



Community Development Department

HISTORIC PRESERVATION COMMISSION MEETING AGENDA

February 17, 2021

Tom Baker Meeting Room

3:30 p.m.

City-County Office Building

SPECIAL NOTICE ON PUBLIC PARTICIPATION

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments via email to whutchings@bismarcknd.gov. The comments will be sent to the Historic Preservation Commission prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12 noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for the public input / comment section of

the agenda, please provide your e-mail address and contact information to whutchings@bismarcknd.gov at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at this time, while still participating in government. Before entering the City-County Office Building, all individuals should self-screen for COVID-19 symptoms or potential exposure and, if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety.

It is anticipated that some of the Historic Preservation Commissioners will be attending this meeting in person and others will be participating remotely.

Full agenda starts on next page.



MINUTES

1. Consider approval of the minutes of the January 20, 2021 meeting of the Historic Preservation Commission.

PUBLIC COMMENT

2. Public Comment (The public comment period is available for residents and other interested parties to address items on the agenda or any general public input for consideration by the Historic Preservation Commission).

AGENDA

3. **Request of Friends of the Rail Bridge for Potential Public-Private Partnership Participation.....3**
4. **Prioritization of BNSF Bridge Mitigation Priorities.....12**

OTHER BUSINESS

5. Other Business
 - a. Upcoming Digital North Dakota CLG Online Conference – March 2021

ADJOURNMENT

6. **Adjourn.** The next regular meeting date is scheduled for **March 17, 2021.**

Enclosures: Meeting Minutes of January 20, 2021



Community Development Department

MEMORANDUM

Request of Friends of the Rail Bridge for Potential Public-Private Partnership Participation

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: February 12, 2021

The US Coast Guard, in accordance with Section 106 of the National Historic Preservation Act of 1966, has been facilitating discussions amongst interested parties on the proposed BNSF rail bridge replacement across the Missouri River. One consulting party, Friends of the Rail Bridge (FORB), has submitted a letter requesting the Historic Preservation Commission's potential participation in a public-private partnership. A copy of the letter is attached to this memorandum along with the draft public-private partnership concept.

The proposed Public-Private Partnership is in response to a signed Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 for preservation alternatives tied to the proposed demolition of the BNSF rail bridge. The Programmatic Agreement outlines two possible outcomes and the associated action and responsible parties for each. In this case, one outcome assumes a new bridge will be constructed and the existing bridge will be retained. The other possible outcome assumes that a new bridge will be constructed, and the existing bridge will not be retained. Ultimately, the US Coast Guard will make the determination on whether the existing bridge is retained or not, in part through concurrent actions associated with the National Environmental Policy Act (NEPA).

One of the associated actions within the signed Programmatic Agreement, that is tied to the outcome in which the bridge is retained, is the transfer of ownership of the bridge to an entity. FORB has assumed responsibility for development of a public-private partnership and is seeking all potential partners who can provide roles and responsibilities that align with FORB stated goals and objectives for the bridge.

Specifically, FORB is seeking the Historic Preservation Commission's willingness to participate with two potential roles:

1. Facilitate the nomination of the rail bridge to the National Register of Historic Places, following the transfer of ownership of the rail bridge to the Public-Private Partnership.
2. Provide recommendation for pursuing other potential historic designation such as National Historic Landmark Status, following the transfer of ownership of the rail bridge to the Public-Private Partnership.



Staff has reviewed these requests for compliance with the establishing ordinance for the Historic Preservation Commission. The request to facilitate a National Register of Historic Places nomination is listed under Section 2-12-08 (Historic Preservation Commission – Powers and Duties) which reads:

2-12-08(6). To prepare and submit, in accordance with all applicable federal laws and regulations, nominations to the National Register of Historic Places for properties deemed by the Historic Preservation Commission to be significant in local, state or national history.

The ordinance establishes the corporate limits of the City of Bismarck as the area of focus for the Historic Preservation Commission. It is unclear if the Historic Preservation Commission has the direct jurisdictional authority to nominate a bridge that is connected to both the City of Bismarck and Captains Landing Township in Morton County on the other side of the Missouri River. In addition, if the Historic Preservation Commission were to seek a consultant to complete the National Register of Historic Places nomination, funding would be needed to cover the costs. As a Certified Local Government (CLG), the City of Bismarck is eligible to apply for Historic Preservation Fund Grants administered and passed through the State Historic Preservation Office (SHPO). However, it is uncertain whether the grant review committee at SHPO would prioritize funding for a project that involves a historic asset that is partially outside of the city. Staff notes they lack the technical expertise necessary to complete this nomination.

A context for North Dakota railroads was written in 2009 and included the rail bridge. The rail bridge was not nominated at the objection of BNSF. A copy of the context can be found on SHPO's website (<https://www.history.nd.gov/hp/PDFinfo/North-Dakota-Railroads-MPDF-Final-corrected.pdf>). This context could be used to create a new nomination.

The second request from FORB is to assist with potential other historic designations such as National Landmark Status. The National Historic Landmarks program is a federal designation program by the National Park Service for historic properties that illustrate the heritage of the United States.

The National Park Service website states:

Designation as a National Historic Landmark

- *Preserves the stories of nationally important historic events, places, and people for all Americans.*
- *Helps to protect the historic character of the property from any federal action.*
- *Might facilitate eligibility for grants, tax credits, and other opportunities to maintain its historic character.*

The National Park Service has guidelines for nominating a property for a potential National Historic Landmark. The establishing ordinance for the Historic Preservation Commission does not specifically grant the Commission the power and duties to prepare nominations for this designation program, however as an advisory commission, you may “evaluate and comment upon plans, proposals, permits and applications which are developed or required by other public agencies — including those developed by other commissions, offices, and departments of the City — which may, in the opinion of the Historic Preservation Commission, either directly or indirectly affect any property or properties deemed by the Historic Preservation Commission to have historic value.” If the Historic Preservation Commission take a lead role in nominating the rail bridge for this designation, City Commission approval may be needed prior.

The attached draft public-private partnership concept includes a list of other potential desired roles within a table on page 4 that the Historic Preservation Commission may also be willing to assist with accomplishing, either in-part or whole.

Emily Sakariassen with FORB and Aaron Barth from the Northern Plains National Heritage Area will be at the meeting to provide an overview of this request and to answer any questions.

Staff Recommended Action:

Review the draft public-private partnership concept and identify a level of participation the Historic Preservation Commission is willing to commit to, if any.

A motion to formally commit to any participation is necessary.

Attachments: Letter from FORB
Draft Public-Private Partnership Concept
2019 Feasibility Study (provided digitally)



FORB – Friends of the Rail Bridge

Established 2018 | Burleigh & Morton County | (701)220-4513 | friendsoftherailbridge@gmail.com

Historic Preservation Commission
City of Bismarck
221 N 5th Street
Bismarck, ND 58506-5503

Recognizing the City's strong interest and support for Missouri riverfront development and renewed interest in historic preservation projects, FORB is excited to present the attached proposal for your consideration.

We understand it is the role of Bismarck's HPC to advise and carry out matters related to historic preservation in the community. In January 2021, the City signed a Programmatic Agreement (PA) under Sec. 106 of the National Historic Preservation Act, along with FORB, BNSF, and other local, state, and federal entities regarding the proposed demolition of the 1883 Rail Bridge. The PA encourages development of a preservation alternative that will allow for BNSF to construct a new river crossing and transfer ownership of the existing Rail Bridge to a Public-Private Partnership (PPP) that can retain and convert it for use as a public trail. FORB has assumed the responsibility of establishing the PPP. FORB will then work with members of the PPP to develop a workable concept for preservation.

The PPP's preservation concept will assist BNSF and the USCG in meeting the requirements of Sec. 106 and be included in the draft Environmental Impact Statement in June 2021. Implementation of the PPP's preservation concept would occur if the USCG, in issuing a permit to BNSF, identifies the concept as a viable alternative and BNSF and members of the PPP agree to pursue the project.

We ask that the HPC participate in the PPP to the extent that Commissioners lend expertise to the collaborative development of a preservation concept in ways that align with their goals and objectives. Should the preservation concept be adopted and move forward, we ask that the HPC commit to one or both of these additional roles:

- Facilitate the nomination of the Rail Bridge to the National Register of Historic Places, following transfer of ownership of the Rail Bridge to the PPP.
- Provide recommendations for pursuing other potential historic designations such as National Historic Landmark status, following transfer of ownership of the Rail Bridge to the PPP.

Enclosed is our proposal for a PPP and copy of the 2019 feasibility study by NDSU. Please do not hesitate to contact us for further discussion. We look forward to any opportunity to collaborate with you.

Sincerely,

Mark Zimmerman
President, FORB

Project: Public-Private Partnership for
Bismarck-Mandan Rail Bridge
Preservation and Conversion

Proponent: Friends of the Rail Bridge

EXECUTIVE SUMMARY

Friends of the Rail Bridge (FORB) is a local 501(c)(3) non-profit organization formed in 2018 to advocate, promote, and develop a preservation alternative to the demolition of the Bismarck-Mandan Rail Bridge (Rail Bridge) proposed by Burlington Northern Santa Fe Railway Company (BNSF). In January 2021, FORB signed a Programmatic Agreement (PA) with BNSF, local governments, and state and federal agencies to develop a conditional Public-Private Partnership or other governance body that could accept ownership of the Rail Bridge and other responsibilities associated with its preservation, conversion to a pedestrian trail, and maintenance. Immediate responsibilities of the Partnership are to establish a vehicle for fund raising and draft implementation and financial management plans. Actual implementation of the preservation alternative beyond concept development is strictly contingent upon the United States Coast Guard's (USCG) decision regarding BNSF's permit application. That decision, which will be based on the results of the ongoing National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) processes, is scheduled to be issued April 9, 2022.

In 2019, North Dakota State University completed a preliminary study which indicated that the conversion of the Rail Bridge to a pedestrian/bicycle pathway has precedent, is economically, culturally, and environmentally feasible, and would be best served by forming a Public-Private Partnership with local and state entities.

FORB is soliciting Public Partners to assist in concept development and commit, conditionally, to specific roles required by the PA.

ABOUT THE PROJECT

A. PROJECT BACKGROUND

The historic Northern Pacific Rail Bridge, completed in 1883 and owned by BNSF, is an iconic landmark. It is a ubiquitous symbol of our community, appearing in everything from corporate advertising to family portraits.

In early 2017, BNSF released plans for the proposed replacement of the historic Rail Bridge. Their project affects the Missouri River and requires a federal permit from the US Coast Guard (USCG) and constitutes a Federal undertaking that must comply with the National Historic Preservation Act (NHPA) which requires federal agencies to consider effects on historic properties.

BNSF's proposed demolition is an adverse effect to a historic property under the NHPA. The USCG must explore alternatives to the proposed undertaking that avoid, minimize, or mitigate the adverse effect. The federal Advisory Council on Historic Preservation, state and local governments, tribes, special interest groups, and members of the public have been involved in project consultation since 2018. FORB, along with several other organizations, has been

promoting a preservation alternative that allows BNSF to build a new crossing, but also preserves the Rail Bridge and converts it to use as a pedestrian/bicycle pathway.

On January 15, 2021, all parties signed a PA that recognizes the potential of that preservation alternative. FORB has been tasked with identifying public partners to develop the concept for preserving and converting the Rail Bridge as an alternative to demolition.

Pursuant to the PA, the preservation alternative must be further developed and included as a proposed alternative in the draft Environmental Impact Statement (EIS) which will be issued in June 2021. The draft EIS is being developed in the parallel processes under NEPA. The USCG will consider results of consultation processes, issuing a Record of Decision and Permit Decision on BNSF's application on April 9, 2022.

B. PROJECT OBJECTIVE

FORB's objective is to (1) create a partnership coalition of private and public entities to develop a workable, conditional preservation alternative as outlined in the PA and, in doing so, (2) facilitate plans for ownership, governance, private sector fundraising, conversion to a pedestrian trail, trail connectivity, historical and cultural interpretation, community programming, and on-going maintenance.

C. RATIONALE FOR THE PROJECT

Preserving and repurposing the Rail Bridge is an opportunity to utilize and elevate an existing asset to benefit our community.

The Missouri River is our area's greatest recreational asset. Because much of the riverfront property in Bismarck is owned by private citizens, it is increasingly important to optimize enjoyment of what is available to the public. The Rail Bridge's bicycle and pedestrian pathway will be integrated into and provide a link between existing trail systems on both sides of the river.

Tourism is the state's third largest industry. The Missouri River Valley is well-situated on a transportation corridor and has natural, historic, and cultural resources that draw tourists from the region, and throughout the nation. The Rail Bridge has the potential to be the focal point of heritage tourism.

Preserving the Rail Bridge will produce numerous benefits beyond recreation and tourism, including fostering civic pride, increasing historical awareness, and stimulating economic development along the river. Based on the 2019 *Historic Bridge Repurposing Feasibility Study* conducted by NDSU, this project is economically feasible and helps meet market demand for trail connections and development.

FORB's proposed preservation alternative meets the following goals and objectives of a number of state agencies and local governments:

Potential Partner	Existing Goals
ND State Parks and Recreation	Cultivating Partnerships Across the Landscape; Connecting Generations through Experiences; and Embracing Opportunities and Sustaining Resources.
State Historical	Expanding Educational Opportunities Related to Historic Preservation;

Society of North Dakota	Promoting programs to identify, record, evaluate and preserve significant cultural properties; Increasing the Effectiveness of the state's preservation network; and Increasing appropriate treatment of historic properties.
Morton County	Rural Character and Scenic Beauty Continue to be Defining Features of the Morton County Landscape; and Opportunities for Outdoor Recreation Contribute Significantly to the Quality of Life for Morton County Residents.
City of Bismarck	Riverfront development; Outdoor recreation and interconnectedness of paved and off-road trail systems; Interactive learning; Increasing amenities to college students; Promote heritage tourism; and Enhance community pride.
Bismarck Parks & Recreation District	To create, advocate and preserve diverse recreational and leisure opportunities for all; To be an effectively governed, efficiently managed and fiscally sound organization by Secure resources in cooperation with public and private entities, including the land necessary for trails, parks, and facilities development and open space; and To develop community relations initiatives that will result in greater awareness of the role played by the BPRD in healthy lifestyles, environmental stewardship and community livability.

Other communities have preserved bridges as recreational assets, event venues, and tourist attractions. For example, the Fairview Lift Bridge across the Yellowstone River on ND's western boundary, was converted to a walking/biking bridge in 2001. That project was a partnership between Eastern Plains Resource Conservation and Development who identified the project as a way to support local tourism and infrastructure, and Friends of the Fairview Bridge, a local non-profit formed to take ownership raise funds for the conversion and maintenance of their rail bridge. BNSF made a financial donation to assist the project and, as it is a publicly accessible site, liability is covered by the ND Century Code which provides blanket coverage for public sites and outdoor recreation sites.

PROJECT REQUIREMENTS

Implementation of the preservation alternative we are proposing to develop within the PA is strictly conditional. FORB recognizes that preserving the historic Rail Bridge will require both local and state partners from private sector and the public sector and is prepared to play a long-term role.

A. SCOPE OF PRIVATE SECTOR INVOLVEMENT

Friends of the Rail Bridge is a non-profit organization, incorporated in North Dakota. The corporation is organized exclusively for the charitable and educational purposes within the meaning of 501(c)(3) of the Internal Revenue Code, and more specifically including the preservation and adaptive re-purposing of the historic Rail Bridge. Founded in May 2018, the

Mission of FORB is “Bridging Community Through History, Education, and Recreation.” At the present time, the North Dakota Community Foundation is our fiscal sponsor. FORB has the ability to be involved in the Rail Bridge conversion and maintenance for the duration of the Rail Bridge’s lifetime and is also able to do much of the administrative and coordination work to physically save the Rail Bridge, convert it, and maintain it. The Northern Plains National Heritage Area has agreed to serve as an additional private sector partner able to share resources and help fund certain aspects of the project. However, a government entity will need to serve as its owner to sustain the project for the long term.

B. SCOPE OF THE PUBLIC SECTOR INVOLVEMENT

The specialized skills, knowledge, and resources of different Public agencies, when applied together, will form a stronger, more successful outcome for planning and implementation of a preservation alternative than any single entity could on its own. This proposal envisions a coalition with shared responsibilities and benefits as we develop a preservation alternative within the PA.

The following table indicates which partners to-date are willing to fill anticipated roles.

