

Misinformation #4: "As a pedestrian bridge, safety would be too much of a concern"

(see attached pages ~~11-20~~ of Highway Department memo and other records confirming that the state Highway Department in 2008 performed a "20-year upgrade" and/or "routine maintenance" as a special bonus to the county for taking ownership of the old bridge, to make it safe for vehicular traffic until 2028, which may be translated *indefinitely safe* structurally for pedestrian use, or *certainly safe* for NO use, once vehicular traffic has ceased in 2021. More than \$200,000 available for minimal upkeep such as inspection, cleaning, periodic spot painting to prevent rust, deck patching, etc.)

(County would have option to simply bar access to it if there was no interest in developing it as a pedestrian bridge, letting it simply stand as a memory to our past heritage. OR if interest and activity arose to develop it as a pedestrian attraction to honor its greatly significant historic cultural and economic value to the development of this region, which would draw more visitors to help increase the *current* economic advantage to local businesses, be it known that there are demolition reimbursement and other various preservation funds that will belong to the county for the purpose of upkeep and development, and maintenance as a historic site.) Remember, at last estimate in 2013, the demolition reimbursement amount of \$200,000 that would be for the county or whoever takes ownership with appropriate stipulations. PLUS other preservation award funds also available.

IMPORTANT NOTE: When all other bridges across the Buffalo were replaced *after* the Park arrived, former County officials apparently forfeited their *ownership* of the old bridges/accesses across the Park, probably being unaware that federal law says that such exchanges are to be "approximately equal", and *instead only received limited federal easements for the new bridges*. Now that we county officials have been informed of our rights, WHY would Newton County want to give up FEDERALLY FREE ACCESS across the river and the Park by letting the old bridge be torn down, when we could instead OWN IT and KEEP IT ourselves!!!!????!!

I encourage the Public to let your JP's know what you think about it!!!!

D

F Y I

Opinions, Documents, Questions & Research

concerning

The

Pruitt Bridge

Submitted by Connie Burks to the Newton County Quorum Court
November 2, 2009

36 pages attached to this cover

D-1

FACTS & COMMENTS
ABOUT THE BUFFALO RIVER BRIDGE
ON HIGHWAY 7 AT PRUITT

Bridge # 01689

Research prepared and submitted for the attention of the
Newton County Judge and Quorum Court
(with request for this information of 18 pages to be entered into
the public record of their November 2, 2009 meeting)

1. In 2004, signatures of the Federal Highway Division Administrator, the Arkansas State Historic Preservation Officer, and the Newton County Judge were affixed to a Memorandum of Agreement Regarding the Treatment of the Bridge which proposed to "transfer ownership of the ...Bridge to Newton County (the Grantee)". That Memorandum of Agreement (MOA) included a Historic Preservation Covenant, which was to "be inserted in the instruments of conveyance and... thereafter run with the land". That legal agreement/covenant followed a December 12, 2003 letter from Arkansas Highway and Transportation Department Director, Dan Flowers, in which he declared: "Upon completion of the construction project, the Department will initiate the transfer of ownership of the Pruitt Bridge to Newton County."

2. In accepting ownership of the Pruitt Bridge after a new bridge is completed, the county will OWN the old bridge across the river, AND the old highway across the Park. Unless the state highway department does differently than in did with the Ponca bridge and the U.S. 65 bridge, it will only retain "limited easement" for the new bridge with the new crossings. The U.S. 65 bridge "limited easement" has discrimination clauses, which if "breached" reverts the ownership of the 65 bridge to the Department of Transportation and then "full control" to the Department of Interior. (If I am understanding the wording of that U.S. 65 bridge easement correctly, an arrest or detention of suspected illegal aliens approaching or on the bridge, could possibly give cause for the federal Transportation Department to "reenter" and retake the "absolute property", close the bridge if they then chose, and then return "full control" to the Department of Interior, because it says "no person" shall be denied use of the facility based on "national origin", etc. I suggest you have your county attorney analyze the documents I am describing to determine the facts regarding the unbalanced wording and exchanges of the deeds pertaining to the U.S. 65 bridge and the Ponca bridge over the Buffalo River. The federal law PL 90-401 Section 5 (b) states that such "exchanges" are to be "approximately equal". It seems highly regrettable that someone in the state and county was not looking out for the interests of Arkansans and Newton Countians when those exchanges were made)

