the CR 333 at North Bosque River Bridge and the Clifton City Park-Old Mill Park. We additionally notify you that SHPO is the designated official with jurisdiction over Section 4(f) resources protected under the provisions of 23 CFR 774 and that your comments on our Section 106 findings will be integrated into decision-making regarding prudent and feasible alternatives for purposes of Section 4(f) evaluations. Final determinations for the Section 4(f) process will be rendered by TxDOT pursuant to 23 U.S.C. 327 and the afore-mentioned MOU dated December 16, 2014.

We believe this letter addresses all comments and questions TxDOT received on this project to date. We plan to move forward with this project under the federal guidelines and policies as listed above. Again, we request you provide feedback on this additional information within 10 days, as stipulated in our Interagency Cooperation Contract signed in 2015. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please contact me at (512) 416-2570 or rebekah.dobrasko@txdot.gov.

Sincerely,



Rebekah Dobrasko
Historic Preservation Specialist
Environmental Affairs

thru: Bruce Jensen, Cultural Resource Management Section Director: 

cc: Judge Don Pool, Bosque County
Mayor Richard Spitzer, City of Clifton
Kitty Henderson, Historic Bridge Foundation
Bruce Wiland, Bosque County Historical Commission

**CONCURRENCE WITH NON-ARCHEOLOGICAL SECTION 106 FINDINGS:
ELIGIBILITY DETERMINATIONS**
NO ADVERSE EFFECT: CR 333 at North Bosque River Bridge; Clifton City Park-Old Mill Park

NAME: _____ DATE: _____
for Mark Wolfe, State Historic Preservation Officer

NO COMMENTS ON DETERMINATION OF DE MINIMIS IMPACT UNDER SECTION 4(F) REGULATIONS

NAME: _____ DATE: _____
for Mark Wolfe, State Historic Preservation Officer

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT AMENDMENT
For Bridge Replacement or Rehabilitation
Off the State System**

**AMENDMENT
FOR THE PRESERVATION AND ADAPTIVE USE
OF A HISTORIC BRIDGE
OFF THE STATE SYSTEM (TWO-PARTY)
Amendment #1**

THIS AMENDMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the “State”; and Bosque County, a political subdivision of this state, called the “Local Government”, acting by and through its duly authorized officials.

WITNESSETH

WHEREAS, the State and the Local Government executed an agreement on August 5, 2002 to effectuate a project to replace the bridge under the off-state system federal-aid Highway Bridge Replacement and Rehabilitation Program (HBRRP); and,

WHEREAS, the date for letting the highway bridge replacement project to contract construction is tentatively scheduled for April 2017; and

WHEREAS, the existing bridge (the “Historic Bridge”) being replaced has been listed or determined eligible for listing on the National Register of Historic Places; and

WHEREAS, the Recipient acknowledges that the bridge is covered in lead-based paint,

WHEREAS, Title 23 United States Code Section 144(n) established the Historic Bridge Program to provide for the rehabilitation, reuse, and preservation of historic bridges; and

WHEREAS, the Historic Bridge Program provides that any State which proposes to demolish a historic bridge for a replacement project under the HBRRP shall make the bridge available for donation to recipients which may be public or private entities; and

WHEREAS, it is mutually agreeable between the State and Local Government for ownership of the Historic Bridge to be retained by the Local Government as the recipient of the Historic Bridge for preservation in accordance with the Historic Bridge Program; and

WHEREAS, the Local Government submitted a proposal to the State evidencing its desire to retain ownership and preserve the Historic Bridge under the provisions of the Historic Bridge Program; and

WHEREAS, the Local Government's proposal is acceptable to the State and is included as Attachment A, which is attached to and made a part of this amendment;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties to be by them respectively kept and performed as set forth, it is agreed as follows:

A G R E E M E N T

Article 1. Ownership of the Historic Bridge

- A.** Ownership of and control over the Historic Bridge shall be retained by the Local Government.
- B.** Retainage of ownership by the Local Government includes full and continued responsibility for all future legal and financial matters relating to the Historic Bridge, including compliance with applicable federal, state, and local government laws, rules, and regulations.