Partner	Role
FORB	Undertake fundraising campaign for development of the resource as a recreational trail
	Establish an endowment to fund ongoing maintenance and expenses
	Coordinate fundraising and programming activities
Northern Plains National Heritage Area	Research and develop interpretive exhibits for placement at bridge site
	Fund for up to 2 seasonal staff to fill Historical and Cultural Interpreter positions to engage public and implement educational programming
	Coordinate regional heritage tourism opportunities
	Develop and submit National Register of Historic Places nomination
	Develop and submit National Historic Landmark nomination
	Accept a transfer of ownership of the Rail Bridge from BNSF
	Develop promotional opportunities
	Design and develop connectivity to Bismarck trail system on east side of Rail Bridge
	Serve as sponsoring agency for Recreational Trails Program grants from ND Parks and Recreation Department
	Serve as sponsoring agency for ND Outdoor Heritage Fund grants
	Design and develop connectivity to Morton/Mandan trail system on the west side of Rail Bridge
	Design and develop connectivity to trails in the Missouri River Natural Area
	Act as Fiscal Agent to invest restricted endowment funds and to hold temporarily restricted accounts for specific project goals,
	Serve as conduit for access to the North Dakota Insurance Reserve Fund

C. PROJECT DEVELOPMENT SCHEDULE

The following table depicts important dates by which FORB and the Public-Private Partnership should reach certain milestones in developing the project, as defined in the PA. It is important to

note that as an Invited Signatory, **FORB has the ability to request reasonable amendments to this schedule.**

Milestone	Party Responsible	Date of Achievement
Identify Public Private Partnership	FORB	February 28, 2021
Submit detailed fundraising plan	Public Private Partnership	July 28, 2021
Submit financial management plan for Rail Bridge retention and conversion	Public Private Partnership	July 28, 2021
Draft Contract or Lease Agreement with BNSF	Public Private Partnership	May 9, 2022
Approvals/Permits, Design Documents, and Proof of Funding for Flood Rise Mitigation to USCG	Public Private Partnership	March 9, 2022

CONCLUSION

Friends of the Rail Bridge is proud to have reached a milestone in January 2021, with the signing of a Programmatic Agreement with BNSF, local, state, and federal entities. We are encouraged now, more than ever, to pursue a preservation alternative that preserves the historically significant, regionally iconic, and locally beloved 1883 Rail Bridge and converts it to new, public use. Through a Public-Private Partnership, we are certain that we can build a workable concept for the USCG's consideration. We appreciate your willingness to work with us to attain this goal and fulfill the terms of the Programmatic Agreement.

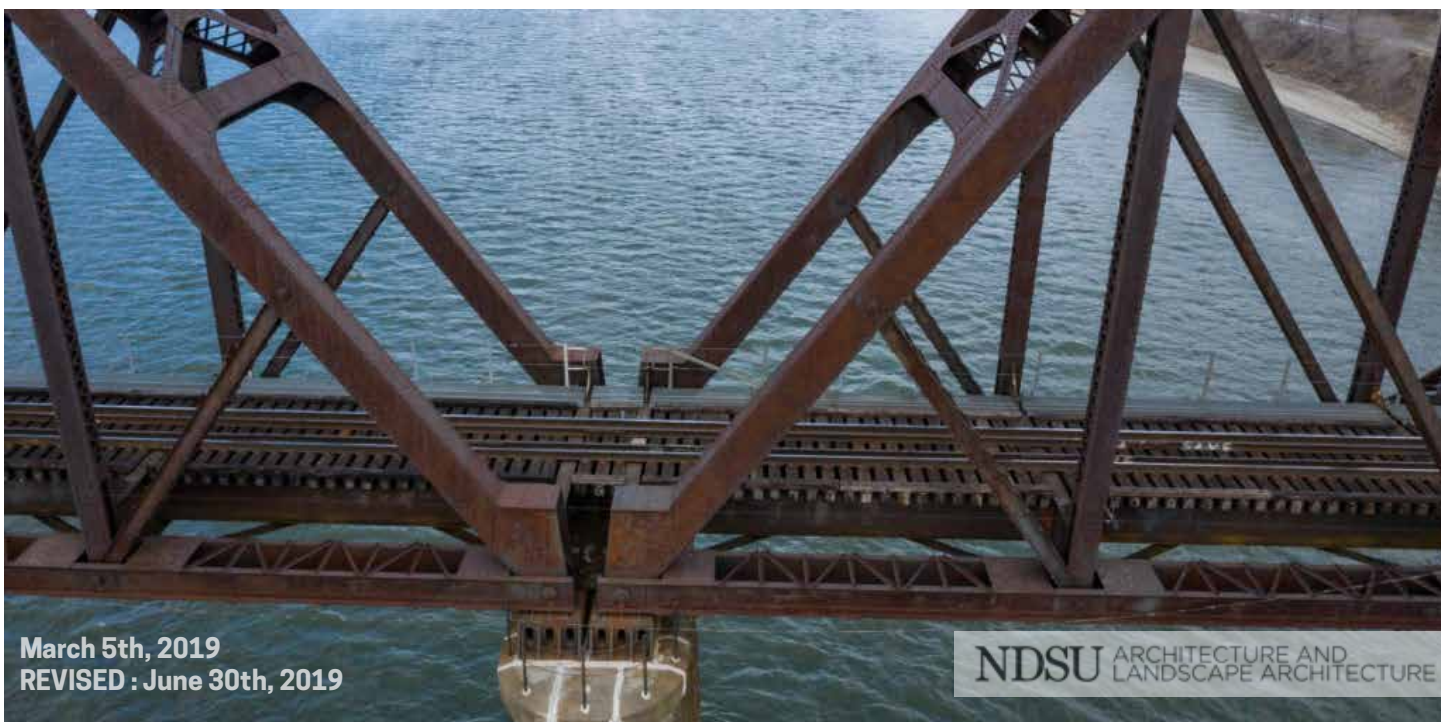


BISMARCK MISSOURI RIVER BRIDGE

Historic Bridge Repurposing Feasibility Study



National Trust for Historic Preservation
**America's 11 Most
Endangered Historic Places**



March 5th, 2019
REVISED : June 30th, 2019

NDSU ARCHITECTURE AND
LANDSCAPE ARCHITECTURE

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Acknowledgments

Bismarck Missouri River Railroad Bridge
Historic Bridge Repurposing Feasibility Study

Prepared for:

“The Bismarck Missouri River Railroad Bridge Steering Committee”

Prepared by:

North Dakota State University, Landscape Architecture



Acknowledgments:

The Bismarck Missouri River Railroad Bridge Steering Committee

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Bismarck Mandan Metropolitan Planning Organization

Mike Herzog
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01

EXECUTIVE SUMMARY

SECTION 1 Executive Summary

1.1 Project Overview & Scope

North Dakota State University's Department of Architecture and Landscape Architecture, in collaboration with a steering committee local to the project area, is completing a study to consider whether it is feasible to repurpose the existing historic Northern Pacific Railroad bridge into a pedestrian and bicycle path with BNSF's proposed new bridge in place thirty feet to the north or, alternately, eighty feet to the north. An NDSU 4k drone inspection of the bridge occurred on December 21, 2018, with Federal Aviation Administration-approved



figure 1.0] aerial drone view of high bridge

pilot Dr. Meghan Kirkwood. Photos from this drone inspection informed the feasibility meetings. The first feasibility kickoff meeting was on January 11, 2019, Friday, from 11:30AM to 1:00PM (CST), held at Bismarck State College's National Energy Center of Excellence (NECE) Conference Room #335, 1500 Edwards Avenue, Bismarck, North Dakota.

The second feasibility meeting date was coordinated in conjunction with the understandably busy schedule of the BNSF Director of Bridge Construction. This meeting was initially scheduled for the end of

January, but was rescheduled so Mr. Herzog could attend on February 19, 2019, Tuesday, 11:30AM to 1:00PM (CST), and held at the Bismarck-Mandan Chamber of Commerce meeting room, 1640 Burnt Boat Drive, Bismarck, North Dakota. For those unable to physically attend the first or second meeting, NDSU made available the ability to call into the meetings and follow along with the Power Point slides via "Zoom."

In addition to considering repurposing the historic bridge, this feasibility study considers how a repurposed bridge would connect with the existing public trail systems on the east and west side of the Missouri River.

The historic bridge is recommended eligible for the National Register of Historic Places according to criteria A, B and C. It is our understanding that "a new railroad bridge is proposed 30' or 80' north of the existing bridge" and the conversion of the existing bridge to a pedestrian facility has been discussed during consulting party meetings with the United State Coast Guard (USCG) for the Federal law that are the Section 106 processes.

The project area, as noted in the Class II Cultural Resource Inventory, lies within one mile of 49 previously recorded cultural resources, and in alignment with the city centers of Bismarck and Mandan, ND.

This report presents the results of this study. Included in the study are governance and jurisdiction considerations, security and maintenance issues, and a discussion and opinion of probable costs to complete and maintain the project. Beyond the 1880s historic BNSF steel bridge structure, the study considers connections to established and heavily used trails and road connections and considerations for expanded and future trail connections.

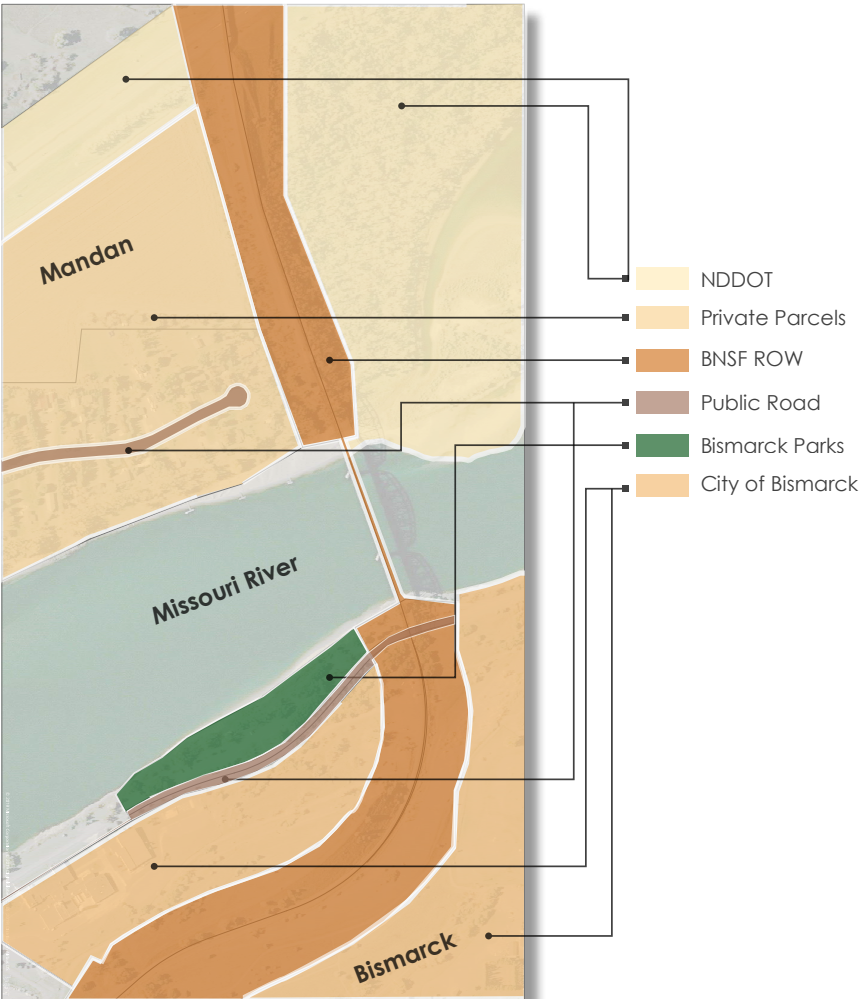


[figure 1.1] aerial drone view of high bridge

Environmental impacts, project costs, permitting, accessibility and preliminary design location and materials are also evaluated in this study.

1.2 Project Location

The project area is approximately 60 acres and includes BNSF right-of-way parcels, private parcels, City of Bismarck property and NDDOT property.



[figure 2.0] general project area parcel map

1.3 History of Similar Efforts

A cursory sample of successful efforts to repurpose historic bridges to pedestrian and bicycle trails is expansive and extends throughout all of the United States. The Rails-to-Trails Conservancy and the Historic Bridge Foundation have non-exhaustive lists of successful historic bridge preservation, restoration, and repurposing projects. Two case studies that inform this feasibility study include the Fairview Lift Bridge near Cartwright, North Dakota and the Stone Arch Bridge in Minneapolis, Minnesota. Also mentioned below is the Programmatic Agreement used to rehabilitate the historic Sorlie Bridge that spans the Red River of the North from East Grand Forks, Minnesota to Grand Forks, North Dakota.

Fairview Lift Bridge

The Fairview Lift Bridge constructed by Gerrick & Gerrick stretches 1,320 feet across the Yellowstone River. In its earlier days, the Fairview Lift Bridge not only accommodated rail traffic, but also vehicular traffic. Planking was placed between and outside the rails to accommodate automobiles. It was converted to a walking bridge in 2001. A summary of the history, largely given from the transcript of the Section 106 meeting number 8 on October 10th, 2018, 2:48 pm ET follows.

Ray Trumpower, Friends of the Fairview Bridge, "what we did was we talked to a 16-county economic development group in Eastern Montana and said, "Would you do this deal for us? And then when we get our 501(c)(3), you can then pass the property to us." Eastern Plains RC&D transferred ownership to the Friends of the Fairview Bridge. They also built an ADA accessible parking lot, using the IS-TEA program, the Intermodal Surface Transportation Efficiency Act funding. Under ISTEA, Transportation Enhancement Program funds could be used for the construction of pedestrian and bicycle facilities, such as pedestrian bridges with all modes of transportation working together efficiently."



[figure 3.0] State Historical Society of North Dakota, William E. (Bill) Shemorry Photograph Collection (1-75B-4-11)

The dual-purpose bridge was not an active rail line at the time of the purchase and conversion. The local group added a walkway and handrails for safety. Liability, since it is a publicly accessible site, is covered by the North Dakota Century Code, the same legislation that provides blanket coverage for public sites and outdoor recreation sites. BNSF also made a financial donation to the local nonprofit to assist the project. Mr. Trumpower noted that the interest gained on the account has allowed it to increase to approximately \$250,000. According to Kris Swanson of BNSF, the quit claim deed was signed in December 2001, along with a monetary transfer of \$150,000 from BNSF to Friends of the Fairview



[figure 4.1 & 4.2] views of fairview lift bridge
mckenzie county, north dakota

Sorlie Bridge

The Sorlie Bridge between Minnesota and North Dakota in Grand Forks utilized a Program Agreement (P.A.) that was handled under the Minnesota's historic bridge management plan. The state of North Dakota may also look to developing a statewide P.A.



[figure 5.0] sorlie bridge at night
grand forks, north dakota

Old Cedar Avenue Bridge

On February 21, 2019, Erin Hanafin Berg, Policy Director from Preservation Alliance of Minnesota, e-mailed the local Friends of the Rail Bridge non-profit group. Berg provided a link to another completed bridge project, this one automotive, the Old Cedar Avenue Bridge: <https://www.bloomingtonmn.gov/eng/old-cedar-avenue-area-project>

Berg said:

"This project was a long time in the making, and was not without its local detractors and skeptics. Ultimately, a determination by the involved Federal agencies (US Fish and Wildlife, FHWA/FTA, and/or US Army Corps of Engineers) that the Old Cedar Avenue Bridge could be successfully rehabilitated cleared the way for other essential partners to get on board. Let me know if you'd like more detailed information than the city's website provides and I can put you in touch with other people who were involved in the project."

Following up with individuals within Federal agencies regarding this project could also be advantageous, and inform the compliance issues required through the United States Code of Federal Regulations.

Stone Arch Bridge

The Stone Arch bridge in Minneapolis, is a contemporary of the historic Northern Pacific Railroad Bridge. The Stone Arch bridge was purchased by the Minnesota Department of Transportation in the 1990s and is currently maintained by the Minneapolis Park District.



[figure 6.2 & 6.3] stone arch bridge
minneapolis, minnesota

Rails-With-Trails Examples

Although the successful examples listed above utilize corridors without active rail assets, there are over 350 completed project examples from over 41 states where rail-with-trail developments have satisfactorily addressed any concerns about risk and liability. A few photo examples are shown below.