In a "special warranty deed" the Ponca Bridge exchange gave away to the Park Service the old bridge and highway leading to it PLUS it "further remises, releases and forever quitclaims to {the federal government} and its assigns all right, title and interest which {the state} may have in the banks, beds, and waters of any streams bordering on said land and also all interest in any alleys, roads, streets, ways, strips, gores, or rail road rights-of-way abutting or adjoining said

land and in any means of ingress or egress." (emphasis mine) In return, the state only got a "right-of-way for road purposes" inside the land they gave away. (I fail to see the "equality" of such an exchange as the federal law requires, even though the Land Acquisition Officer for BNR "determined" that the properties exchanged were of equal value.)

If our county officials fail to accept ownership of the old Pruitt Bridge and its adjoining path across the park, and it is instead "exchanged" to the Park Service for an "easement" for the new bridge, how "equal" will the deed language be for that exchange?? WHO will monitor such conveyances?

3. I have not had time to check the status of the Carver or Hasty bridges, but it may be that the Pruitt crossing is the *only* remaining outright owned-by-the-state crossing across the Buffalo River in the large expanse of federal territory. However, the County now has the opportunity to assume that ownership and retain it for cultural, historical, and logistical purposes. (And then, if, as it has been reported, that Hillary delivered federal territorial eminent domain rights or deeds to China for Obama as collateral in the event of U.S. default on its huge debt to China, such a county-owned path across the park may become invaluable beyond description.) (See attached report.)

4. The Buffalo National River (BNR) has changed its position numerous times, having conceded in written statements, agreement to county ownership of the old bridge with it remaining in place, then reversing itself and seeking BNR ownership for the purpose of preserving it as a foot bridge, then reversing again and insisting on destruction of the bridge.

5. The Pruitt Bridge is listed on the National Register of Historic Places, which means there are numerous laws that require that everything possible be done to preserve it. It is historically significant for a number of reasons, including that it is a rare combination of two types of truss bridges- Pennsylvania Through Truss with Warren Pony trusses on each end—one of only two such bridges left in the state like them.

6. There is \$82,000 of preservation funds available to the county upon receiving ownership of the bridge, and there are other Transportation Enhancement funds to be sought for as well regarding the upkeep of the bridge. Liability issues can be handled sensibly as liability issues for other bridges are handled. If in some far distant scenario 20 years down the road, the bridge becomes too expensive to maintain, the county could close it to public access and/or sell it for parts or scrap at that point, BUT still the county will own the path across the park! The Historic Preservation Covenant already signed by the county, and the federal highway administration and the state preservation officer provides that "any or all restrictions" upon the county to preserve the bridge, may be "modified" or "canceled" by those same signatories upon written application by the county "for good cause".

7. Before the Park Service interfered with the process to transfer ownership to the county, there was a 2008 confirmed record that the highway department would do a "20-year upgrade" to the bridge before donating it to the county. Bridge expenditures and records obtained via FOIA indicate that "upgrade" has been done and that the bridge is in a current condition of complete repair and reinforcement, in good, if not excellent condition. If upon gaining ownership of the bridge, the county will only use the bridge for pedestrian/bicycle/equestrian use, future upkeep of the bridge will be far less than repair/upkeep for vehicular use.

8. Newton County has given up far too many historical, cultural, and heritage treasures to the federal government already. Unwarranted demolition of this valuable bridge should not be allowed. Neither should forfeiture of this path across the park be permitted by the inaction of our elected officials, or by their willingness to let the Park Service have it because they are unwilling to look for and arrange ways for the county to assume the bridge ownership as a benefit rather than as a detriment.