Article 2. Adaptive Use of the Historic Bridge

- A.** The Local Government agrees that the Historic Bridge shall not be used on a public road as a vehicular traffic facility.
- B.** The Local Government shall preserve and maintain the Historic Bridge and the features that give it its historical significance, adhering to the provisions of the U.S. Secretary of Interior's Standards for Rehabilitation (36 CFR 67.7), which is incorporated by reference and made a part of this agreement as though fully set forth within this agreement.
- C.** The Local Government shall consult with the State Historic Preservation Officer (SHPO) in the future prior to altering, renovating, or transferring ownership of the Historic Bridge.
- D.** The Local Government shall permit the State or its authorized representative access to the any temporary or permanent relocation sites and to the current site to perform any activities required to execute the work. The Local Government shall provide for all necessary real property and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.
- E.** After completion of the modification, restoration, or preservation work on the Historic Bridge as described by the Local Government's approved proposal contained in

Attachment A, the State will visit the site solely for the purpose of confirming that the work has been accomplished.

Article 3. Scope of Work and Funding

- A.** The work to be performed by the State is described in Attachment B. The work to be performed by the Local Government is described in Attachment C. Attachments B and C are attached to and made part of this agreement. Funding obligations for the State and funding obligations for the Local Government are described in Attachments B and C, respectively.
- B.** The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 4. Indemnification

- A.** The Recipient shall indemnify and hold harmless the State and its officers and employees from all damages, claims, and liabilities, including those arising from injury to or death of persons or loss of or damage to property, arising out of, incident to, or in any manner connected with the relocation, maintenance, or operation of the Historic Bridge, which indemnification shall extend to and include any and all court costs, attorney's fees, and expenses related to or connected with any claims or suits for damages and shall, if requested in writing by the State to do so, assist with or relieve the State from defending any suit brought against it.
- B.** THE MATERIALS (BRIDGE PARTS) THAT ARE THE SUBJECT OF THIS AGREEMENT MAY PRESENT A LEAD-BASED PAINT HAZARD WHEREBY EXPOSURE TO LEAD FROM LEAD-CONTAMINATED DUST, LEAD-CONTAMINATED SOIL, LEAD-CONTAMINATED PAINT THAT IS DETERIORATED OR PRESENT IN ACCESSIBLE SURFACES, FRICTION SURFACES, OR IMPACT SURFACES THAT WOULD RESULT IN ADVERSE HUMAN HEALTH EFFECTS. A RISK ASSESSMENT OR INSPECTION FOR POSSIBLE LEAD-BASED PAINT HAZARDS IS RECOMMENDED. YOU MAY BE REQUIRED TO COMPLY WITH THE RULES OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION MEANT TO SAFEGUARD CONSTRUCTION WORKERS THAT MAY BE EXPOSED TO LEAD.

YOU AGREE TO HOLD HARMLESS, DEFEND, AND INDEMNIFY TXDOT AND ITS REPRESENTATIVES, EMPLOYEES AND AGENTS AGAINST ALL OBLIGATIONS, RESPONSIBILITIES, AND LIABILITIES (INCLUDING ATTORNEYS' FEES),

INCLUDING DAMAGE ARISING FROM PERSONAL INJURY, DEATH, PROPERTY INJURY, ENVIRONMENTAL HARM, CONSEQUENTIAL DAMAGES OR ANY OTHER LOSS, ARISING FROM THE MATERIALS, ARISING FROM ANY ACTIVITIES RELATED TO THE MATERIALS, INCLUDING USE OR DISPOSAL OF THE MATERIALS, OCCURRING ON OR AFTER THE EFFECTIVE DATE OF AMENDMENT #3. THE LOSS OR LIABILITIES THAT ARE THE SUBJECT OF THIS PARAGRAPH INCLUDE ALL OBLIGATIONS, RESPONSIBILITIES, AND LIABILITIES ARISING FROM TXDOT'S AND ITS REPRESENTATIVES', EMPLOYEES' AND AGENTS' OWN NEGLIGENCE, ACTIONS OR INACTIONS THAT RELATE TO THE MATERIALS. **THE LOSS OR LIABILITIES THAT ARE THE SUBJECT OF THIS PARAGRAPH ALSO INCLUDE ANY STRICT OR OTHER LIABILITY UNDER ANY ENVIRONMENTAL LAWS, INCLUDING, BUT NOT LIMITED TO, THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE.**