The full list can be found at https://www.railstotrails.org/resourcehandler.ashx?name=americas-rails-with-trails-rail-with-trail-list&id=16685&fileName=Rail-with-TrailList%20spreadsheet_UPDATED%202019.01.11.pdf



1.4 Project Data

Summarized Costs

Maintenance Costs : **\$63,500 annualized**

Estimated Construction Costs :

Superstructure	\$150,000.00
Substructure	\$285,500.00
Railing & Fencing	\$457,600.00
Decking & Paths	\$926,000.00
Earthwork	\$3,150,000.00
Electrical	\$80,000.00
Inspection	\$94,000.00
Design + Management Serv.	\$600,000
Contingencies	\$1,148,620
Total	\$6,891,720.00*

*For itemized activity listing and costs, see Appendix E

Estimated Construction Duration : 14 months

ROW Involvement :

Partial Property Acquisition or easement permit for City of Bismarck property on the east connection to the bridge and acquisition or permitted use of BNSF ROW (approximately 2 acres)

Possible Permits :

- Local Planning & Zoning Approval
- ACOE - Section 404 Permit
- Flood Management Certification

02

EXISTING CONDITIONS

2.1 Governance & Liability Issues

Governance and liability of repurposed railroad bridges or rehabilitated automotive bridges in North Dakota have several precedents from which to follow, including, the Fairview Lift Bridge in Cartwright, North Dakota, and the Sorlie Bridge that spans the Red River between East Grand Forks, Minnesota and Grand Forks, North Dakota.

Liability Issues :

The city, county, state, Federal and non-profit complex of heritage recreation resources along the Missouri River in central North Dakota is expansive and vast. It is a reflection of the interests of the residents and visitors to the area. The everyday lives of most North Dakota residents includes some form of outdoor recreation, from hiking and biking to snowshoeing and snowmobiling.

The North Dakota Century Code (NDCC) Chapter 53-08 provides liability reassurance for public and private lands leased or used for public recreation. As summarized by the North Dakota Parks & Recreation Department, 53-08 "protects landowners and local government by limiting the liability they may incur from public recreation on their property." Furthermore, "a landowner is not specifically required to keep the premises safe for recreational purposes regardless of the location and nature of the recreational activity and whether the entry (authorized or unauthorized) or use by others is for their own recreational purposes or is directly related to the recreational activity of other person. Landowners are also not required to warn users of dangerous condition, use structure or active on the property...Unless otherwise agreed in writing, owners leasing land to the state or political subdivisions for recreation are not required to keep the property safe for others or warn users of any hazardous conditions, uses, structures or activities."

Because the preservation of the bridge and access points are currently BNSF Right of Way, any entity that would own the bridge would consider and formulate a way in which the ownership of the bridge could be placed in the public domain so that it would be covered by NDCC Chapter 53-08.

The vast majority of the over 350 rails-with-trails projects are insured by an existing local umbrella policy, similar to most rail-trails and greenways. According to the Rails-to-Trails Conservancy, "the increasing adoption of rails-with-trails has the potential to further reduce collisions by providing safe and intentional alternative to trespassing on tracks. Americans increasingly demand that they be given balanced transportation options that include safe and healthy places to walk and ride. Taking full advantage of corridors to facilitate both rail and active transportation."

2.2 Agency & Jurisdiction Issues

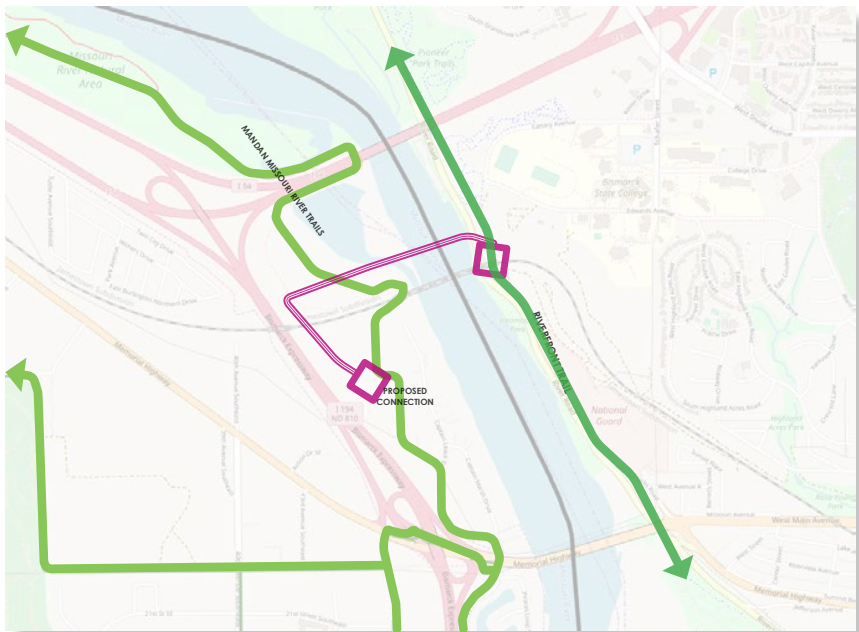
There are several agency and jurisdictional options for the Friends of the Rail Bridge (FORB) to move forward with a successful partnership with local and state entities. Following the Fairview Lift Bridge model between Montana and North Dakota, the Friends of the Rail Bridge could have ownership transferred either from BNSF directly, along with a monetary gift and potential 501c3 tax deduction. There are several commercial appraisers in the region, whose services would be needed to maximize this opportunity for both parties. Operations and maintenance of the bridge could be implemented by Bismarck Parks and Recreation and Morton County Parks or by the Friends of the Rail Bridge.

A second option, would be to follow the Stone Arch bridge model and have the BNSF Missouri River Railroad Bridge purchased by the North Dakota State Department of Transportation and maintained and operated by partnerships between Bismarck, Mandan, and Morton County Parks and the Friends of the Rail Bridge.

A third option would be to have a public agency, such as NDDOT or ND State Parks, actually own the historic bridge, and have an agreement in place where the non-profit such as Friends of the Rail Bridge raises funds toward an endowment, the interest of which would go toward maintaining the historic bridge.

2.3 Bismarck/Mandan, Morton County Trail Connections

The City of Bismarck Parks and Recreation District and the Morton County Parks District are both highlighted by excellent and abundant access to trails. They both have a dedication to innovative partnerships and involvement with the community and region. Bismarck State College, with approximately 3,800 students, the 3rd most populous student body within the 11 public universities in North Dakota, is immediately adjacent to the proposed historic 1883 rail bridge recreation trail." There is strong opportunity for connecting the rail bridge recreation trail to the Bismarck State College Campus, and further to the State Capitol Grounds, Downtown District, city and county trails in Morton and Burleigh County, Fort Abraham Lincoln State Park, and more broadly it would provide the only dedicated pedestrian and bicycle trail to span the Missouri River in central North Dakota



existing trails

proposed trails

[figure 8.0] Bismarck/Mandan and Morton County Trails as obtained from the G.I.S. databases of the City of Bismarck and Morton County (a portion of the Captain's Landing trail has been recently closed)

2.4 Railroad Security, Maintenance & Pedestrian Safety Improvements

The most recent Railroad Bridge Inspection Report, conducted on May 30th, 2018, confirmed the bridge in service has the capacity to safely carry traffic being operated over the bridge. The bridge is currently slated to be actively used by heavy rail traffic until 2022 or later.

As highlighted by the December 2017, Bismarck – Mandan Bicycle and Pedestrian Plan completed by Stantec, Bartlet and West and the University of Minnesota for the Bismarck Mandan Metropolitan Planning Organization. The plan calls for "several improvements to connect the downtown to the wider bicycle and pedestrian network, including a rails-with-trails connection to the riverfront trails along the south side of the existing railroad track....and utilizing the historic rail bridge."

Repurposing the bridge for bicycles and pedestrians would require a separate, secure, and safe access ramp. These estimates, including security fencing and new at-grade road crossings are included in this study.

In discussion with BNSF representatives a permit would be required to bring the existing bicycle trail under the bridge into compliance and make it a viable connecting point on the west side of the bridge. Maintaining this current trail at the same level of access it has enjoyed for the past decade is recommended, but is not critical to the repurposing of the bridge.

The repurposed bridge could be placed in a land trust or railbank which would require use, easement, and maintenance agreements between BNSF and the bridge's managing entity.

Pedestrian safety is of utmost importance to the feasible repurposing of the bridge. At a minimum, 54" metal railings would need to be provided along both edges of the bridge deck for the length of the bridge. The trail will descend from the ends of the truss spans and will require supplemental railroad separation fencing.

It is also common for heavy rail freight bridges that pass through urban areas to have remotely controlled security gates installed at each end of the bridge. This would also help provide positive separation and deter trespassers.

It is understandable that the BNSF would like to reduce bridges with fracture critical members for freight use. The repurposing of the bridge with a shared use trail or pair of trails would have live loading that is significantly less than the typical freight railroad loading. A structural inspection and structural analysis will be required to fully understand the load capacity.

As discussed in section 1.3 there are many examples of pin connected truss bridges repurposed to carry bicyclists and pedestrians. Several other fracture critical truss bridges identified by a similar feasibility study in Minneapolis include, Boom Island Railroad Bridge, Northern Pacific Railroad Bridge No. 9, and Hanover Bridge. Also mentioned in the April report are other similarities stated by the engineer.

"This report acknowledges these concerns, however since 2006 there have been significant developments in understanding and mitigation of structural concerns on fracture critical bridges." Matthew D. Jensen, PE, April 12th, 2019.

Other risk mitigation strategies are available, and the most appropriate strategy would be identified during the next phase of the project.

03

**OPINION OF PROBABLE
CONSTRUCTION AND
MAINTENANCE COST**

3.1 Opinion of Probable Costs for Construction and Maintenance



Opinion of Probable Cost for the Conversion of the BNSF Missouri River Railroad Bridge to a Pedestrian Bridge

Date: 06/24/2019

OPINION OF PROBABLE COST FOR THE CONVERSION OF THE BNSF MISSOURI RIVER RAILROAD BRIDGE TO A PEDESTRIAN BRIDGE

MAINTENANCE		EXPECTED LIFE CYCLE	Unit	Qty	UNIT COST	Total	Annual Cost	
1.00	SUPERSTRUCTURE						\$12,750.00	
2.00	SUBSTRUCTURE						\$24,550.00	
3.00	RAILINGS/FENCING						\$5,400.00	
4.00	DECK/PATHS						\$7,800.00	
5.00	INSPECTION/OTHER						\$13,000.00	
							\$63,500.00	
CONSTRUCTION and DESIGN								
1.00	SUPERSTRUCTURE							\$150,000.00
	Patina Coating Truss Span	10	SF	20000	6	\$120,000.00	\$12,000.00	
	Spot Coat Truss Span	40	SF	5000	6	\$30,000.00	\$750.00	
2.00	SUBSTRUCTURE							\$285,500.00
	Clean masonry	15	SF	40000	3	\$120,000.00	\$8,000.00	
	Tuckpoint masonry joinings	10	LF	10000	8	\$80,000.00	\$8,000.00	
	Crack injection	10	LF	1500	45	\$67,500.00	\$6,750.00	
	Crack sealing	10	LF	1500	12	\$18,000.00	\$1,800.00	
3.00	RAILINGS/FENCING							\$457,600.00
	Pedestrian Railings/Fencing		LF	3000	120	\$360,000.00		
	Safety/security fencing along trail		LF	2800	30	\$84,000.00		
	Security bollards		EA	1200	8	\$9,600.00		
	Emergency call pole		EA	2000	2	\$4,000.00		
4.00	DECK/PATHS							\$926,000.00
	Overlook decking	50	SF	5000	25	\$125,000.00		
	Bituminous pavement	15	SF	25000	20	\$500,000.00		
	Repair/replace expansion joints	25	SY	6000	3.5	\$21,000.00		
	Accessible Trail Ramps	50	SF	14000	20	\$280,000.00		
5.00	EARTHWORK							\$3,150,000.00
	Grading/Fill		CY	2.25	500000	\$1,125,000.00		
	Wall, Foundation		LF	10000	100	\$1,000,000.00		
	Wall, Finish Material, Premium		SF	25000	35	\$875,000.00		
	Landscape Plantings		SF	30	5000	\$150,000.00		
6.00	ELECTRICAL/LIGHTING							\$80,000.00
	Pedestrian lighting		EA	1500	40	\$60,000.00		
	Electrical		LS	1	20000	\$20,000.00		
7.00	INSPECTION/MAINTENANCE					\$0.00		
	Underwater Inspection & Report	5	LS	1	20000	\$20,000.00	\$4,000.00	
	Fracture critical inspection and repair	4	LS	1	50000	\$50,000.00	\$12,500.00	
	Arm's length Masonry Inspection	10	LS	1	15000	\$15,000.00	\$1,500.00	
	Annual Inspection	1	LS	1	4000	\$4,000.00	\$4,000.00	
	Survey	10	LS	1	5000	\$5,000.00	\$500.00	\$94,000.00
Indirects	Design and Plan Preparation			8%				\$400,000.00
	Permitting, Agency, and Construction Services							\$200,000.00
							SUBTOTAL	\$5,743,100.00
							TOTAL *	\$6,891,720.00

* with 20% contingencies

3.2 Conceptual Alignments and R/W Needs for Connecting Trails



3.3 Connections to Existing Morton County Trails



[figure 11.1] west ramp connection



[figure 11.2] east ramp connection

3.4 Connecting to a Future Expansion of a Cultural Trail System

Trail Route : Option 1	Trail Distances	Typology	Trail Route : Option 1
Ramp Exit to Shafer Street	0.48 mi	trail	From Trailhead:
Shafer Street to Divide Avenue	0.89 mi	on-street	To Capitol Grounds 2.79 mi
Divide Avenue to Capitol Grounds	1.42 mi	on-street	To Bismarck Library 3.8 mi
Through Grounds to 5th Street	1.95 mi	shared-path	To Bismarck Train Depot 4.38 mi
5th Street to Bismarck Library	0.48 mi	on-street	To Riverfront Trail 5.08 mi
Bismarck Library to Train Depot			
- Via 5th St. to Main Ave.	0.58 mi	on-street	Loop Connection :
Train Depot [9th Ave] to EXPWY	0.7 mi	on-street	Mandan Missouri River Mountain
EXPWY to Riverfront Trail		on-street	Bike Trail 7.74 mi
- Via Main Ave.	2.66 mi	trail	Trail Total 7.74 mi
Trail Route : Option 2	Trail Distances	Typology	Trail Route : Option 2
Ramp Exit to Edwards Avenue	0.23 mi	trail	From Trailhead:
Edwards Avenue to Shafer Street	0.65 mi	on-street	To Capitol Grounds 3.34 mi
Shafer Street to Divide Avenue	1.04 mi	on-street	To Bismarck Library 4.35 mi
Divide Avenue to Capitol Grounds	1.42 mi	on-street	To Bismarck Train Depot 4.93 mi
Through Grounds to 5th Street	1.95 mi	shared-path	To Riverfront Trail 5.63 mi
5th Street to Bismarck Library	0.48 mi	on-street	
Bismarck Library to Train Depot			Loop Connection :
- Via 5th St. to Main Ave.	0.58 mi	on-street	Mandan Missouri River Mountain
Train Depot [9th Ave] to EXPWY	0.7 mi	on-street	Bike Trail 8.29 mi
EXPWY to Riverfront Trail		on-street	Trail Total 8.29 mi
- Via Main Ave.	2.66 mi	trail	

[figure 12.0] future cultural trail options and distances

FORB Cultural Trails Proposal
Bismarck, North Dakota

04

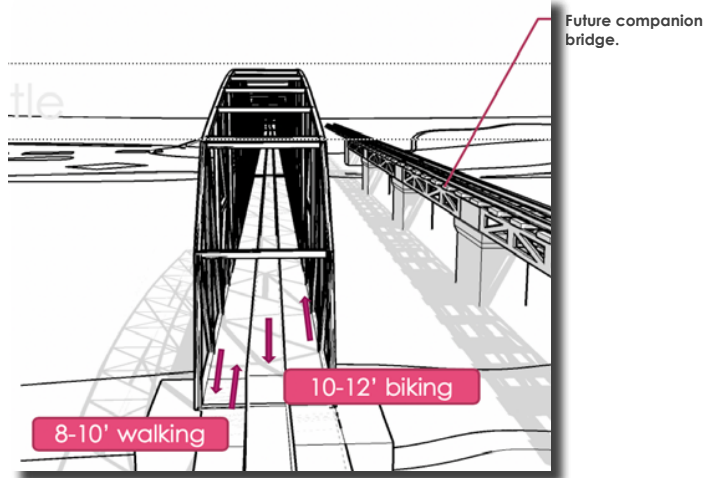
**ACTION PLAN
AND SCHEDULE**

4.1 Project Schedule and Timeline:

The Friends of the Rail Bridge will be the agency to lead the interest and coordination of partners for the potential repurposing of the BNSF Missouri River Railroad Bridge.