9. The Park Service does not have the power to prevent building of the new bridge if they do not get their way about the old bridge. The Federal Highway Administration is the "lead agent" in this project and will make the final decision about the fate of the old bridge as well as the new bridge. Almost everyone I have talked to in state offices WANTS this bridge to be preserved. But no longer can anyone trust the Park Service to preserve the bridge if they are granted ownership. Newton County is the only safe choice for ownership and preservation of the old bridge. Our quorum court has the opportunity to insist that the Federal Highway Administration honor their 2004 Memorandum of Agreement and grant ownership of and preservation funds for the Pruitt Bridge to Newton County upon completion of the new bridge. WHEN WILL THEY?? Time is running out. A public hearing is to be scheduled after the New Year—(due to another delay in finishing the Environmental Assessment because the Park Service didn't want the highway department doing archaeological field work in October during the fall color season.) WILL OUR ELECTED OFFICIALS PROTECT OUR INTERESTS IN THIS MATTER??

Your constituents are waiting. Remember, at your July Quorum Court meeting, Judge Griffith stated publicly that the Highway Department told him *he* had to make the decision and he asked for the Quorum Court's help in making that decision. You then tabled the matter and I promised to do the research about the matter. Now you have it—an overview of a multitude of documents that I and others have taken the trouble to acquire for you. Please do not ignore the valuable information I am offering for you to see. Some of it is attached. But there's lots more. Please request to see and study it for yourselves. Please fulfill your duty to our county and make an informed decision for the *benefit* of the people of Newton County, and in full consideration of:

10. God's Word says, "Remove not the ancient landmark, which thy fathers have set".
(Proverbs 22:28)

Submitted by: Connie Burks as Facts gathered by FOIA and Comments based on personal opinion

November 2, 2009

3 of 3

George McCluskey

From: Frances McSwain
Sent: Monday, April 28, 2008 10:28 AM
To: Kevin_cheri@nps.gov
Cc: 'Suzie_Rogers@nps.gov'; Ralph Wilcox; George McCluskey
Subject: FW: Pruitt Bridge on Highway 7 in Newton County

Dear Kevin:
 Great meeting you last week and spending time at such a beautiful place on Buffalo National River. Here is the latest info on the Pruitt Bridge – It seems like the appropriate time to request the signage would be when the MOA is drafted – we can discuss this further as it develops.
 Please feel free to come see us when you are in Little Rock.
 Yours,
 Missy
 P.S. thanks for the delicious lunch too...

*Frances "Missy" McSwain, Director
 Arkansas Historic Preservation Program
 Deputy State Historic Preservation Officer
 323 Center Street, 1600 Tower Building
 Little Rock, AR 72201
 501.324.9785 wk
 501.324.9184 fax
 frances@arkansasheritage.org*

From: George McCluskey ✓
Sent: Thursday, April 24, 2008 10:32 AM
To: Frances McSwain
Cc: Tom Marr; Ralph Wilcox; Marian Boyd; Mona Hughes; Cathie Matthews
Subject: Pruitt Bridge on Highway 7 in Newton County

Missy,

I called Robert Scoggin at AHTD and he gave me the latest update on the Pruitt Bridge in Newton County. He said that they will go forward with preserving the bridge in place (they will even do a 20 year upgrade to minimize maintenance) and donate the bridge to Newton County. In light of our change in NR eligibility determinations on structures (on the south side of the bridge), I recommended that AHTD resubmit the proposal to us for review and do additional consultation with the National Park Service. They will do that along with sending us a revised MOA and historic preservation covenant. Now that NPS is on board it looks like the Pruitt Bridge will be saved.

George

The following attached hand copied bridge expense records for 2008 indicate that sufficient work has been done to keep the Pruitt Bridge in good shape for a long time to come (i.e. a "20-yr upgrade.")

Notes taken by
Cindy Bell 10/26/09

The following pages are the dollar amounts
of bridge repairs for the Pruitt bridge from
1981 through 2008 - in reverse order.

Mrs. Cindy Bell a friend of mine who lives much
closer to Little Rock, traveled to the ATTD Maintenance
Annex on 10/24/09 to hand copy from microfiche film
this information for your benefit - a task
which required hours of tedious work.

You will see that prior to last year's apparent "20 yr. upgrade"
very little had been spent on this bridge, in most years.