Article 5. Termination

- A.** This amendment may be terminated by any of the following conditions:
1. By mutual agreement and consent of both parties or by any party, upon thirty (30) days written notice to the other party.
 2. By the State giving written notice to the Local Government as a consequence of Local Government's failure to satisfactorily perform the responsibilities and obligations set forth in this amendment. Reasonable allowance will be made for circumstances beyond the control of the Local Government, as determined by the State. The Local Government will be afforded thirty (30) days to remedy the breach as outlined by the State.
- B.** Termination of this amendment shall extinguish all duties, obligations, and liabilities of the State and Local Government under this amendment. The Local Government shall reimburse the State for any costs incurred by the State on behalf of the Local Government up to the time of termination.

Article 6. Gratuities

Texas Transportation Commission policy mandates that employees of the Texas Department of Transportation (TxDOT) shall not accept any benefit, gifts, favors, or gratuities from any person or business doing business with the State under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advance approval of the Executive Director of TxDOT. Any person or organization doing business with the TxDOT may not make any offer of benefits, gifts, favors or gratuities to TxDOT employees, except as mentioned in this agreement. Failure on the part of the Local Government to adhere to this policy may result in termination of this agreement.

CSJ # 0909-28-022
District # WAC-09
Code Chart 64 # 50018
Project: CR 333 at Bosque River
NBI Structure #09-018-AA0333-001
Federal Highway Administration
CFDA Title:Highway Planning and Construction
CFDA No.:20.205
Not Research and Development

Article 7. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this amendment on behalf of the entity represented.

THIS AMENDMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Gregg A. Freeby, P.E.
Director, Bridge Division
Texas Department of Transportation

Date

CSJ # 0909-28-022
District # WAC-09
Code Chart 64 # 50018
Project: CR 333 at Bosque River
NBI Structure #09-018-AA0333-001
Federal Highway Administration
CFDA Title:Highway Planning and

Construction

CFDA No.:20.205
Not Research and Development

ATTACHMENT A LOCAL GOVERNMENT'S PROPOSAL

The bridge on CR 333 at the Bosque River will be left in situ for the purpose of preserving the bridge as a historical artifact. The Bridge will be left in its existing condition minus the removal of the timber approach spans on both sides of the Warren and Whipple truss spans. The bridge structure will not be modified for any other purpose. Access to the bridge will be restricted from vehicular and pedestrian traffic.

DRAFT

Construction

CFDA No.:20.205
Not Research and Development

ATTACHMENT B WORK TO BE PERFORMED BY THE STATE

All costs associated with the following work, which is based on the estimated demolition cost of \$90,000, shall be borne solely by the State and is to be performed by the State's contractor.

- 1) Remove Northeast timber approach spans 1 and 2, including the abutments, bents and piles.
- 2) Remove Southwest timber approach spans 6 thru 9, including the abutments, bents and piles.
- 3) Remove the timber deck throughout the structure.
- 4) Encase all columns at piers 3 and 6.
- 5) Repair span 5 West truss diagonal U1-L2 connection to the L2 East gusset plate.
- 6) Replace or tighten missing or loose bolts, rivets, and nuts on various members of the truss spans (spans 3 thru 5).

Construction

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ATTACHMENT C

WORK TO BE PERFORMED BY THE LOCAL GOVERNMENT

The cost of performing the responsibilities listed below shall be borne entirely by the Local Government, with no reimbursement to be made to the Local Government by the State. The Local Government will be responsible for the following items of relocation and maintenance work.