Potential Project Schedule:

July 2019	Feasibility Study Completed
2020	Preliminary Design & Topographical Survey Updated Environmental Engineering Documents
2021	Maintenance & Partnership Agreements Signed Legislative Approval (if required) Design & Construction Documents Completed
2022	Train Active Duration



[figure 13.0] bridge conceptual alignments, allows for several AASHTO compliant configurations - to be determined during design phase.

4.2 Potential Sponsors/Governance

Potential Partners for Funding, Ownership, and/or Maintenance :

- Bismarck Parks & Recreation District
- Morton County Parks District
- City of Bismarck
- City of Mandan
- North Dakota Department of Transportation
- Bismarck State College
- Northern Plains National Heritage Area
- The National Trust for Historic Preservation
- Friends of the Rail Bridge
- The Missouri Valley Heritage Alliance
- North Dakota State Historic Site
- North Dakota Department of Parks & Recreation

* This is not an exclusive list - many national funding sources are also available, due to the recent national visibility of the bridge.

4.3 Funding

■ Potential Funding Sources:

→ BNSF	Cost and tax savings payment to Friends of the Rail Bridge by avoiding demolition and tax-deductible sale of multi-million bridge asset
→ North Dakota Outdoor Heitage Fund	
→ Federal Lands Access Program	
→ US Fish and Wildlife Service	Through a Federal Land Transportation Program Grant
→ Bismarck Parks and Recreation District	One-time cash in lieu of maintenance payment
→ Morton County Parks District	One-time cash in lieu of maintenance payment
→ The Bush Foundation	Support for community organizations for several years of expenses. www.bushfoundation.org
→ The BNSF Railway Foundation	"primarily supports non-profits in communities located on our 32,500-mile rail network. The Foundation's giving has expanded to help more and more communities." www.bnsffoundation.org
→ FORB 501(c)3 Fundraising	Community support for capital campaigns has a strong record in the Bismarck Mandan community.
→ Philanthropic partner entities of the National Trust for Historic Preservation.	The trust has over 300,000 active members and an expansive network of philanthropists from across the nation and world. That the bridge is listed on the 2019 11 Most Endangered Places has elevated it to the audience and potential funders within this group.

*** This is not an exclusive list - many national funding sources are also available, due to the recent national visibility of the bridge.**

4.4 Public Input

The Section 106 consulting parties, the Friends of the Rail Bridge, The Advisory Council on Historic Preservation, The National Trust and The North Dakota State Historic Preservation Office have collaborated and prioritized stakeholder and public input. The Friends of the Rail Bridge conducted several public input and information meetings prior to this study.

■ Stakeholders Included :

- **City of Bismarck: Elected Officials and Staff**
- **Captain's Landing Township Representatives**
- **Bismarck Parks and Recreation District**
- **Morton County Park Officials**
- **U.S. Coast Guard Officials**
- **Advisory Council on Historic Preservation**
- **Historic Bridge Foundation**
- **BNSF**

Further coordination to guide the evaluation and decision making process is needed and should include but is not limited to; genuine and meaningful consultation with tribal nations, including Tribal Historic Preservation Offices and other heritage stakeholders.

4.5 Summary of Findings and Opinion of Feasibility



Economic Feasibility:

The community support, historic value, National Trust for Historic Preservation designation as one of 11 most endangered properties, and improvement to the needs of the community have been well documented by multiple studies. In considering the feasibility of re-purposing the BNSF Missouri River Railroad Bridge for bicycle and pedestrian systems within an active, year-round outdoor recreation corridor, the largest impacts are agreements with BNSF, cost and environmental impacts of accommodating both a new rail line and keeping in place the historic bridge piers. Considering that the demolition cost of the rail bridge is comparable to that of accessibility and initial upgrade costs, re-purposing the bridge for bicycle and pedestrian use is feasible from a cost perspective. Furthermore, a market study update completed by Kadmas Lee & Jackson of Bismarck, ND, RDG Planning and Design of Omaha, NE, and Agency MABU of Bismarck, ND show a need for a physical trail connection at the study location, and a market gap in excess of \$55 million dollars for the area directly west of the Missouri River Rail Bridge. The establishment of the Friends of the Rail Bridge entity, the market demand for development on both sides of the Missouri River Rail Bridge and the funding sources listed in Section 4.3 make the project economically feasible.

Cultural Feasibility:

As noted in the Class II Cultural Resource Inventory, the historic bridge lies within one mile of 49 previously recorded cultural resources, and in alignment with the city centers of Bismarck and Mandan, ND. If the rail bridge becomes the catalyst for a cultural trail linking the findings of the Mandan Memorial Highway Corridor Study and call for Riverfront development proposals by the City of Bismarck it is feasible that a surge in cultural and economic investments will follow. Similar cultural trail projects such as the Indianapolis Cultural Trail and the Minneapolis Stone Arch Bridge Trail have seen economic impacts in excess of \$1 billion and include the creation of 1,000s of new jobs.

From the Mandan Memorial Highway Corridor and Market Study, "The Corridor Study used a planning process focusing on community-based values and goals of all interest and stakeholders."

As recommended in the Corridor Study Figure 5.9 Alternate 1. "The new development connects to development on the other side of the Interstate (Captain's Landing area) via a pedestrian overpass." (pg. 70) This pedestrian overpass is in alignment with the Bismarck Missouri River Railroad Bridge and would provide a direct bicycle and pedestrian link as well as a truly unique experience of the Missouri River and sister cities.

Furthermore, from Cheryl McCormac's Bismarck Tribune article, Riverfront development a focus of Bismarck's call for projects, "Riverfront development appeared 'again and again' in the more than 1,100 responses Bismarck received when conducting its strategic plan survey last fall." And in the call for proposals "complete connectivity" encompasses

communications, walking and biking and neighborhood connections." Bismarck Mayor Bakken "wants the 1883 Burlington Northern Sante Fe Rail Bridge to be a part of the plan," according to Bismarck Tribune, January 21st, 2019.

Finally, The City of Bismarck adopted the Downtown Bismarck Sub-area Plan in December 2013 and this plan is supported by the December 2017 Bismarck – Mandan Bicycle and Pedestrian Plan completed by Stantec, Bartlet and West and the University of Minnesota for the Bismarck Mandan Metropolitan Planning Organization. The plan calls for "several improvements to connect the downtown to the wider bicycle and pedestrian network, including a rails-with-trails connection to the riverfront trails along the south side of the existing railroad track....and utilizing the historic rail bridge." The Bismarck Parks and Recreation District had a \$15,994,452 in general fund revenue in 2018 and \$376,505 in other financing sources. We agree with the findings of the 3 previously mentioned studies and find that the project is culturally supported and feasible.

Environmental Feasibility:

The environmental feasibility of re-purposing the historic rail bridge in addition to the construction of a new BNSF rail bridge would require a new Conditional Letter of Map Revision (CLOMR) 17-08-1412R. FEMA does not have the direct authority to issue a variance to local floodplain regulations. However, per FEMA's website; "FEMA's EHP experts provide specialized guidance and practical long-term planning assistance to communities across the county to ensure that proposed projects align with environmental planning and preservation requirements." This will be of great benefit for the Friends of the Rail Bridge entity moving forward.

Under 44 CFR 60.6, the community is the one to approve any exemptions from the National Flood Insurance Program (NFIP) floodplain management requirements, including those related to historic properties. Thus, Bismarck/Mandan or Friends of the Rail Bridge would need to submit updated engineering data.

Because FEMA does not mandate a particular engineering solution a new CLOMR request with appropriate supporting engineering data could make the project environmentally feasible. Alternatively, an application to determine a categorical exclusion for the purposes of the National Environmental Policy Act (NEPA) could be sought because the project and Cultural Resources Survey may satisfy criteria for actions listed in the Coast Guard's NEPA Implementing Instructions. (See appendix I. for a recent 2019 example).

Opinion of Feasibility:

This study finds sufficient evidence of support from both community stakeholders and outside experts for the local Floodplain Administrators to agree to participate in the re-evaluation of a scenario where a new BSNF bridge is constructed and the historic rail bridge is re-purposed as a bicycle and pedestrian crossing.

Given this evidence and the cultural and economic sources available in the Bismarck Mandan market it is the opinion of the study team that it is feasible to re-purpose the existing historic Northern Pacific Railroad bridge into a pedestrian and bicycle path with BNSF's proposed new bridge in place thirty feet to the north or, alternately, eighty feet to the north.

4.6 Disclaimer

NDSU Landscape Architecture as part of its land grant mission was retained to perform this feasibility study according to a specifically stated scope of services. The contents of the report are based on compiled data from drone observations obtained from locations observed by the Landscape Architect. It is possible that all conditions were not visually detected by the Landscape Architect. This report is for the exclusive use of the client.

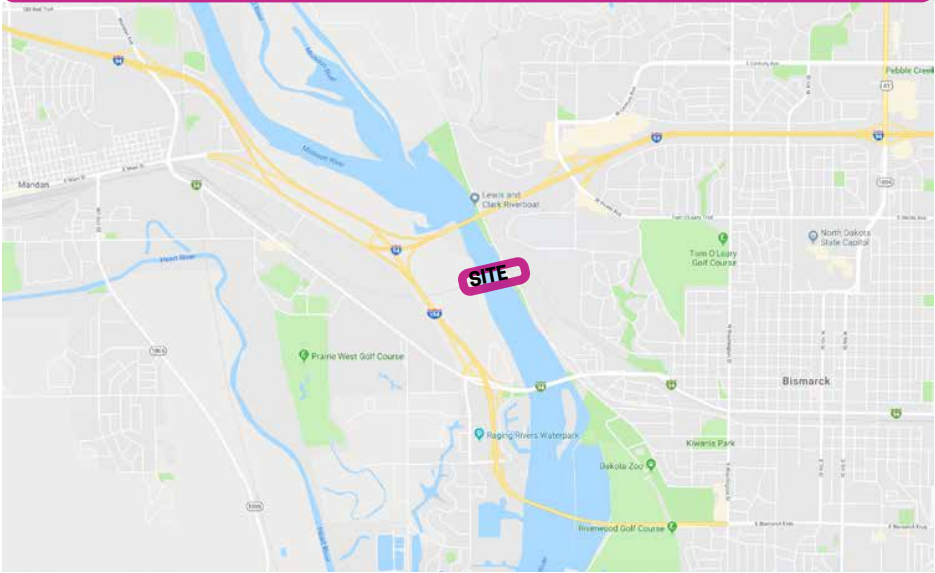
No warranty is made, express or implied, that deficiencies that may affect life or safety may not exist. Drawings included in this study are not for construction purposes.



APPENDICES A-I

A

APPENDIX A Location Map



APPENDIX B

Photos

B

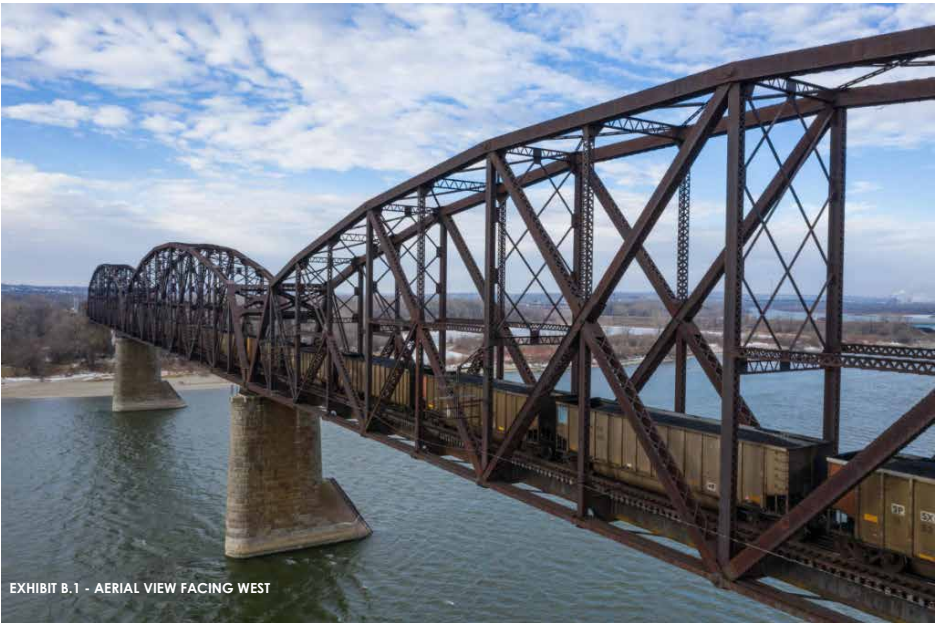


EXHIBIT B.1 - AERIAL VIEW FACING WEST

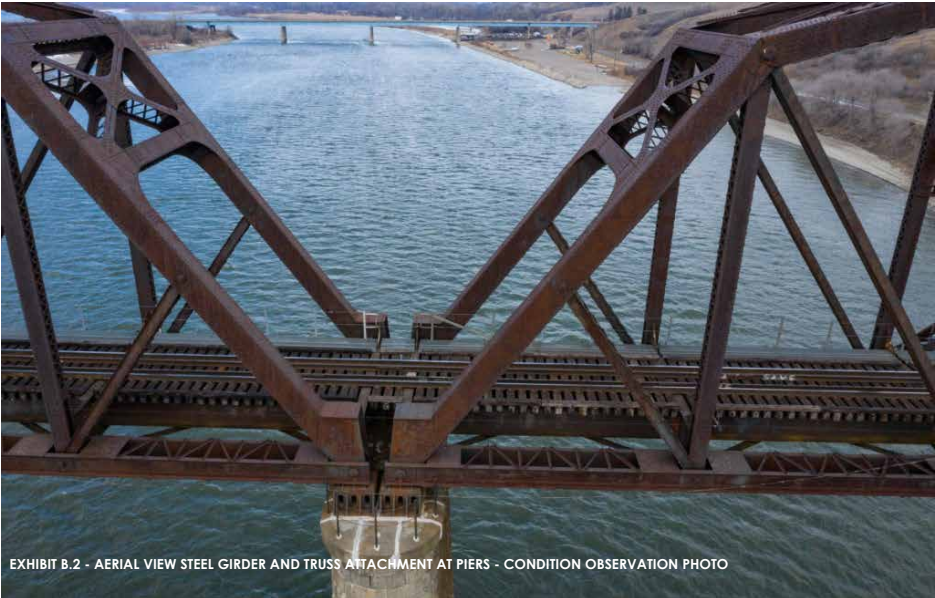


EXHIBIT B.2 - AERIAL VIEW STEEL GIRDER AND TRUSS ATTACHMENT AT PIERS - CONDITION OBSERVATION PHOTO



EXHIBIT B.3 - AERIAL VIEW FACING BSC



EXHIBIT B.5 - AERIAL VIEW SHOWING EAST ACCESS ROAD



EXHIBIT B.4 - AERIAL VIEW AT RIVER ROAD CROSSING

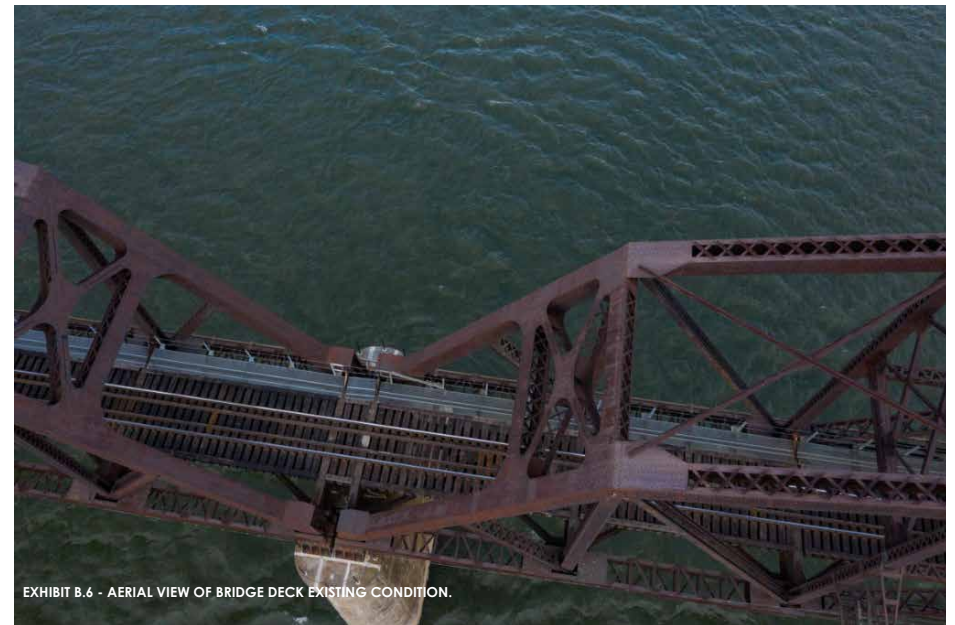


EXHIBIT B.6 - AERIAL VIEW OF BRIDGE DECK EXISTING CONDITION.