2009 - appx \$4,000

2008 - appx \$136,000.00 - ^{apparent} "20 yr upgrade" prior to "donating
to the county"

2007 - appx \$570.00

2006 - " 219.84

2003 - appx \$20,000.00

2002 - " 1,000.00

2001 - " 570.00

2000 - " 450.00

1999 - " 8,000.00

1998 - " 275.00

1997 - " 277.00

years not listed were \$0

no records were given, prior to 1981

Arkansas State Highway and Transportation Dept.
Expenditures by county, route, section

AD177014

2009 Report Date July 2008 - June 2009

Bridge # 01689

Budget # 392

Salaries	P/R add	equipment	materials
\$12036.20	\$1201.35	\$323.00	\$269.41
Total Cost 2009		\$3829.96	- #392

Budget 450 below

AD177014

Budget # 450

materials			
2800			
Total Cost # 450	2009	\$28.00	# 450

Report date July 2007 - June 2008

2008 Budget # 392

Salaries Total	P/R add	equipment
\$25,733.58	\$16,212.20	\$1824.99

materials	Total cost #392	2008
\$4,328.65	\$48,099.42	

Budget # 450 2008

Salaries	P/R	Vouchers
\$36,940.89	\$23,972.72	\$19,871.40

Equipment	materials	
\$7236.86	\$891.45	
Total cost # Budget # 450	2008	\$88,213.22