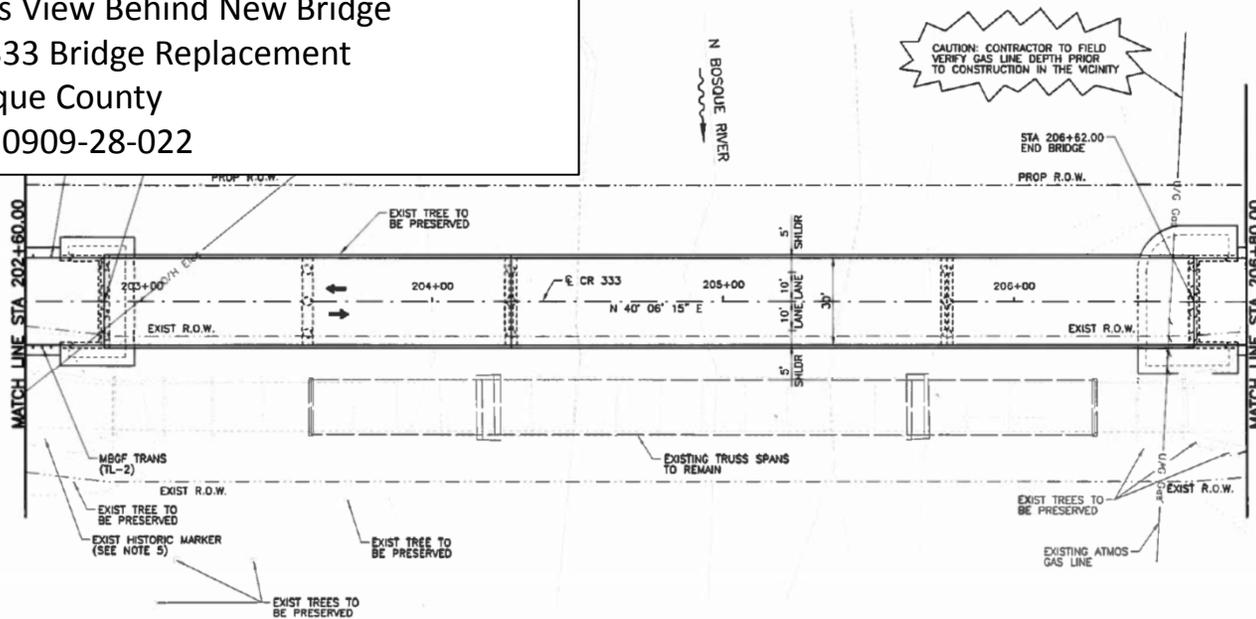
Annually:

- 1) Visually inspect the bridge members for cracking, pitting, and corrosion.
- 2) Clean connections and bearings with high pressure water spray to prevent debris build up and corrosion.
- 3) Clean debris from the substructure to prevent channel scour.
- 4) Remove climbing vegetation from the remaining bents and masonry piers.

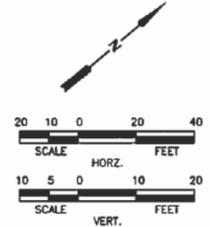
As Needed:

- 1) Remove debris caught on the substructure and lower truss members from flooding events.
- 2) Spray paint over graffiti in a color that matches the Whipple truss.

Truss View Behind New Bridge
 CR 333 Bridge Replacement
 Bosque County
 CSJ: 0909-28-022



CAUTION: CONTRACTOR TO FIELD VERIFY GAS LINE DEPTH PRIOR TO CONSTRUCTION IN THE VICINITY



- LEGEND**
- U/G Gas — GAS LINE
 - O/H Elec — OVERHEAD ELECTRIC
 - W — WATER LINE
 - X — FENCE
 - Dotted — DITCH FLOW LINE

- NOTES:**
1. CONTRACTOR TO REMOVE EXISTING WEIGHT LIMIT AND LOAD ZONED BRIDGE SIGNS ADJACENT TO EXISTING STRUCTURE.
 2. SEE DRIVEWAY DETAIL SHEETS FOR MORE INFORMATION.
 3. TREES TO REMAIN UNLESS NOTED OTHERWISE OR DIRECTED.
 4. EXISTING HISTORIC MARKER WILL BE TEMPORARILY REMOVED AND STOCKPILED AT TXDOT MAINT. YARD UNTIL COMPLETION OF PROJECT, THEN REINSTALLED.
 5. SEE REMOVAL LAYOUT FOR ITEMS TO BE REMOVED.

