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**Date:** May 24, 2022

**To:** Federal Railroad Administration, Signatory  
Maryland State Historic Preservation Officer, Signatory  
Pennsylvania State Historic Preservation Officer, Signatory  
Maryland Department of Transportation, Port Administration, Signatory  
Delaware County, Pennsylvania, Planning Department, Heritage Commission,  
Concurring Party  
Delaware Nation, Consulting Party  
Delaware Tribe of Indians, Consulting Party  
Baltimore Heritage, Consulting Party  
City of Wilmington, Delaware, Department of Planning and Development, Consulting  
Party  
Delaware Department of Transportation, Consulting Party  
Delaware State Historic Preservation Officer, Consulting Party  
Preservation Maryland, Consulting Party

**From:** William Parry, Senior Manager of Environmental Remediation, CSX Transportation, Inc.

**Re:** **Howard Street Tunnel Project, Section 106 Mitigation, Annual Report #1**

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## **Introduction**

This annual report for the Howard Street Tunnel Project has been prepared pursuant to the requirements of the *Memorandum of Agreement Among the Federal Railroad Administration, Maryland State Historic Preservation Officer, Pennsylvania State Historic Preservation Officer, Maryland Department of Transportation Port Administration, and CSX Transportation Regarding the Howard Street Tunnel Project, Baltimore City, Maryland and Delaware County, Pennsylvania* (MOA), executed on May 25, 2021. The MOA requires an annual report be prepared and circulated to the Signatories, Consulting Parties, and Tribes commencing one (1) year from the MOA execution date (i.e., May 25, 2021) until project completion or the expiration of the MOA, whichever occurs first. In accordance with Stipulation XIV of the MOA, this report summarizes “work undertaken and any tasks completed related to adversely affected historic properties,” pursuant to the terms of the MOA, and includes “any scheduling changes proposed, problems encountered, and disputes and their resolution in the Signatories’ efforts to carry out the terms of [the] MOA.”

This report provides a general status update on the progress of the Howard Street Tunnel project and summarizes the work undertaken pursuant to the MOA between May 25, 2021, and May 24, 2022.

## **Project Status Update**

The MOA was executed on May 25, 2021. Signatories to the MOA are the Federal Railroad Administration (FRA), the Maryland State Historic Preservation Officer (MD SHPO), the Pennsylvania State Historic Preservation Officer (PA SHPO), CSX, and the Maryland Department

of Transportation Maryland Port Administration (MDOT MPA). The Delaware County (Pennsylvania) Planning Department Heritage Commission is a Concurring Party to the MOA. Roles and responsibilities of the Signatories, Consulting Parties, and Concurring Parties are defined in Stipulation I of the MOA.

FRA approved the Environmental Assessment (EA) on February 26, 2021, and issued the Finding of No Significant Impact (FONSI) on June 17, 2021.

The Howard Street Tunnel Project consists of a number of project sites that are situated along the CSX rail corridor in Delaware, Maryland, and Pennsylvania. Since the project design and contractor procurement processes are at different stages for the various project locations, construction activities will not commence concurrently at all locations. Based on the current status of these activities, the anticipated start of construction work at project locations near adversely affected historic structures are summarized below:

1. Boone Tunnel (Delaware County, Pennsylvania) – 3<sup>rd</sup> quarter of 2022
2. Howard Street Tunnel (Baltimore, Maryland) – 4<sup>th</sup> quarter of 2022
3. Guilford Avenue Bridge (Baltimore, Maryland) – 4<sup>th</sup> quarter of 2022
4. Harford Road Bridge (Baltimore, Maryland) – 4<sup>th</sup> quarter of 2022
5. North Avenue Bridge (Baltimore, Maryland) – 3<sup>rd</sup> quarter of 2023

### **Work Undertaken Pursuant to the MOA**

The MOA stipulates four tasks to mitigate the adverse effects of the Howard Street Tunnel project on the seven historic properties identified. To assist with implementation of these stipulations, CSX employed cultural resources professionals who exceed the Secretary of Interior's *Professional Qualification Standards* for Architectural History, History, and/or Archaeology. Progress on each treatment measure is as follows.

- Stipulation IV.C. Update Historic Property Survey Files

#### Requirement:

The MOA requires CSX to update the following older historic property files of National Register of Historic Places (NRHP)-listed and eligible historic properties: Howard Street Tunnel & Power House (B-79), North Avenue Bridge (B-4521), Guilford Avenue Bridge (B-4526), Harford Road Bridge (B-4523), and Boone Tunnel (1997RE00650).

#### Status:

This task is complete. CSX's qualified cultural resources consultant (QCRC) prepared updated Maryland Inventory of Historic Places (MIHP) forms for the four properties in Maryland and updated evaluation-level documentation for the one property in Pennsylvania. CSX provided the draft updated survey files for the five historic properties to FRA for review and incorporated their comments into the drafts provided to the Signatories and Concurring Party for review on March 22, 2022. The Signatory and Concurring Party review period ended on April 22, 2022. The MD SHPO responded on April 12, 2022, and accepted the draft MIHP forms without changes. The PA SHPO responded on April 25, 2022, and accepted the updated evaluation-level documentation

without changes. No comments were received from MDOT MPA or the Delaware County Planning Department Heritage Commission. The four updated MIHP forms were submitted to the MD SHPO, and the one updated evaluation-level documentation was submitted to the PA SHPO, in accordance with their respective standards and guidelines for documentation submittal.

- Stipulation IV.D. Electronic Informational Platforms

Requirement:

The MOA requires CSX to develop content to be posted on MDOT MPA’s website for the Howard Street Tunnel project “that provides a platform for the electronic storage and public dissemination of information and documents resulting from implementation of the stipulations in [the MOA].”