Report Date July 2006 - June 2007

2007 Bridge # 01689

Budget # 392

Total 392 for 2007 \$ 568.50

For Bridge # 01689 budget # 450 No listing
2007 \$ 0 found

Report date July 2005 - June 2006

2006 Budget # 392

Total for 2006 \$ 219.84

Budget # 450 for 2006 Not listed \$ 0

Report date July 2004 - June 2005

2005 Budget # ~~392~~ 392 no listing \$ 0 2005

Budget # 450 No listing \$ 0 2005

2004 Report date July 2003 - June 2004

Budget # 392 No listing \$ 0 2004

Budget # 450 No listing \$ 0 2004

Report date July 2002 - June 2003

2003 Budget # 450 Total 2003 \$14,681.09
Budget # 392 Total 2003 \$4,657.23

Report date July 2001 - June 2002

2002 Budget # 392 Total for 2002 \$1077.36
Budget # 450 Total for 2002 \$0

2001 Report date July 2000 - June 2001

Budget # 392 Total for 2001 \$574.90
Budget # 450 \$0 for 2001

Report date June 1999 - June 2000

2000 Report notes "corrected" by hand on cover
Budget # 392 Total for 2000 \$449.85
Budget # 450 \$0 total for 2000

1999 Report date July 1998 - June 1999

Budget # 392 Total 1999 \$ 2,239.34

Budget # 450 Total 1999 \$ 5,832.24

1998 Report date July 1997 - June 1998

Budget # 392 Total 1998 \$ 275.31

Budget # 450 total 1998 \$ 0

Report date July 1996 - June 1997

Budget # 392 total for 1997 \$ 277.19

1997 Budget # 450 total for 1997 \$ 0

Report date July 1995 - June 1996

1996 Budget # 392 total for 1996 \$ 0

~~1996~~ Budget # 450 total for 1996 \$ 0

Report date July 1994 - June 1995

1995 Budget # 392 total for 1995 \$ 836.71

Budget # 450 total for 1995 \$ 0

Report date July 1993 - June 1994

1994

Budget # 392 total for 1994 \$ 0
Budget # 450 total for 1994 \$ 0

Report date July 1992 - June 1993

1993

Budget # 392 total for 1993 \$ 0
Budget # 450 total for 1993 \$ 0

1992 Report date July 1991 - June 1992

Budget # 392 total 1992 \$ 0
Budget # ~~450~~ total 1992 \$ 0

~~Budget #~~

Report date July 1990 - June 1991

1991

Budget # 392 total 1991 \$ 0
Budget # 450 total 1991 \$ 0

Report date July 1989 - June 1990

1990

Budget # 392 total 1990 \$ 0
Budget # 450 total 1990 \$ 0

1989 Report date July 1988 - June 1989
Budget # 392 total for 1989 \$ 0
Budget # 450 total for 1989 \$ 0

1988 Report date July 1987 - June 1988
Budget # 392 total for 1988 0
Budget # 450 total for 1988 0

1987 Report date July 1986 - Jun 1987
Budget # 392 1987 \$ 0
Budget # 450 for 1987 \$ 0

1986 Report date July 1985 - June 1986
Budget # 392 total \$ 0
Budget # 450 total \$ 0

1985 Report date July 1984 - June 1985
Budget # 392 total \$ 0
Budget # 450 total \$ 0

1984 Report date July 1983 - June 1984
Budget # 392 \$ 0
Budget # 450 \$ 0

Bridge # 1689

July 1982 - June 1983

1983 Budget # 392 total 1983 \$ 0
Budget # 450 total 1983 \$ 0

July 1981 - June 1982

1982 Budget # 392 total 1982 \$ 0
Budget # 450 total 450 \$ 0

July 1980 - June 1981

1981 Budget # 392 total 1982 \$ 4,039.73
Budget # 450 total 1982 \$ 20,046.87

Notes by 10/26/09

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT

NBIS - Form V

BRIDGE MAINTENANCE NEEDS / ACTIVITY LOG

Priority Code	Location of Deficiency	Description	Action Taken	
			Date - Initial	Description
<u>A</u>	<u>Left truss bottom chord at panel points L8-L9, L20-L21, L24-L25, L25-L26, L26-L27, L27-L28 Left c-channel and L24-L25 right c-channel</u>	<u>Severe section loss, perforations and holes thru web of c-channels</u>		
<u>B</u>	<u>Left truss bottom chord at panel points L5-L6, L13-L14, L21-L22 and right truss at panel points L10-L11, L11-L12 and L23-L24</u>	<u>Pitting and section loss</u>		
<u>B</u>	<u>Floor beams #1, #5, #7, #9, #13, #25 and #27</u>	<u>Severe section loss, holes thru web and heavy corrosion of rivets at ends</u>		
<u>E</u>	<u>Bottom chord thru-out</u>	<u>Rust, corrosion, pitting and measurable section loss at several batten plate locations</u>		
<u>C</u>	<u>Floor beams #11, #29 and #33</u>	<u>Pitting, section loss and heavy corrosion of rivet heads at ends</u>		

PRIORITY CODES

- A- Safety deficiency; requires prompt action.
- B- Pressing; within 6 months.
- C- Important; within 12 months.
- D- Routine; within 24 months.
- G- General/ Preventive maintenance.

INSTRUCTIONS

1. Submit this form to the bridge owner (District Engineer, County Judge or Mayor) for their information and use.
2. On state-owned bridges, the Action Taken section should be completed describing the action taken and the form returned to the District Bridge Inspection Engineer.
3. For City/County bridges, local governments should complete an NBIS-Form VIII describing the action taken and submit it to the District Bridge Inspection Engineer.

BRIDGE MAINTENANCE NEEDS / ACTIVITY LOG

NBIS - FORM V

Inspected by: J Fancher
Date: 12/06/2007

St. 09 Co. 51/Newton Rte. 0007 Sect. 18/0 Log 20.150 Bridge #01689

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT

NBIS - Form V

BRIDGE MAINTENANCE NEEDS / ACTIVITY LOG

Priority Code	Location of Deficiency	Description	Action Taken		
			Date - Initial	Description	
<u>C</u>	<u>Pier #2 left side of cap and pier #3 right side</u>	<u>Large spalls and rebar exposed</u>			
<u>C</u>	<u>Concrete bridge rail right side at end of span #1</u>	<u>Vehicle damage</u>			
<u>D</u>	<u>Left truss top chord at panel point U1 and right truss top chord at panel point U29</u>	<u>Vehicle impact</u>			

PRIORITY CODES

- A- Safety deficiency; requires prompt action.
- B- Pressing; within 6 months.
- C- Important; within 12 months.
- D- Routine; within 24 months.
- G- General/ Preventive maintenance.

INSTRUCTIONS

1. Submit this form to the bridge owner (District Engineer, County Judge or Mayor) for their information and use.
2. On state-owned bridges, the Action Taken section should be completed describing the action taken and the form returned to the District Bridge Inspection Engineer.
3. For City/County bridges, local governments should complete an NBIS-Form VIII describing the action taken and submit it to the District Bridge Inspection Engineer.