Note: Proposed 33" rail not shown in this view

PRELIMINARY
 FOR INTERIM REVIEW ONLY
 Not for construction, bidding, or permit purposes.

 F-1741
 Engineer: BRIAN A. JONES
 P.E. No. 95732 Date 3/24/2016

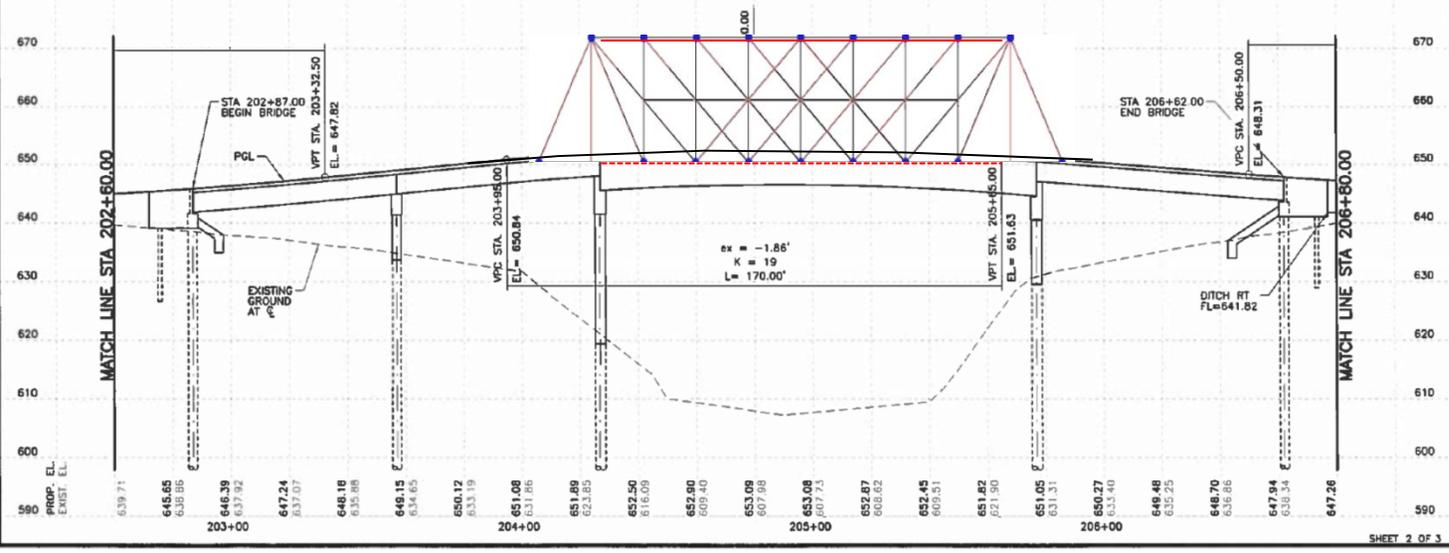
NO. REVISION BY DATE

CP&Y
 TEXAS REGISTERED ENGINEERING FIRM F-1741

Texas Department of Transportation
 CR 333 AT N BOSQUE RIVER

PLAN AND PROFILE
 STA 202+60.00 TO STA 206+80.00

| | | | | | |
|----------|-----|------|--------|-------------------------|-----------|
| Designed | CM | BY | STATE | FEDERAL AID PROJECT NO. | Division |
| Drawn | BAJ | 6 | TEXAS | | CR |
| Check | CM | DIST | COUNTY | SECTION | SHEET |
| Contract | BAJ | WAC | BOSQUE | 0909 | 28 022 27 |



View from "Old Mill Park"
CR 333 Bridge Replacement
Bosque County
CSJ: 0909-28-022

Top chord of
Whipple Truss



Photo 1 – Looking downstream from top of municipal dam (Old Mill foundation and mill dam in background)

View from "Old Mill Park"
CR 333 Bridge Replacement
Bosque County
CSJ: 0909-28-022