APPENDIX C Preliminary Site Plans



APPENDIX D Steering Review Committee Comments



1) Susan Wefald

After looking at the Draft Feasibility Study (75% complete) dated March 5, I have the following suggestion:

Bismarck State College with approximately 3,800 students is immediately adjacent to the proposed historic 1883 rail bridge recreation trail. Gateway to Science is planning a \$30 million new science center to educate children, young adults, and their parents to STEM activities west of the college bowl on the BSC campus. I suggest we include in our feasibility study the cost of connecting the rail bridge recreation trail to the Bismarck State College Campus. If well connected, students (including Gateway to Science students) could access the natural area on the west side of the bridge for STEM activities. Also, students could use the recreation trail for physical education training. In the report, we have not mentioned Bismarck State College or Gateway to Science as possible partners.

I thought of this concept when I recently visited Pensacola, Florida. The University of West Florida in Pensacola, Florida has established a partnership with a historic district in Pensacola Florida. The University of West Florida Historic Trust is dedicated to collecting, preserving, interpreting and sharing the history of NW Florida. The University of West Florida Historic Trust provides students an opportunity to live, work and study in a National Register Historic District. Perhaps something similar could be considered for BSC and the Northern Plains National Heritage Area, of which the historic rail bridge is an important part. But first, we need to see if it is feasible to connect the bridge to the BSC campus.

2) David Mayer (Comments 4.4.19 and 6.17.19)

Construction and Design Deck/paths – Asphalt pavement will not last 50 years. At best we are lucky to get 15 years before the trail would need to be replaced or an overlay would need to occur. With a structure I don't know that overlaying is possible. Adjusting the lifespan of the asphalt for the ramps down to 15 would be more realistic. Also, not accounted for in the estimate is the connection to the trail system and required pedestrian crossing at River Road. The plan should address crossing River Road, there could be extensive cost implications.

Section 3.1 Opinion of Probable Costs...

As mentioned above in 1.3, long-term costs are not accounted for. This estimate looks at conversion to a pedestrian bridge and possible maintenance. Shouldn't it also discuss a savings or trust account to handle future major renovations/repairs?

3.2 Connections

On the Bismarck side the ramp ends at River Road and does not connect to the existing trail system. The design should include a connection to the existing trail system along the river. Along the west bank the ramp ends in a ditch, this document should discuss the connections to the community and how that will occur. The estimate should include those costs as well.

4.4 Public Input - Please change the word "Officials" at the end of Bismarck Parks and Recreation District to representatives. This is more accurate wording.

Overall document comment:

Throughout this draft, multiple agencies are listed as possible responsible parties, sponsors/governance and potential funding sources. Prior to completing this document, it would be prudent to discuss these topics with these entities representatives prior to naming them in these categories. Knowing these organizations stance on these topics ahead of time may change the statement in section

4.5, Summary of Findings and Opinion of Feasibility.

Reference sections: 2.2, 4.2 and 4.3 4.5 Summary of Findings and Opinion of Feasibility Not knowing BNSF's requirements in 2.4 and 2.5 it seems premature to make a case for feasibility. Another question that should be asked of BNSF is, what does BNSF want from that entity in terms of cost and indemnification of future claims?

The maps showing roads and trails should reflect the existing and planned trail system as a starting point, as shown by the Bismarck-Mandan Metropolitan Planning Organizations bike/ped master plan (which is available on the City of Bismarck's website under Growth Mgmt).

As FORB is a non profit group, the proposed improvements should be identified as those improvements necessary to have a barebones functional trail on the repurposed bridge (with some connection to the nearest existing trails). Then any improvements that could be added later could be identified so that they would be implemented as additional funding/partnerships are identified.

The preliminary cost estimates included painting the bridge...is this necessary? The preliminary cost of bridge painting appeared low.

The preliminary cost estimates included 'cleaning' of the stone piers...has there been any thought that we should preserve the patina rather than spend a lot of money on something that isn't necessary?

The preliminary cost estimates included 500,000 cubic yards of embankment at \$1/c.y. Embankment borrow that is \$1/c.y. is typically moved a short distance within a road R/W by a scraper, not trucked to the site. The proposed new RR bridge is only using 200,000 c.y. of embankment, and all of it is to be trucked in borrow that creates huge logistics issues and high cost (\$15/c.y. or more). Captains Landing Township will not allow the borrow to be trucked over their roads, and there are no other access points to the west side of the bridge. The railroad has proposed a temporary access off of the I-194 northbound lanes, which the NDDOT will only accommodate during a construction project on I-194 this summer. That temporary access involves significant expense to just construct the access point...and it will be removed after 90 days, so the access will not be available for later construction. Without the access, the railroad was considering the use of barges to bring embankment and materials to the work site. The amount of estimated embankment needed should be split out as to which side of the river it is needed, and for what specific improvements.

The proposed typical section for the bridge include 8' wide exclusive bike lanes, a landscaped median and a separate pedestrian trail with fences/rails alongside. However, it appears this does not meet the AASHTO bicycle facility design guidelines and may not qualify for some federal aid programs. Trails typically have a 2'-3' shyway along either sides of trails...putting bicycles on a high structure with no shyway along an 8' wide trails seems like there may be inadequate space for the trail users. The landscaped median is nice but brings higher maintenance and construction costs, as well as questionable ability to water anything. Could this be reconsidered to provide a trail section that is cost efficient while also meeting the AASHTO design guide?



The City of Bismarck will limit its comments on the BNSF Rail Bridge Feasibility Study to subject matters that relate directly to the City of Bismarck's infrastructure, in particular, the Water Treatment Plant and related facilities in the vicinity of the BNSF rail bridge. The City of Bismarck does not manage/maintain/operate the existing multi-use trail facilities adjacent to the rail bridge. Therefore, the City of Bismarck does not have a position to take in regard to the feasibility of repurposing the bridge to a bicycle/pedestrian facility in concert with existing trail networks.

At this time, and based on the information contained in the draft report, the City of Bismarck will not be expending any funds toward the repurposing of the rail bridge for reasons stated previously. The Commission indicated that any official comments or discussion with the City will go through City Administration, who will bring the appropriate information to the City Commission to make any formal decisions.

APPENDIX E Preliminary Cost Estimates [Structures]



Date: 06/24/2019

OPINION OF PROBABLE COST FOR THE CONVERSION OF THE BNSF MISSOURI RIVER RAILROAD BRIDGE TO A PEDESTRIAN BRIDGE

MAINTENANCE		EXPECTED LIFE CYCLE	Unit	Qty	UNIT COST	Total	Annual Cost	
1.00	SUPERSTRUCTURE						\$12,750.00	
2.00	SUBSTRUCTURE						\$24,550.00	
3.00	RAILINGS/FENCING						\$5,400.00	
4.00	DECK/PATHS						\$7,800.00	
5.00	INSPECTION/OTHER						\$13,000.00	
							\$63,500.00	
CONSTRUCTION and DESIGN								
1.00	SUPERSTRUCTURE							<u>\$150,000.00</u>
	Patina Coating Truss Span	10	SF	20000	6	\$120,000.00	\$12,000.00	
	Spot Coat Truss Span	40	SF	5000	6	\$30,000.00	\$750.00	
2.00	SUBSTRUCTURE							<u>\$285,500.00</u>
	Clean masonry	15	SF	40000	3	\$120,000.00	\$8,000.00	
	Tuckpoint masonry joinings	10	LF	10000	8	\$80,000.00	\$8,000.00	
	Crack injection	10	LF	1500	45	\$67,500.00	\$6,750.00	
	Crack sealing	10	LF	1500	12	\$18,000.00	\$1,800.00	
3.00	RAILINGS/FENCING							<u>\$457,600.00</u>
	Pedestrian Railings/Fencing		LF	3000	120	\$360,000.00		
	Safety/security fencing along trail		LF	2800	30	\$84,000.00		
	Security bollards		EA	1200	8	\$9,600.00		
	Emergency call pole		EA	2000	2	\$4,000.00		
4.00	DECK/PATHS							<u>\$926,000.00</u>
	Overlook decking	50	SF	5000	25	\$125,000.00		
	Bituminous pavement	15	SF	25000	20	\$500,000.00		
	Repair/replace expansion joints	25	SY	6000	3.5	\$21,000.00		
	Accessible Trail Ramps	50	SF	14000	20	\$280,000.00		
5.00	EARTHWORK							<u>\$3,150,000.00</u>
	Grading/Fill		CY	2.25	500000	\$1,125,000.00		
	Wall, Foundation		LF	10000	100	\$1,000,000.00		
	Wall, Finish Material, Premium		SF	25000	35	\$875,000.00		
	Landscape Plantings		SF	30	5000	\$150,000.00		
6.00	ELECTRICAL/LIGHTING							<u>\$80,000.00</u>
	Pedestrian lighting		EA	1500	40	\$60,000.00		
	Electrical		LS	1	20000	\$20,000.00		
7.00	INSPECTION/MAINTENANCE					\$0.00		
	Underwater Inspection & Report	5	LS	1	20000	\$20,000.00	\$4,000.00	
	Fracture critical inspection and report	4	LS	1	50000	\$50,000.00	\$12,500.00	
	Arm's length Masonry Inspection	10	LS	1	15000	\$15,000.00	\$1,500.00	
	Annual Inspection	1	LS	1	4000	\$4,000.00	\$4,000.00	
	Survey	10	LS	1	5000	\$5,000.00	\$500.00	<u>\$94,000.00</u>
Indirects	Design and Plan Preparation				8%			\$400,000.00
	Permitting, Agency, and Construction Services							\$200,000.00
							SUBTOTAL	\$5,743,100.00
							TOTAL *	\$6,891,720.00

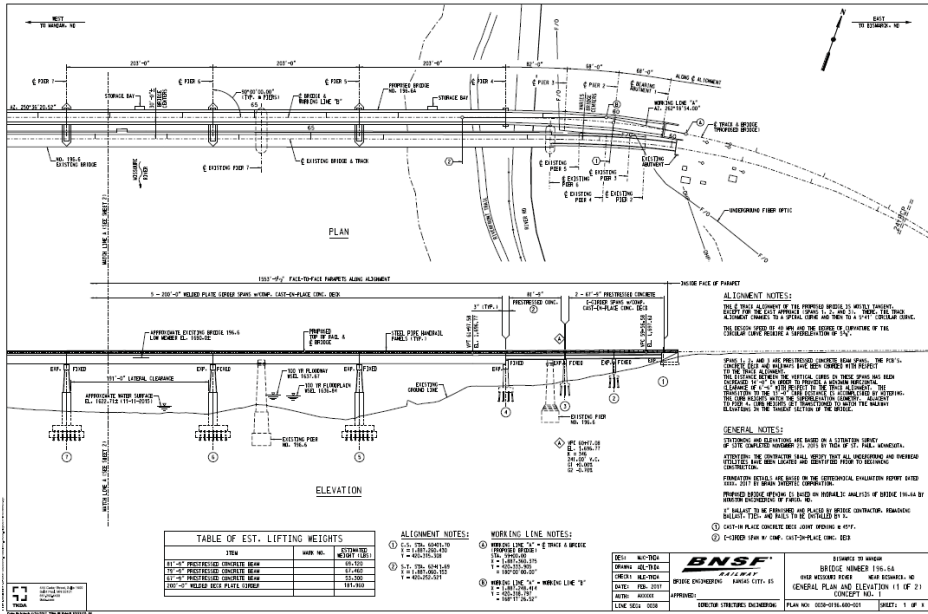
* with 20% contingencies

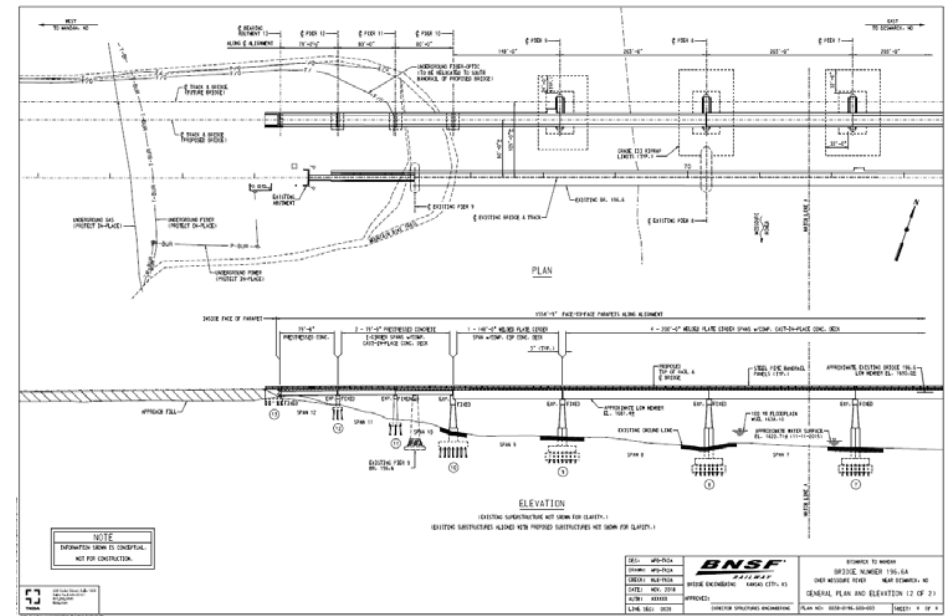
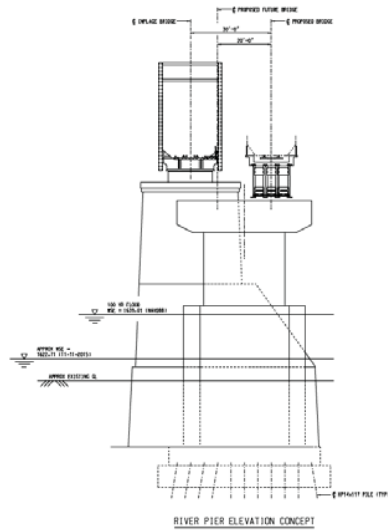
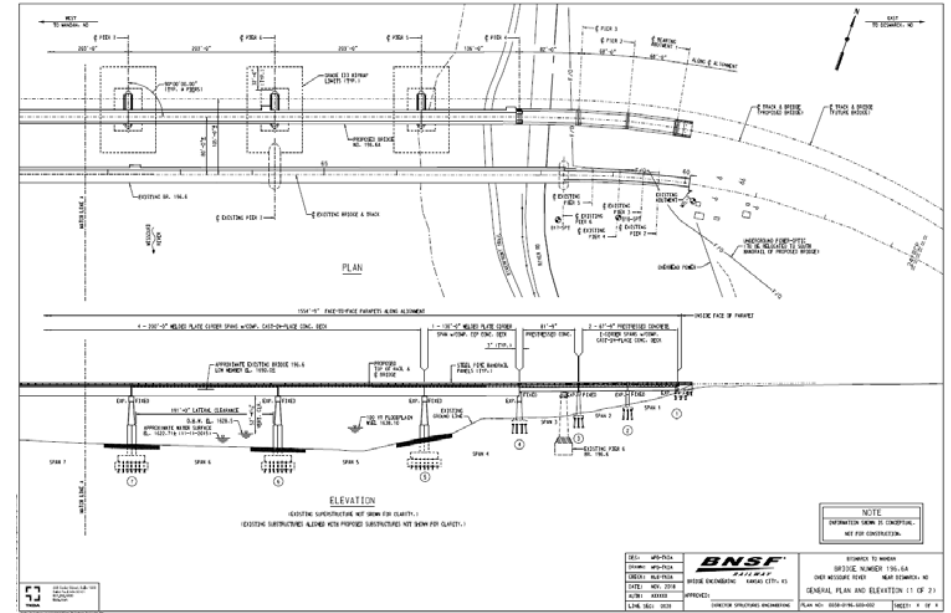
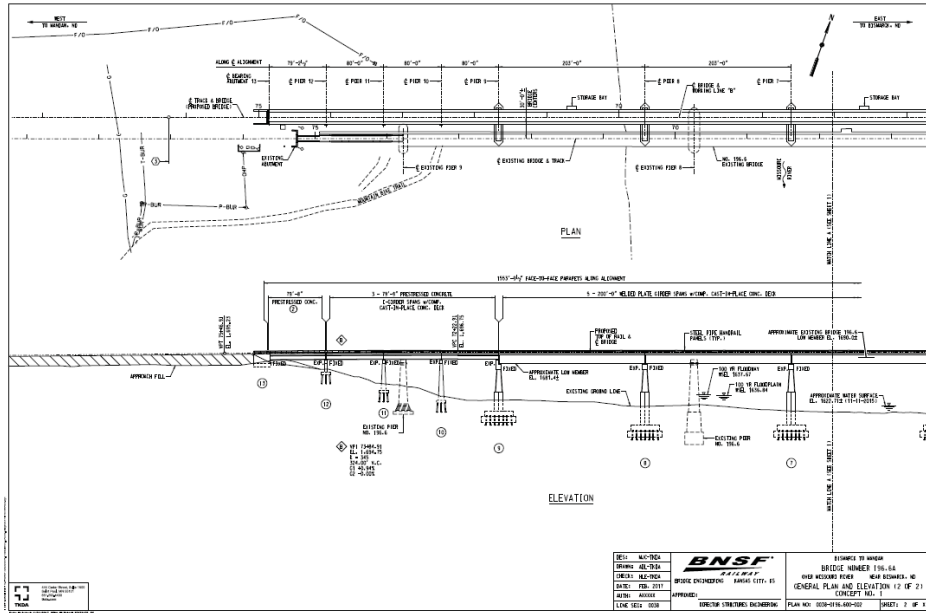
Bridge Replacement Concepts for BNSF's Missouri River Bridge