BRIDGE MAINTENANCE NEEDS / ACTIVITY LOG

NBIS - FORM V

Inspected by: J Fancher

Date: 12/06/2007

St. 09

Co. 51/Newton

Rte. 0007

Sect. 18/0

Log 20.150

Bridge # 01689

Left Truss Location Bottom Chord Repairs

[illegible]

Insp. TEF + HGV

BRIDGE INSPECTION REPORT — FORM III

Date 12/8/68

Dist. 09 Co. 5/1/2007 Rt. 007 Sec. 18/0 Log 20/150 Br. No. 01689

Dist. 09 Co. 51/Newton Bldg. 7 Sec. 18/0 Lot 20/50 Br. No. 0/689

7
JUN 5
Answer ☐
FROM

2-4-04

KEITH,

I got a Form V dated
12/2/02 to compare to
the latest Form V.

They look very similar and
we worked on this bridge
in between. Maybe we
could fill out the form
V's and send them

back with an explanation.
I will write something
to go back with them
if you could fill out what
we have done. Glenn

2-08 thru 5-08 CO451, Ritchie's crew, went
thraught out bridge & installed plates (see
drawings) over section loss areas of the bottom
chord. Bill Ritchie used his own judgement of
where needed.

While there, crew spot cleaned (needle scaled)
& painted (calcium silicate) worst corroded
areas of floor beams.

He also installed bearing pedestals @ 2
locations where he didn't like the looks of the
bearing area. He didn't like the amount of
section loss - so Glenn & Mike advised he could
~~do this~~ add these pedestals for added support.
(we had already added bearing pedestals to the center
of both main channel piers @ Floor Beams which
have severe section loss)

Looking north - added one to the up stream side of main
channel pier & one @ to the down stream side of the
next main channel pier. (I'm not looking @ plans, so unsure
of pier #s!)

(DWB)

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400
www.arkansashighways.com

July 16, 2013

Honorable James Norton
Boone County Judge
Boone County Courthouse
100 North Main Street, Suite 300
Harrison, AR 72601

*This letter is
excerpted for brevity
to address only the
pertinent question of
Section D of this packet*

RE: Historic Bridge 01689
AHTD Job Number 009784
Buffalo River Str. & Apprs.
Newton County

Dear Judge Norton:

This letter addresses the questions contained in your correspondence of June 7, 2013 regarding the referenced project proposed to replace the historic Pruitt Bridge. Our responses to your questions can be found in the following information.

Question 4:

The estimated bridge demolition cost was calculated in 2003 as \$82,000; the AHTD has revised the demolition costs estimate as of April 2013 to be \$200,000. Please see the enclosed historic bridge preservation guidelines for more information regarding the use of the estimated demolition funds.

Question 5:

With the listing of the historic Pruitt Bridge on the National Register of Historic Places, it is eligible for a tax break associated with historic structures; and grants from the Arkansas Historic Preservation Program and the Arkansas Natural Resources Council.

Reminder: Being of the posterity of the founding fathers of the United States of America, it is essential that we understand that the ultimate human government "authority" in our great state and nation is the Rule of Law as ordained and established by "We the People" when our national and state constitutions were adopted by the People. Indeed, our own Arkansas official motto is: "The People Rule" which we know has lawfully and historically been and continues to be exercised by the common People by way of the Ballot and by both the Jury and the Grand Jury. We the public officials/servants of the People need to be continually mindful of the oaths of office that we took before Almighty God and our fellow citizens to uphold and support our national and state constitutions in every matter of business that we conduct. That is the bottom line of our duty. Woe be to us if we insult the People who elected us by denying them priority participation or by limiting them from full information of these matters. Take heed that we never restrict the People's right of Freedom of Speech. Which now brings us to the matter at hand, which I reiterate to you:

I personally do not believe that the letter and spirit of the law have been met in the matter of the lawful requirements pertaining to the choice of either demolition or preservation of the old bridge with its approaches-- due to its listings on the National Register of Historic Places 1987, and Arkansas Historic Bridge Recording Project 1988. (i.e. no proper public hearings, etc.)