Photo 2– Looking downstream from "Old Mill Park" southeast side of vehicle gate

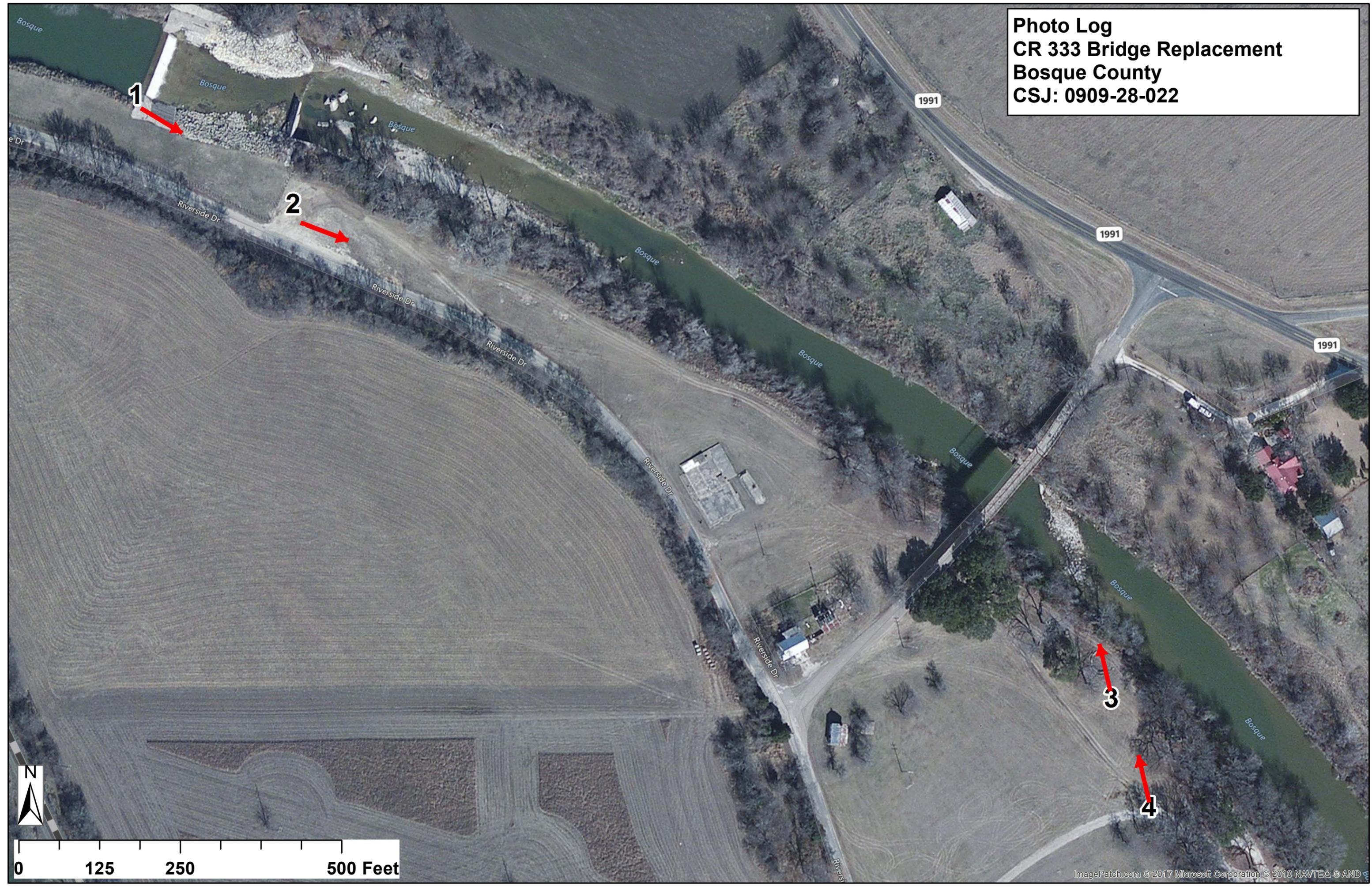


Photo 3 – Looking upstream from Clifton City Park Park (south side of CR 333)



Photo 4 – Looking upstream from Clifton City Park (south side of CR 333)

Photo Log
CR 333 Bridge Replacement
Bosque County
CSJ: 0909-28-022



1

2

3

4



0 125 250 500 Feet