Status:

CSX prepared a list of the proposed content to be included on the website (<https://mpa.maryland.gov/Pages/hst.aspx>) and provided it to FRA and MDOT MPA for review. CSX incorporated FRA and MDOT MPA’s comments and provided the list of content to the Signatories and Concurring Party for review and comment on March 10, 2022. The Signatory and Concurring Party review period ended on April 11, 2022. The MD and PA SHPOs responded on April 12, and April 25, 2022, respectively, and agreed with the proposed content. The website will be updated with the proposed content after the documentation, which includes copies of or links to the updated survey files (see above bullet) and Historic American Engineering Record (HAER) documentation (see below bullet), is finalized and accepted by the appropriate agency (National Park Service [NPS] or SHPO), as needed.

- Stipulation IV.E. HAER Documentation

Requirement:

The MOA requires CSX to prepare HAER documentation for the following historic properties that contribute to the Baltimore and Ohio (B&O) Railroad Baltimore Belt Line: the Howard Street Tunnel, the North Avenue Bridge, the Guilford Avenue Bridge, and the Harford Road Bridge.

Status:

CSX’s qualified cultural resources consultant (QCRC) is preparing the HAER documentation in two phases; the first phase includes the Guilford Avenue Bridge and the Harford Road Bridge, and the second phase includes the B&O Railroad Baltimore Belt Line, the Howard Street Tunnel, and the North Avenue Bridge. The QCRC coordinated with the NPS Heritage Documentation Program’s (HDP) Philadelphia office to identify the appropriate level of documentation. NPS HDP provided a schedule of documentation outlining the standards and expectations for the documentation packages.

The QCRC prepared draft written and photographic documentation to HAER standards, and in accordance with the documentation schedule, provided a digital version of all materials to FRA for review and comment. After incorporating comments and edits from FRA, the first phase of draft documentation was submitted in digital form to the Signatories and Concurring Party for review on February 1, 2022. The MD SHPO and PA SHPO

responded saying their offices had no comments. The second phase of draft documentation in digital form was submitted to the Signatories and Concurring Party for review on April 12, 2022. The MD SHPO responded saying their office had no comments. To date, no responses have been received from any other reviewing party. The 30-day review period for Signatories and the Concurring Party ended on May 13, 2022. All phase one and two draft documentation was submitted to NPS HDP for preliminary review on April 13, 2022, and that review is ongoing.

- Stipulation IV.F. Interpretive Display

Requirement:

The MOA requires CSX to “endeavor to develop, fabricate, and install an interpretive sign and/or display and place it at an appropriate mutually agreeable location for the Boone Tunnel.” The MOA stipulated that CSX find “an interested and willing party” within six months of the MOA execution date and install within one year of the Howard Street Tunnel project’s construction completion.

Status:

The Darby Free Library in Delaware County, Pennsylvania was identified as an interested party willing to host the interpretive sign. CSX and the Darby Free Library have begun preliminary discussions regarding the format of the sign. CSX’s QCRC developed draft sign content and provided it to FRA for initial review on May 3, 2022. Signatory and Concurring Party review of the sign content is anticipated to begin early summer 2022.

In addition to the treatment measures required under Stipulation IV, the MOA prescribes additional actions for CSX to take regarding effects to historic properties.

- Stipulation V. Construction-Related Noise and Vibration Considerations

Requirement:

The MOA requires CSX to determine if the Cannon Shoe Company (B-5332) and any additional historic properties could potentially be affected by construction-related noise or vibration.

Status:

CSX conducted noise and vibration assessments of each project area as part of the National Environmental Policy Act (NEPA) process. As a result of this effort, the potential for a noise or vibration impact to occur was identified for at the historic Cannon Shoe Company. CSX, in coordination with FRA, developed a Noise and Vibration Control Strategy that outlines the process CSX will follow to further evaluate the potential for a noise or vibration impact to occur at the historic Cannon Shoe Company or any additional historic property, whether it would be deemed adverse and if so, what subsequent actions would be taken to protect the historic property. *To date, no additional historic properties have been identified as having the potential to be adversely affected by construction-related noise or vibration. Signatories, Concurring Parties, and Consulting Parties will be notified if CSX determines there is potential for an adverse effect to the Cannon Shoe Company and/or any additional historic property.*

- Stipulation VII. Unanticipated Discoveries

Requirement:

The MOA requires CSX to develop an Unanticipated Discoveries Plan (UDP) to “use if a previously undiscovered archaeological or historic architectural resources that is or reasonably could be a historic property is encountered during construction, or a previously known historic property will be affected in an unanticipated manner.”

Status:

CSX’s QCRC developed the UDP for the project. FRA, the MD SHPO, and the PA SHPO reviewed the UDP and their comments were incorporated into the final document. The UDP will be included in construction and bidding documents for the project.

- Stipulation IX. Emergency Situations

The MOA requires CSX to take certain actions and notify the Signatories and Consulting Parties should an emergency situation occur during construction that has the potential to affect historic properties. In order to aid and streamline CSX’s response should this situation occur, CSX prepared an Emergency Procedures Plan outlining the process to be followed and notifications made. FRA reviewed the plan and it is on file with CSX.

- Stipulation XIV. Monitoring and Reporting

The MOA requires CSX to provide a written report to the Signatories and Concurring Parties annually beginning one year from the MOA execution date of May 25, 2021. This report is the first annual report.

**Additional Information**

Project information, including the EA and FONSI, is available on the Howard Street Tunnel webpage: <https://mpa.maryland.gov/Pages/hst.aspx>. Additional information, including the executed MOA and documentation resulting from implementation of the MOA, will be added to the webpage, as described previously in this report.

Questions about activities related to compliance with the Section 106 MOA should be directed to:

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**Enclosure**

Howard Street Tunnel Project Section 106 MOA, May 25, 2021