I further believe that the agreements made and signed with former County Judge Harold Smith to donate the bridge to the county with demolition reimbursement funds for upkeep, etc. were wrongfully and unlawfully aborted without explanation. Because the County Judge had submitted repeated written requests for county ownership of the old bridge to preserve in place for historic purposes, (between 2003 -2007) with the apparent cooperation and no dissenting voice from the Quorum Court. Later, in 2008, upon deference of the matter by the succeeding County Judge John Griffeth, to the Quorum Court, the JP's agreed to table the matter until they could receive research submitted by a private citizen-- which research later revealed the original agreements with County Judge Harold Smith to still be valid. That research was then officially entered into the records of this Court, but to my knowledge, no official action has ever been taken by this court to deny Judge Smith's original agreements, nor any independent action by any succeeding county judge, (Griffith or Campbell) would be sufficient to replace our county quorum court official action on the matter. With those 2003 - 2007 agreements between the county and the highway department still pending, therefore, the final decisions of ownership of the old bridge and approaches are hastening upon us with the foreseeable completion of the new bridge, meaning inaction by this Court is no longer an option. And I for one will not deny the public sentiment, nor the associated economic opportunity of increasing tourism, nor the preservation of our rich heritage for which that old bridge is a treasured landmark, and perhaps most importantly, we must not forfeit this last unfettered crossing across the vast federal territory that separates us from so much of our already lost heritage. I urge you, my fellow Justices to join me in submitting this matter for full investigation to the Circuit Court, and thereby relieving ourselves of the danger of angering our constituents by squandering our opportunity and duty. IF, in the event any of you OFFICIALLY take action to UNDO the county's 2003 agreement to take ownership of the old bridge, I will NOT be a party to that. On the contrary, I urge you to join me in obtaining a circuit court Stay of Action of the demolition of the old bridge, with a circuit court Determination of Facts and Full Disclosure of Facts of this matter, which I contend will be a much wiser and safer course of action for us. Therefore I am resubmitting my revised proposal from last month's meeting for each of us to sign and forward to Circuit Court Judge John Putnam for a Stay of Action and a Determination and Full Disclosure of Facts. (Following the circuit court action on the matter, THEN would be the time for an up or down vote by this County Court whether or not to accept ownership.) Please, what can it hurt for the sake of finding out the truth, for us, and the public, for you to sign this pleading to the Circuit Court.

Because our state constitution (Article 7 Section 28) provides "exclusive original jurisdiction" to the county court in the matter of....bridges...", (etc). and also provides (Amendment 80 Section 3 and Section 6(A)) for the option of the right of trial by jury, and has provided for the establishment of the circuit court as the trial court of original jurisdiction of all justiciable matters...", we therefore submit the

Circuit Court of the Honorable Judge John Putnam : F

Date: Monday, November 4, 2019 (TABLED until Monday, December 2, 2019)

REVISED (see new underlines additions)

Action: Newton County Court official pleading to Circuit Court Judge John Putnam

Purpose: Due to unanswered requests for information (from both this court and the local people) pertaining to the federal requirements of matters related to the future of the Nationally Registered Historic Pruitt Bridge*, and due also to unanswered questions pertaining to why the official Memorandums, Declarations, and Agreements signed by Federal Highway Department officials, Arkansas State Highway officials, Arkansas State Historic Preservation Office officials, National Park officials, and Newton County officials were aborted without proper government process between the years of ...2003, 2004, 2007, 2010... , and other reasons. (*Also in 1988 was added to the Arkansas Historic Bridge Recording Project). And because our state constitution (Article 7 Section 28) provides "exclusive original jurisdiction" to the county court in the matter of...bridges..." (etc.). and also provides (Amendment 80 Section 3 and Section 6(A)) for the option of the right of trial by jury, and has provided for the establishment of the circuit court as the trial court of original jurisdiction of all justiciable matters..." we therefore submit the following pleading to the Circuit Court of the Honorable Judge John Putnam:

Points of this Action:

#1: Newton County Court pleads the Circuit Court of Judge John Putnam to place a Stay of Action on the announced pending demolition of the Pruitt Bridge which is listed on the National Register of Historic Places/Bridges and in 1988 was added to the Arkansas Historic Bridge Recording Project, until the parties* supporting the pending demolition have satisfactorily proven to the circuit court that all federal and state statutory and policy requirements pertaining to the matter of alteration or destruction of federally and state protected historic sites has been fully complied with. (generally referenced as CFR, Section 106 and 110 of the National Historic Preservation Act of 1966 et al)

*supporting parties: Federal Highway Administration (FHA), Arkansas State Highway Department (AHD/ARDOT), Buffalo National River (BNR) Park)

This Stay of Action is requested for the additional purpose of a circuit court Determination of Facts and Full Disclosure of the Facts of this matter, by the Honorable Judge John Putnam.

#2 Arkansas Highway agents and officials repeatedly promised locals that nothing would be decided about the future of the old bridge until there was a stand alone public hearing of the matter which was required by law, at which all interested parties and persons would be allowed to have input. To our knowledge, the only public references to the plans of demolition for the old bridge was included in the public hearings pertaining to the placement of the new bridge, with no other options provided for the old bridge, at those hearings. Did or did not that satisfy the requirements of the laws which protect sites of national historic significance?

#3 To find out why earlier official Memorandums, Declarations, and Agreements to place ownership of the old bridge and approaches with Newton County- plus demolition reimbursement funds (an estimate in 2013 by the Highway Dept. of \$200,000 were also to be given to the county for upkeep as a pedestrian bridge, with other preservation funds also available)—why was that agreement aborted without notice to the county and apparently without proper government process?

#4 To find out why former BNR Park Superintendent Kevin Cheri in January 2009 entered into a non-publicized Minute Order with the Arkansas State Highway Department to instead take ownership of the old bridge to maintain as a pedestrian tourist attraction for the Park rather than honoring the agreements with Newton County. (Also BNR in a written request to AHTD asked for the demolition reimbursement funds as had been promised to Newton County.) Why when that information was revealed, did BNR Supt. Cheri and AHTD abort that Minute Order and thereafter BNR would not conduct Environmental Assessments of the new bridge project unless it included demolition of

Continued from page 1

#5 To affirm to the circuit court and to the highway departments, and to the public, and to the BNR park, that in no way does the Newton County Court, nor the Circuit Court want or intend to delay or cause negative effect on the progress of the new bridge because a STAY OF ACTION is requested/executed pertaining to pending demolition plans or actions on the old bridge. We, the County Court ask the Circuit Court to also determine that: **Lawful protection of the old bridge is and should remain unrelated to completion of the new bridge.**

#6 To find out what lawful studies and proposed actions are required/available to insure that the erroneously proposed demolition of the old bridge would have no environmental consequences or long term/short term effects on the health of the federally protected river. We do not believe such official studies, etc have been accomplished. Nor do we believe the unwarranted destruction of the old bridge would be right for the health of the river, and certainly not for the protection of the customs, culture, and social interests of the people of this county, state and nation.

#7 To also determine if the proposed demolition of the old bridge would or would not be in compliance with the official Newton County Land Use and Management Plan Code.

#8 To obtain full information and documentation from AHTD explaining the methods, purpose, and accomplishment and conclusive findings following their (AHTD) "20-year upgrade" and/or "routine maintenance" on the Pruitt Bridge in 2008 making it safe for vehicular traffic for 20 years (i.e. until 2028) thereby making it safe much longer for pedestrian use only, once vehicular traffic is ceased on the Pruitt Bridge and transferred to the new bridge projected for completion in 2021.

We, the undersigned Justices of the Peace of Newton County Court submit this pleading, with intent to supply documentation for the points described above, requesting prompt and complete action pertaining to this matter. Please connect with Justice Arlis Jones at this address and phone as the point of contact for all needs of communication with our Court during the proceedings of this matter:

Justice Arlis Jones Address: _____
Phone: _____ e-mail: _____

Justice _____ Dist. 1 Justice _____ Dist. 7

Justice _____ Dist. 2 Justice _____ Dist. 8

Justice _____ Dist. 3 Justice _____ Dist. 9

Justice _____ Dist. 4

Justice _____ Dist. 5

Justice _____ Dist. 6