BNSF Preferred vs. Alternate Concept

BNSF Preferred Design Concept

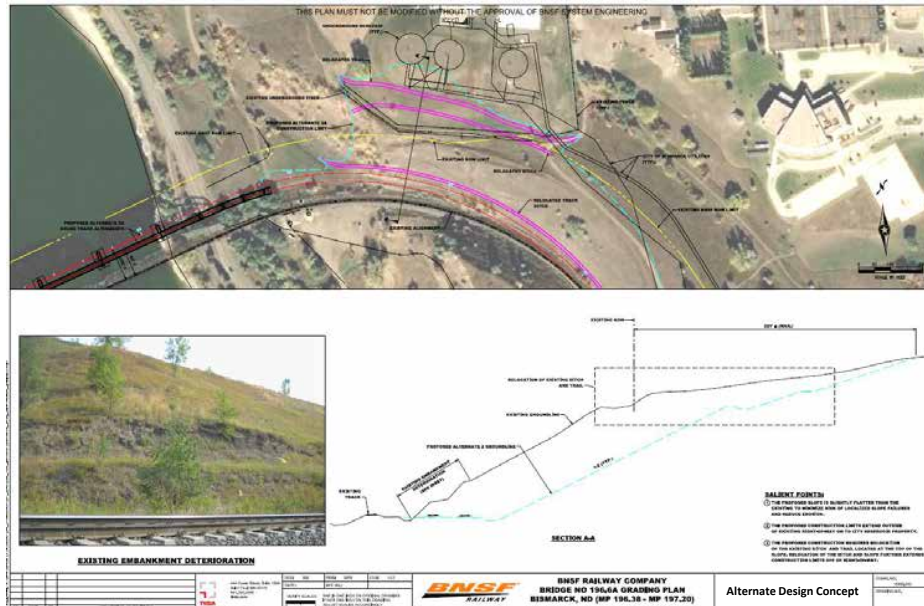
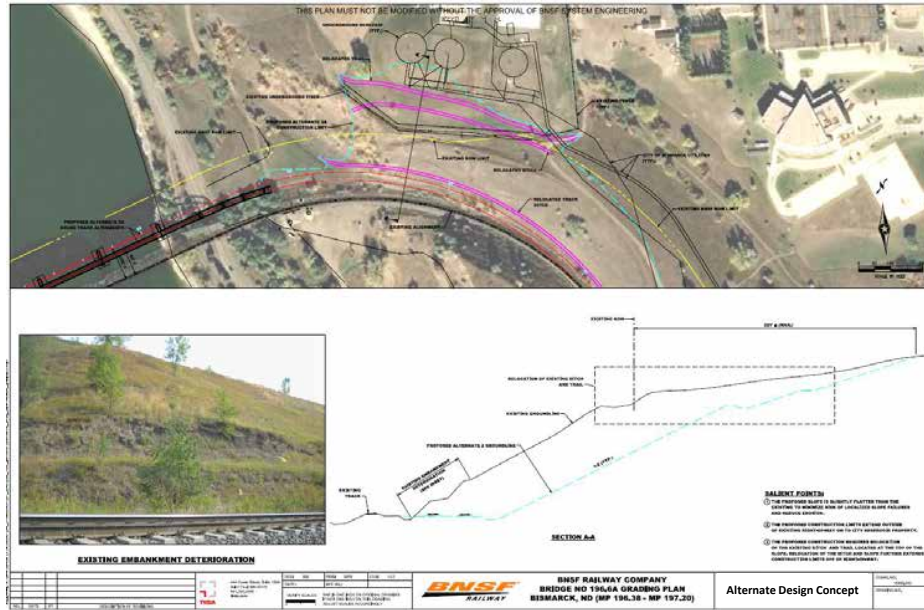
Replacement bridge with track offset 30ft upstream and future track on existing alignment





Design Concept Comparison

1. Cost – Premium cost of \$25M-\$30M to construct alternate design concept
 - \$19.4M – Retaining wall along Missouri River Nature Preserve
 - \$5M – Grading
 - \$4.3M – Relocation of rail bridge over expressway
2. Risk – BNSF's preferred design concept minimizes risk of soil movement
 - Excavation for existing bridge initiated chronic soil/bridge pier movement
 - Alternate concept requires significant excavation of embankment in NE quadrant
3. Schedule – Alternate design concept adds 2-3 years to project schedule
 - Design of added scope
 - Significant increase in scope of construction



Br. 196.6 Hydraulic Modeling (Bismarck, ND)

June 10, 2019

BNSF
RAILWAY

2

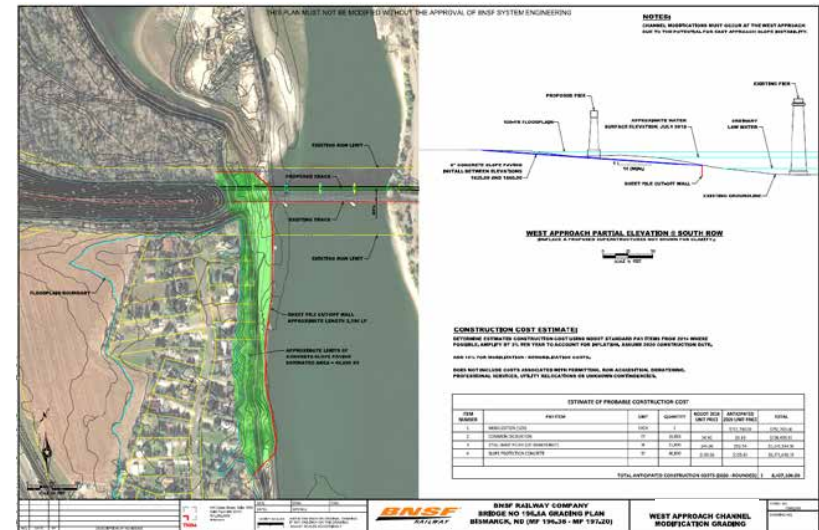
- **Case A** – BNSF Preferred Design WITHOUT Existing Bridge - Tracks positioned on existing alignment and 30' north:
 - Yields a no-rise in base flood elevation.
 - No structures impacted by base flood.
- **Case B** – New bridge with tracks positioned 80' and 105' north of existing bridge WITH existing bridge, and every other new "wet" pier aligned with an existing pier:
 - Yields a base flood elevation rise of 0.02'.
 - Rise extends eight miles upstream and impacts approximately 500 structures.
- **Case C** – BNSF Preferred Design WITH Existing Bridge - Tracks positioned on existing alignment and 30' north of existing bridge, and all new piers offset from existing piers:
 - Yields a base flood elevation rise of 0.03'.
 - Rise extends ten miles upstream and impacts approximately 550 structures.



Cost and R/W Implications

- **Case A** - BNSF Preferred Design with no rise in base flood elevation:
 - Provides baseline cost for comparison to Cases B and C.
 - All work is within BNSF R/W.
- **Case B** - Base flood elevation rise of 0.02':
 - Requires a cost premium of \$32M compared to Case A:
 - \$23.7M to construct modified bridge design.
 - \$8.4M to achieve a no-rise base flood elevation rise. (See slide #4)
 - Requires significant work outside of BNSF R/W.
- **Case C** - Base flood elevation rise of 0.03':
 - Requires an added premium cost, in excess of the \$8.4M, to achieve a no-rise base flood elevation rise.
 - Work to achieve no-rise base flood extends further off BNSF R/W than required for Case B.

Case B Mitigation – Base Flood Elevation Rise 0.02'







National Trust for
Historic Preservation

Stories ▾Places ▾Our Work ▾Support ▾



National Trust for Historic Preservation
**America's 11 Most
Endangered Historic Places**

May 30, 2019

Discover America's 11 Most Endangered Historic Places for 2019

11

More:
11 Most Endangered Historic Places

By:
National Trust for Historic
Preservation

SHARE

SHARE

Each year, [America's 11 Most Endangered Historic Places](#) sheds light on important examples of our nation's heritage that are at risk of destruction or irreparable damage. Over 300 places have been listed in its 32-year history, and in that time, fewer than 5 percent of listed sites have been lost.

The 2019 list includes a diverse mix of historic places across America that face a range of challenges and threats, from climate change to inappropriate development to neglect and disuse.

Find out what you can do to support these irreplaceable sites through the list below.



Bismarck-Mandan Rail Bridge

Bismarck, North Dakota

ADD YOUR NAME

The Bismarck-Mandan Rail Bridge connects Bismarck and Mandan, North Dakota. Constructed in 1883, it was the first rail bridge built across the upper Missouri River. The iconic bridge has been recognized as an International Site of Conscience for the role it played in opening the western United States to white settlement—and the resulting profound impacts to Native American communities—but it has been proposed for demolition by railway company BNSF.

The Coast Guard is in consultation with BNSF and other parties under Section 106 of the National Historic Preservation Act. The Coast Guard has proposed a conditional permit that would require BNSF to retain the historic bridge until after an adjacent new bridge is constructed, in order to allow time to identify a preservation solution for the Bismarck-Mandan Rail Bridge. [Tell the Coast Guard not to allow demolition of this iconic bridge.](#)

Mike Rehner



National Trust for Historic Preservation

Save the past. Enrich the future.™

APPENDIX H Public Input

When we see the Brooklyn Bridge or the Golden Gate Bridge we recognize them for their place in history, as wonders of technology, as icons of a place - a time past and present. When we look at this Rail Bridge, **in our own backyard**- it is as nationally and regionally significant for what it represents. The 60 miles of the Missouri River around Bismarck-Mandan, between the Garrison and Oahe dams, is host to a National Heritage Area, national historic sites, numerous state historic sites and parks, and recreational trails. The Rail Bridge is an integral piece to the history and experience of this region.

Spanning the Missouri River in 1883 this bridge was completed the same year as the Brooklyn Bridge. No one would think of tearing down that bridge.

When traveling- visitors want to experience the icons of a special place - in Paris, for many visitors, it is the iconic Eiffel Tour. I feel that the Rail Bridge is our Eiffel Tower- immediately recognizable and representative of a special place. BTW- this bridge is 6 years older than the Eiffel Tower. (built in 1889)

In an age of all most everything being disposable, our grandparents and great grandparents who lived through the Depression and our children today recognize the value of recycling or repurposing what we have. This bridge should not be thought of as disposable.

We must respect the past, repurpose in the present and build for the future-

A new bridge is welcome, but we should also recognize the value of and potential for the Rail Bridge in the decades to come.

The Rail Bridge, for Bismarck-Mandan, North Dakota and the Missouri River, is part of our heritage. This Place Matters!



April 17, 2019

PUBLIC NOTICE D8 DWB-887

All interested parties are notified that an application dated April 19, 2019, has been received from the Burlington Northern Santa Fe Railway Company by the Commander, Eighth Coast Guard District, for approval of location and plans for the construction of a fixed railroad bridge over a navigable waterway of the United States.

WATERWAY AND LOCATION: Missouri River, Mile 336.2, at Sibley, between Jackson and Ray Counties, Missouri.

CHARACTER OF WORK: Construct a new fixed railroad bridge adjacent to and immediately downstream from the existing railroad bridge.

MINIMUM NAVIGATIONAL CLEARANCES:

<u>Existing</u>	<u>Proposed</u>
Horizontal: 383.0 feet at channel margins measured normal to flow of river	Horizontal: 375.0 feet at channel margins measured normal to flow of river
Vertical: 88.5 feet above zero on Napoleon W.B. gage at mile 328.6	Vertical: 89.1 feet above zero on Napoleon W.B. gage at mile 328.6

ENVIRONMENTAL CONSIDERATIONS:

The Coast Guard, the lead federal agency, has made a tentative determination that the companion bridge is categorical exclusion for the purposes of the National Environmental Policy Act (NEPA) because it satisfies criteria for such actions listed in the Coast Guard's NEPA Implementing Instructions. The applicant performed a Cultural Resources Survey for the proposed bridge project during the environmental review process.

The applicant determined that the proposed project will have no adverse impacts to cultural resources listed or eligible for listing in the National Register of Historic Places, or otherwise of archaeological, historical, or architectural significance. The Missouri State Historic Preservation Office (MoSHPO) concurred with this determination on August 22, 2017 and subsequently on December 14, 2018. The bridge is located in the base floodplain. The 100-year flood elevation is 714.4 feet m.s.l., while elevation of the low steel of the navigation span is 771.78, elevations are referenced to NAVD88 datum. No excavated material nor permanent fill material will be placed below the 100-year flood elevation. Approximately 0.26 acres of permanent wetlands will be impacted by the project and 0.86 acres of temporary wetlands will be impacted. These wetlands will be mitigated at Clear Fork Mitigation Bank. Water Quality Certifications (WQC) pursuant to Section 401 of the Clean Water Act have been applied for from the State of Missouri, Department of Natural Resources. The project will have no impacts on historic properties, threatened or endangered species,

residential and business properties, minority and low-income populations, or adversely impact Environment Justice.

The Coast Guard has made the determination that the proposed project will not pose a risk to Federally-listed threatened and endangered species. The applicant, as the Coast Guard’s designated Federal representative, coordinated with the U.S. Fish and Wildlife Service (USFWS), which concurred on October 11, 2017, that “[t]his project is not likely to adversely affect any species under the Endangered Species Act, as amended.”

The environmental document is available for review at the office of the Commander (dwb), Eighth Coast Guard District, Bridge Branch, Room 2.102D, 1222 Spruce Street, St. Louis, Missouri 63103-2832, Monday through Friday, 8:00 a.m. to 4:00 p.m., except Federal holidays.

SOLICITATION OF COMMENTS:

Interested parties are requested to express their views, in writing, on the proposed bridge. Give sufficient details to establish a clear understanding of the reasons for support or opposition to the proposal. Comments will be received for the record at the office of the Commander (dwb), Eighth Coast Guard District Bridge Branch, Room 2.102D, 1222 Spruce Street, St. Louis, Missouri 63103-2832 through May 20, 2019. Any comments received will be made part of the case record.

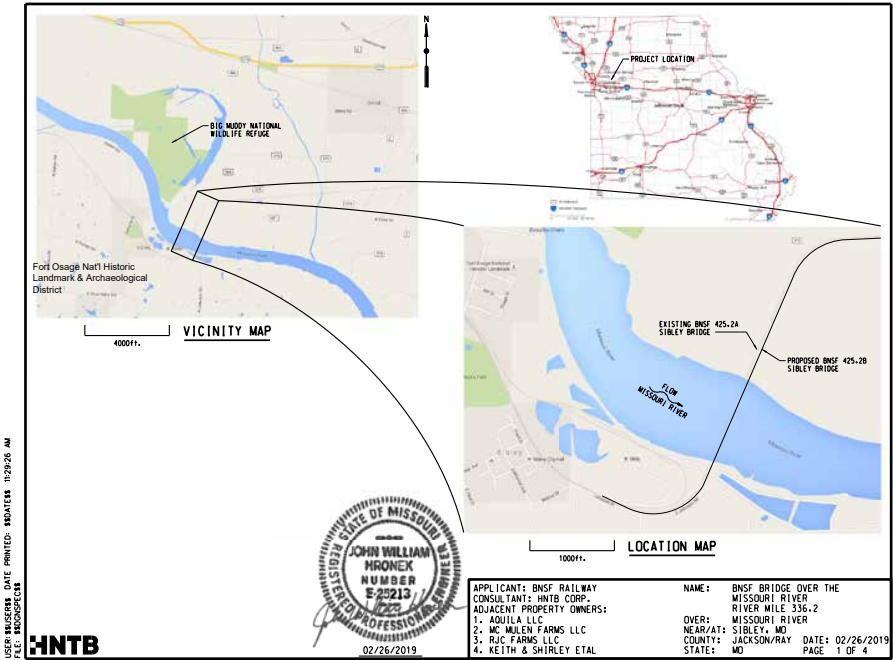
Location map and plans are attached.

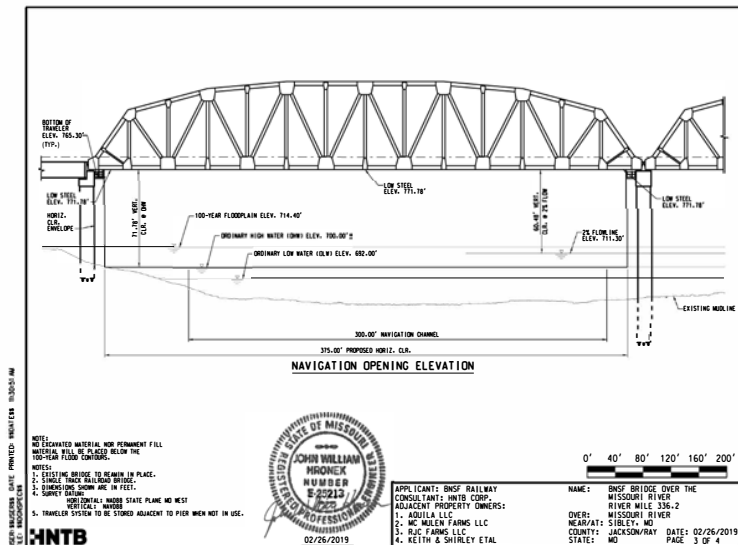
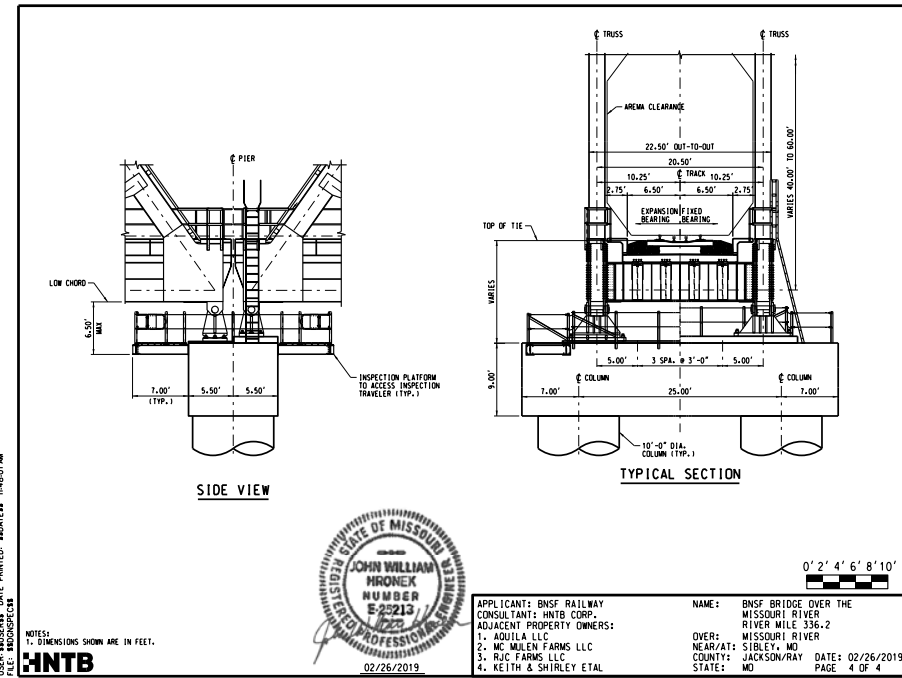
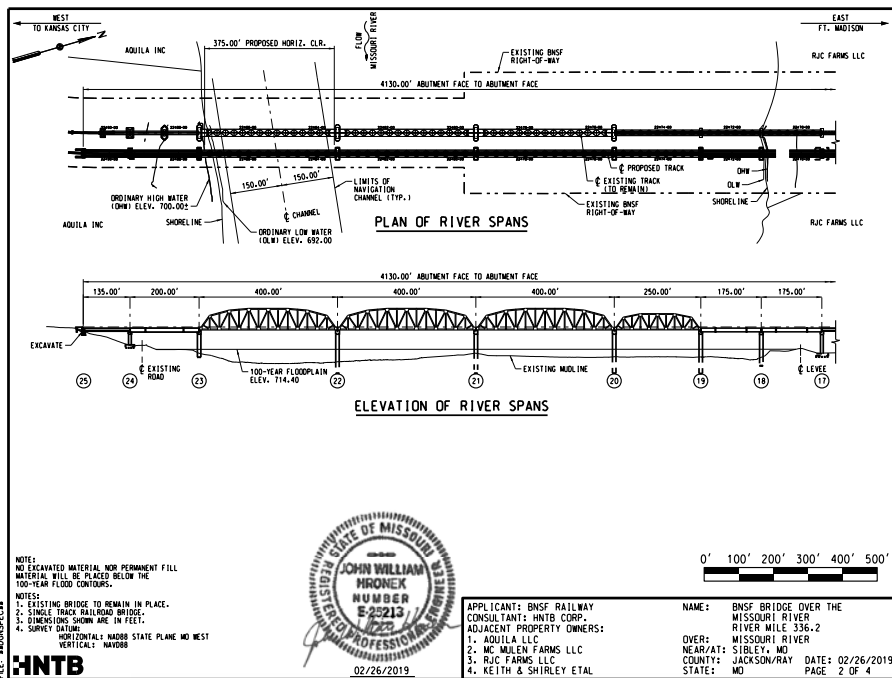
//s//
ERIC A. WASHBURN
Bridge Administrator, Western Rivers
By direction of the District Commander

NOTE: The mailing list for this Public Notice is arranged by watershed. Due to the size of this list, selective mailing is not practical. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

POSTMASTER: Official business. Please post.

“This is a web-searchable copy and is not the official, signed version; however, other than the signature being omitted, it is a duplicate of the official version.”







Community Development Department

MEMORANDUM

Prioritization of BNSF Bridge Mitigation Priorities

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: February 12, 2021

The US Coast Guard is requesting the City of Bismarck to provide a prioritized response for a list of mitigation strategies for possible inclusion in a Memorandum of Agreement (MOA) in association with the BNSF Programmatic Agreement for the BNSF rail bridge. At your meeting on January 20, 2021, Community Development Director Ben Ehreth provided an update on the Programmatic Agreement that the City has signed as a consultative party to the Historic Preservation Commission. After the programmatic agreement was signed by all parties, the US Coast Guard provided a draft MOA. The MOA is anticipated to further identify and capture the previously identified recommended actions suggested by all consultative parties that were not included in the Programmatic Agreement for the rail bridge.

The City is being asked to provide a prioritized response of the items to be included in the MOA. Prior to the City Commission's approval of the City's prioritization, staff is seeking input from the Historic Preservation Commission to help draft a prioritized list.

To ensure this task can be accomplished in a timely manner, staff is asking each Historic Preservation Commissioner to individually prioritize the items in the mitigation table and provide their responses to staff no later than 5:00 PM on Tuesday, February 16, 2021. An aggregate of all the individual prioritizations will be compiled and presented during your meeting on Wednesday, February 17, 2021 for discussion and any potential final adjustments necessary.

The prioritization requested is for the entire Mitigation Table regardless of whether the bridge is retained or not. A priority indication of 1 should be your highest priority and 23 the lowest priority.

Staff Recommended Action:

Review the draft Memorandum of Agreement and the Mitigation Table. Prior to 5:00 PM on Tuesday, February 16, 2021 provide staff your individual prioritized list. At your regular scheduled February 17th meeting, review the aggregate prioritized list and adjust as necessary.

A motion to recommend a final prioritized list to the City Commission is needed.



Attachments: Mitigation Table
Draft Memorandum of Agreement

Bismarck Bridge Project

Mitigation Table for Draft Memorandum of Agreement

Responsible Party	Mitigation	Priority
Mitigation specific to existing bridge being retained		
To be determined	FORB recommends that if BNSF would donate the historic bridge along with funds budgeted for bridge demolition to the Public Private Partnership, this would be adequate mitigation of the adverse effects of construction of a new bridge beside the historic bridge.	
To be determined	If Bismarck Bridge approaches are found to be eligible, mitigation for their removal will be needed. ¹ If the USCG's bridge permit requires that BNSF retain the existing Bismarck Bridge, only the three truss structures and the four stone piers will be retained. The proposed action will remove the approaches even if the historic trusses remain so that BNSF can ensure pedestrian separation from BNSF active right-of-way and the new rail bridge.	
To be determined	Prepare NRHP nomination for the Bismarck Bridge and submit to National Park Service for listing (see Stipulation I.A.).	
Mitigation if existing bridge is removed; may also be applicable to existing bridge remaining (grouped by type of mitigation)		
Trails/Signage		
To be determined	Provide funding of \$(amount) for the development of a multi-use trail(s) and associated interpretative displays, as well as public art, preserving the memory of the Bismarck Bridge.	
To be determined	Develop, in consultation with Preservation North Dakota and the Bismarck Historic Preservation Commission, interpretive signage content that illustrates, as comprehensively as possible, the significance of the Bismarck Bridge under all Criteria for which it is eligible, and that acknowledges the	

¹ Yellow highlights indicate placeholders for information that is not yet known or that requires consultation.

	varied historic and cultural values of the community and its relationship to the bridge. Install one of these signs on the east side of the new bridge and one on the west side of the new bridge.	
To be determined	Provide ample funding for trail enhancements on both east and west sides of the Missouri River and at points of interest throughout the Bismarck-Mandan trail system to include historic interpretive signage, emergency stations, and funds for ongoing maintenance of these trails and associated amenities.	
Surveys/Exhibits		
To be determined	Develop and implement "The Bridge Project: An International Site of Conscience," an interpretative program to foster truth and reconciliation in the American story over dislocation and subjugation of indigenous peoples with participating Tribes, SHPO, National Trust for Historic Preservation, and Preservation North Dakota.	
To be determined	Provide funding of \$(amount) to survey historic resources around the Bismarck and Mandan communities for possible nomination to the NRHP.	
To be determined	Ensure that the site of Camp Frazier, a World War I era military camp located on the flatland immediately south of the east end of the Bismarck Bridge and established to protect the bridge from possible sabotage, receives an archeological survey and study to determine the site's NRHP eligibility.	
To be determined	Provide funding of \$(amount) to document the history of the Bismarck Bridge and its impact on the region and nation for presentation as a museum exhibit. As part of this effort, fund a qualified historian as defined in Stipulation III to write a comprehensive history of the bridge. This comprehensive history should include the impact of the railroad and bridge on Native Americans and their descendants.	
To be determined	Develop a 5,000-square-foot travelling exhibit to be on display at various locations including, but not limited to, the Heritage Center Museum in Bismarck that tells the history of the Bridge; and create a student send trunk for use in public schools throughout the state that could offer three potential focuses: 1) the design, construction and engineering aspects of the Bismarck Bridge's historic	

	significance as it relates to STEM curricula, 2) the cultural and historic significance of the Bismarck Bridge in the role the railroad played in the displacement of Native indigenous people and the settlement of the American West—themes taught in the North Dakota Studies curricula, and 3) the importance of place identity in understanding history and heritage as learned from the historic preservation movement, teaching with historic places based on North Dakota sites listed in the NRHP and geared toward history, social studies, and geography curricula. Cost of exhibit to be no less than \$(amount) and no more than \$(amount).	
To be determined	Develop a permanent interpretive installation at the North Dakota Railroad Museum in Mandan, including interpretive panels that discuss the history of the bridge, an exhibit that includes portions of the bridge, and a series of professionally produced video documentaries (10-15 minutes in length) on: 1) the history of Bismarck prior to construction of the bridge; 2) the history of the selection of the final bridge crossing point and its ramifications (halted land speculation) on the west riverbank and the final location of the City of Mandan; 3) the historic Bismarck Bridge; 4) the new bridge design and construction. Make a monetary donation of \$(amount) to purchase viewing equipment for the video series. Cost of installation to be no less than \$(amount) and no more than \$(amount).	
To be determined	Provide funds of \$(amount) to the Bismarck Historical Society, Mandan Historical Society, and/or Northern Plains Heritage Foundation/Northern Plains National Heritage Area to allow these local history repositories and interpreters opportunities to conduct necessary additional research (if any) to prepare interpretive presentations (written, audible and/or visual) to accompany bridge-related exhibits (static and/or mobile) if they choose to design, equip, construct and maintain such exhibits by agency staff or by contract.	
To be determined	Create, develop content for, and host an interpretive website on the history of the Project area. The content of this interpretive website will be structured to appeal to the general public and to be useful for educational purposes (e.g., it may include interactive components and activities suitable for K-12 students and educators). By means of keyword indexing, solicited links from other sites, and similar techniques, this material will be formatted to be readily found by educators and students using search engines. Continue to host the website throughout the Project construction period. Once	

	Project construction is completed, the website will be archived at [To Be Determined]. Website will also include periodic updates based on milestones insert milestones throughout the Project construction period.	
To be determined	Deconstruct the granite piers of the Bismarck Bridge in a way so the individual pieces or portions thereof can be used and displayed for public purposes elsewhere in the community.	
To be determined	Retain portions of the existing bridge in place to preserve the history of the Bismarck Bridge while still maintaining no net rise to the flood plain	
Endowments/Sponsorships		
To be determined	Endow a Chair of History at \$(amount) at a local public educational institution, such as Bismarck State College or United Tribes Technical College, to further promote the study and understanding of local historic themes the rail bridge embodies, such as the history of the railroad and its effect on the development of this area and the American West, a layered history of the Missouri River Valley as a hub of transportation and commerce, and the subjugation and displacement of Native indigenous people.	
To be determined	Sponsor an annual event at \$(amount) during the construction period of the new bridge promoting FORB's mission of history, education, and recreation that engages people in both the Bismarck and Mandan communities.	
To be determined	Establish an endowment of \$(amount) to assist Preservation North Dakota—North Dakota's only statewide non-profit organization dedicated to Historic Preservation—in its general operations, giving the organization's board of directors authority to use the interest earnings from the fund in administering the existing Grass Roots Grant program that supports hands-on bricks-and-mortar preservation projects across the state; enhance its education, outreach, and advocacy programming to advance the public's understanding of history, heritage, and the importance of place; and promote the preservation crafts and professions in this state.	

Documentation of Bismarck Bridge		
To be determined	Create a 3-D scan of the Bismarck Bridge for conversion into a 3-D model.	
To be determined	Provide photographic documentation of the Bismarck Bridge in color photographs, as well as aerial photographs obtained by drone or similar means.	
To be determined	Record a video with color, digital, time lapse photos of the removal of the historic Bismarck Bridge and the construction of the new replacement bridge. The video/time lapse photos shall be made available via electronic media (for example, CD or external drive). Provide one copy of the completed video/time lapse photos to the North Dakota SHPO and offer a copy to the Bismarck Historical Society, Bismarck-Mandan Historical and Genealogical Society, FORB, Mandan Historical Society, Morton County Historical Society, North Dakota State Railroad Museum, Preservation North Dakota, and the North Dakota State University library system within sixty (60) calendar days of final acceptance of the new bridge by BNSF.	
To be determined	Historic American Engineering Record (HAER) Documentation (Level of documentation to be determined through consultation and with input from National Park Service) - Develop comprehensive documentation that records the Bismarck Bridge.	
Other		
To be determined	Additional mitigation suggestions or ideas to be added, if desired	

DRAFT - MEMORANDUM OF AGREEMENT

***AMONG THE UNITED STATES COAST GUARD,
THE NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED BRIDGE PROJECT AT MILE 1315.0 ON THE MISSOURI RIVER NEAR
BISMARCK AND MANDAN, BURLEIGH COUNTY, NORTH DAKOTA***

Whereas, the United States Coast Guard (USCG) is the lead federal agency, responsible for making a federal bridge permit decision for the BNSF Railway Company (BNSF) Bridge Project (Undertaking) in accordance with the General Bridge Act of 1946, as amended; and

Whereas, the USCG, North Dakota State Historic Preservation Officer (SHPO), and Advisory Council on Historic Preservation (ACHP) executed a Programmatic Agreement (PA) for the Undertaking on January 15, 2021, with Invited Signatories BNSF and Friends of the Rail Bridge (FORB); and

Whereas, Stipulation VIII of the PA stated that a second tier Memorandum of Agreement (MOA) would be developed by the USCG, SHPO, ACHP, and other Consulting Parties to address adverse effects that the Undertaking may have on historic properties and to develop detailed mitigation plans, assign responsibilities, and provide timelines; and

Whereas, Stipulation VIII of the PA further stated that the MOA would include specific commitments to minimize and mitigate adverse visual effects from a new bridge on the existing Bismarck Bridge, if it is retained, and also on any other historic properties in the visual APE; and

Whereas, the USCG finalized the visual APE on **DATE¹** (see Appendix A); and

Whereas, the USCG and SHPO consulted on a good faith effort to identify historic properties in the visual APE, as stipulated in I.B. of the PA, and identified **X historic properties (property names)** that could experience adverse effects from the Undertaking; and

Whereas, the USCG has determined that the Bismarck Bridge approach spans are **do/do not** contribute to the Bismarck Bridge, which has been determined eligible for the National Register of Historic Places (NRHP), and the SHPO has concurred;

Now, Therefore, the USCG, SHPO, ACHP, BNSF, and FORB agree that the USCG shall ensure that the following stipulations are implemented to mitigate the effects of the Undertaking on historic properties, and that these stipulations shall govern the Undertaking and all of its parts.

STIPULATIONS

The USCG shall ensure that the following measures are implemented:

I. RETAIN EXISTING BRIDGE

A. If the USCG determines that retaining the existing Bismarck Bridge and constructing a new adjacent bridge is feasible and reasonable, then the following actions will be completed by the indicated responsible party, and by the date or schedule provided. If a party cannot meet

¹ Yellow highlights throughout indicate placeholders for information that is not yet known or that requires consultation.

the date or schedule stipulated, that party will request an amendment to this MOA in compliance with Stipulation VIII. This request will be made in writing to the USCG and will include what progress has been made on the action, why the delay has occurred, and provide an anticipated revised date or schedule. The USCG will convey this request to the other consulting parties, who will then consult on the potential change to schedule. After consultation, the decision on any re-scheduling will be the responsibility of the USCG.

Responsible Party	Action
FORB	Establish a formal public/private partnership that could accept ownership and other responsibilities of retaining the Bismarck Bridge by DATE.
Public Private Partnership	- Sign a sales contract or lease agreement with BNSF to take possession of the bridge by DATE. - Sign a hold harmless agreement with BNSF by DATE. - Prepare a Pedestrian Control Plan for the Bismarck Bridge (see Attachment B) that includes measures to prevent pedestrians from accessing BNSF's active right-of-way. Plan must include positive separation for pedestrians and cannot impact the eastern embankment due to slope stability issues. Plan must be presented to BNSF for review prior to the USCG publishing the draft environmental impact statement for public comment. Public Private Partnership must file the Final Plan, approved by BNSF, with the USCG within 30 days of issuance of the USCG bridge permit decision. - Prepare a Recreational Trails Pedestrian Access Plan for trails adjacent to the Bismarck Bridge. Plan must be presented to BNSF for review prior to the USCG publishing the draft environmental impact statement for public comment. Public Private Partnership must file the Final Plan, approved by BNSF, with the USCG within 30 days of issuance of the USCG bridge permit decision. - Provide proof of funding to the USCG for costs of ongoing maintenance and management of the Bismarck Bridge and initial phase of bridge-to-trail conversion no more than 30 days after the USCG bridge permit decision is issued. - For maintenance and management, the fund must contain no less than \$63,500 (one year of estimated maintenance costs*). - For initial phase of bridge-to-trail conversion, estimated cost is \$700,000* for design and plan preparation, permitting, and inspections. - Provide proof of funding to the USCG no more than 30 days after the USCG bridge permit decision is issued for all

	additional costs resulting from the decision to keep the existing Bismarck Bridge, including but not limited to: ○ Added design costs and construction premiums above those for BNSF's proposed action. BNSF will provide the estimated amount of funding (see BNSF's responsibilities below). ○ Cost to remove the Bismarck Bridge to prevent hazard to navigation in the event of bridge failure or dereliction, estimated at \$4 million. ○ Costs of construction to repurpose the Bismarck Bridge from a rail bridge to a pedestrian bridge. Estimated cost* is \$6,191,720. ○ Funding to construct any floodplain rise mitigation.
SHPO, BNSF, and Bismarck Historic Preservation Commission	● BNSF will fund and select a Secretary of the Interior-qualified consultant to prepare NRHP nomination for the Bismarck Bridge. ● Bismarck Historic Preservation Commission will review and process the Bismarck Bridge NRHP nomination, and submit the nomination to the SHPO ● SHPO will oversee the NRHP nomination process for the Bismarck Bridge ● Nomination must be completed and accepted by the SHPO prior to beginning construction on the new bridge
BNSF	● Sign a hold harmless agreement with the Public Private Partnership. See Attachment C. ● Review Public Private Partnership's Pedestrian Control Plan within 60 days of receipt. Work with Public Private Partnership to approve and finalize Plan before it is submitted to USCG. ● Review Public Private Partnership's Recreational Trails Pedestrian Access Plan for recreational trails adjacent to the Bismarck Bridge within 60 days of receipt. Work with Public Private Partnership to approve and finalize Plan before it is submitted to USCG. ● Evaluate and revise estimated amount of added design costs and construction premiums above those for BNSF's proposed action. BNSF must provide these revised costs and supporting documentation to the USCG and FORB by DATE. ● If requested, provide letter of support to Public Private Partnership for their fundraising efforts

1

*Estimates and work items from *Final Feasibility Study*, June 30, 2019.

1 A. **Mitigation**

2 (See Mitigation Table document)

3 II. **REMOVE EXISTING BRIDGE**

4 A. If the USCG determines that retaining the existing bridge and constructing a new
5 adjacent bridge is not feasible and reasonable, then the actions in the following table must be
6 completed by the indicated responsible party, and by the date or schedule provided. If a party
7 cannot meet the date or schedule stipulated, that party will request an amendment to this MOA
8 in compliance with Stipulation VIII. This request will be made in writing to the USCG and will
9 include what progress has been made on the action, why the delay has occurred, and provide an
10 anticipated revised date or schedule. The USCG will convey this request to the other consulting
11 parties, who will then consult on the potential change to schedule. After consultation, the
12 decision on any re-scheduling will be the responsibility of the USCG.

Responsible Party	Action
FORB	Provide proof of funding for mitigation related to retaining portions of the existing Bismarck Bridge in the waterway, if needed, to the USCG within 30 days of issuance of the USCG bridge permit decision.
BNSF	If portions of the existing bridge can remain, obtain a permit from the U.S. Army Corps of Engineers (USACE) for retention of part of the structure.
USCG	If portions of the existing bridge remain, include obtaining a USACE permit as a condition of the USCG bridge permit.

13 B. **Mitigation**

14 (See Mitigation Table document)

15 **Administrative Provisions**

16 III. **PROFESSIONAL QUALIFICATIONS**

17 All work carried out pursuant to this MOA will be developed and/or implemented by, or under
18 the direct supervision of, a person or persons meeting or exceeding the minimum professional
19 qualifications, appropriate to the affected resource(s), listed in the *Secretary of the Interior's*
20 *Professional Qualification Standards* as defined and officially adopted in 1983 (48 FR 44716,
21 September 29) and the *Secretary of the Interior's Historic Preservation Professional*
22 *Qualification Standards* as expanded and revised in 1997 (62 FR 33708, June 20).

23 IV. **EFFECTIVE DATE**

24 The terms of this agreement will become effective upon signature of all Signatories. The USCG
25 will file a copy with the ACHP.

26 If an emergency is declared in the area of the Undertaking by the President of the United
27 States or Governor of North Dakota, any deadlines written into this MOA may be extended by
28 the USCG for a period of up to 60 days.

29 V. **DURATION**

1 This MOA will expire if its terms are not carried out within 10 years from the date of issuance of
2 the USCG bridge permit. Prior to such time, the USCG may consult with the other Signatories to
3 reconsider the terms of the MOA and amend it in accordance with Stipulation VIII.

4 **VI. MONITORING AND REPORTING**

5 BNSF and FORB shall each provide all Consulting Parties to this MOA an annual report detailing
6 work undertaken pursuant to its terms commencing on the first of the month after the date of
7 the signed Record of Decision, until the MOA expires or is terminated. Such reports shall
8 include all proposed scheduling changes and disputes or objections received in parties' efforts
9 to carry out the terms of this MOA. These reports will be emailed to the USCG point of contact
10 (POC) as well as to POCs for all Consulting Parties. The USCG will hold periodic (quarterly or
11 annual) Consulting Party meetings after the MOA is executed based on the interest of the
12 Signatories.

13 **VII. DISPUTE RESOLUTION**

14 If any Consulting Party to this agreement objects to any actions conducted during the term of
15 this MOA or to the manner in which the terms of this MOA are implemented, the USCG shall
16 consult with such party to resolve the objection. If the USCG determines that such objection(s)
17 cannot be resolved, the USCG will:

18 A. Forward all documentation relevant to the dispute, including the USCG's proposed
19 resolution, to the ACHP. The ACHP shall provide the USCG with its advice on the resolution of
20 the objection within 30 calendar days of receiving documentation. Prior to reaching a final
21 decision on the dispute, the USCG shall prepare a written response that takes into account any
22 timely advice or comments regarding the dispute from the ACHP and Signatories and provide
23 them with a copy of this written response. The USCG will then proceed according to its final
24 decision.

25 B. If the ACHP does not provide its advice regarding the dispute within the 30-day time
26 period, the USCG may make a final decision regarding the dispute and proceed accordingly. Prior
27 to reaching a final decision, the USCG shall prepare a written response that takes into account
28 any timely advice or comments regarding the dispute from the Signatories to the MOA and
29 provide them and the ACHP with a copy of such written response.

30 C. The USCG's responsibility to carry out all other actions subject to the terms of this MOA
31 that are not the subject of the dispute remain unchanged.

32 **VIII. AMENDMENTS AND ADDITIONAL PARTIES**

33 A. This agreement may be modified upon the mutual written consent of the Signatories in
34 accordance with 36 CFR 800.6(c)(7).

35 B. If additional approvals are needed from another agency that is not a party to this MOA
36 and the Undertaking remains unchanged, such agency may comply with Section 106 by agreeing
37 in writing to the terms of this MOA and notifying and consulting with the SHPO and ACHP. Any
38 necessary modifications would be considered in accordance with Stipulation VIII.A.

39 **IX. TERMINATION**

40 A. If any Signatory determines that the terms of this MOA will not or cannot be carried out,
41 that party shall immediately consult with the other signatories to attempt to develop an
42 amendment per Stipulation XV above. If within 14 days (or another time period agreed to by all

signatories) an amendment cannot be reached, the Signatory may terminate the MOA upon written notification to the other signatories. The party proposing to terminate the agreement shall so notify all other signatories to this agreement explaining the reasons for termination and affording at least 30 days to consult and seek alternatives to termination. The signatories shall then consult.

B. Should such consultation fail to resolve the dispute, any Signatory may terminate the agreement by so notifying all Consulting Parties. Should this agreement be terminated, the USCG shall either:

1. Consult in accordance with 36 CFR 800.6(a) in an effort to resolve any adverse effects, or
2. Terminate consultation and request ACHP comment in accordance with 36 CFR 800.7(c).

X. **POINTS OF CONTACT**

The USCG POC will be Brian Dunn, Chief, Office of Bridge Programs, Coast Guard Headquarters (202) 372-1510. The SHPO POC will be Lorna Meidinger, Architectural Historian (701) 328-2089). The ACHP POC will be Christopher Wilson, Program Analyst (202) 517-0229. The BNSF POC will be Mike Herzog, Director of Bridge Construction (913) 551-4229.

Execution of this MOA by the USCG, SHPO, ACHP, BNSF, and FORB, and implementation of its terms, is evidence that the USCG has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

**BISMARCK HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
January 20, 2021**

The Bismarck Historic Preservation Commission met on January 20, 2021, at 3:30 p.m. in the David J. Blackstead Conference Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, the meeting was held via Zoom. Chair Sakariassen presided remotely.

Commissioners present were Steve Bakken, Blake Dinkins, Calvin Grinnell, Tory Jackson, Beth Nodland, Walt Bailey and Amy Sakariassen.

Staff members present were Hilary Balzum – Community Development Senior Administrative Assistant, Jannelle Combs – City Attorney, Will Hutchings – Planner and Kim Lee – Planning Manager and Ben Ehreth – Community Development Director.

MINUTES

Chair Sakariassen called for consideration of the minutes of the December 16, 2020 meeting of the Historic Preservation Commission.

MOTION: A motion was made by Commissioner Bakken to approve the minutes of the December 16, 2020 meeting of the Historic Preservation Commission, as presented. The motion was seconded by Commissioner Dinkins and with Commissioners Bakken, Bailey, Dinkins, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

Commissioner Grinnell joined the meeting at this time.

PUBLIC COMMENT

There were no public comments provided at this time.

UPDATE ON BNSF RAIL BRIDGE PROGRAMMATIC AGREEMENT

Mr. Ehreth gave a brief history of the process overview related to the BNSF Rail Bridge Programmatic Agreement. He explained what a programmatic agreement is and what it does and stated he has received the final signed programmatic agreement as of today.

Mr. Ehreth then defined those involved with developing the agreement and their roles, as well as the permitting process and time frame. He closed by sharing an overview of what will happen next and what the permitting process is like locally.

Chair Sakariassen thanked Mr. Ehreth and said it likely that this group will be consulted at some point so it is important to have received this update.

Commissioner Dinkins asked what the three previous Historic Preservation Commission recommendations are that made it into the Programmatic Agreement.

Mr. Ehreth said the recommendations are to be a signatory to the agreement, to have a design review committee and to notify the Indian Affairs Commission, which he understands has already happened.

OTHER BUSINESS

ELECTION OF OFFICERS

Commissioner Bakken made a motion to re-elect Amy Sakariassen as the Chair of the Bismarck Historic Preservation Commission. Commissioner Nodland seconded the motion and with Commissioners Bakken, Bailey, Dinkins, Grinnell, Jackson and Nodland voting in favor of the motion, Amy Sakariassen was reelected Chair of the Bismarck Historic Preservation Commission. Commissioner Sakariassen abstained.

Commissioner Dinkins made a motion to re-elect Beth Nodland as the Vice Chair of the Bismarck Historic Preservation Commission. Commissioner Jackson seconded the motion and with Commissioners Bakken, Bailey, Dinkins, Grinnell, Jackson and Sakariassen voting in favor of the motion, Beth Nodland was reelected Vice Chair of the Bismarck Historic Preservation Commission. Commissioner Nodland abstained.

OTHER BUSINESS

Mr. Hutchings shared that the first Historic Preservation Commission Subcommittee meeting was held recently and said Commissioner Jackson can share his take on that.

Commissioner Jackson said he felt the meeting was very productive and is looking forward to the future meetings.

Chair Sakariassen asked who are the members that make up that committee.

Commissioner Jackson said himself, Commissioners Nodland and Dinkins, Jim Christianson, Jack Dura, Dakota Good House, Kate Waldera and Sarah Walker were all present.

ADJOURNMENT

There being no further business, Chair Sakariassen declared the meeting of the Bismarck Historic Preservation Commission adjourned at 3:57 p.m. to meet again on February 17, 2021.

Respectfully Submitted,

Hilary Balzum
Recording Secretary

APPROVED:

Amy Sakariassen, Chair

DRAFT