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Date: May 24, 2024

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 #3

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 third annual 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, 2023, and May 24, 2024.

Project Status Update

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. The current construction status near the adversely affected historic structures is summarized below:

1. Boone Tunnel (Delaware County, Pennsylvania) – Complete
2. Guilford Avenue Bridge (Baltimore, Maryland) – Projected start – 2nd Quarter 2024
3. Howard Street Tunnel (Baltimore, Maryland) – Projected start – 3rd Quarter 2024
4. Harford Road Bridge (Baltimore, Maryland) – Projected start 3rd Quarter 2024
5. North Avenue Bridge (Baltimore, Maryland) – Projected start – 3rd Quarter 2024

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: Complete

This task was completed and details about implementation of this stipulation were included in the first annual report (2022). No additional work has been conducted since the previous annual report.

- 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: Complete

CSX completed coordination with FRA, MDOT MPA, the Signatories, and Concurring Party on the proposed content to be included on the website in 2022. The details of the coordination were included in the first annual report (2022). MDOT MPA updated the website (<https://mpa.maryland.gov/Pages/hst.aspx>) on February 21, 2023, and again on July 6, 2023. Links to all documentation completed as mitigation for the project are included on the MPA website.

- 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: Complete

CSX's qualified cultural resources consultant (QCRC) submitted the final documentation to the National Park Service (NPS) Heritage Documentation Program's (HDP) for final review and approval on February 10, 2023. At the time of the second annual report, the NPS HDP had not provided formal approval of the documentation; it was received on June 22, 2023 (**Attachment 1**).

- 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: Complete

This task was completed and details about implementation of this stipulation were included in the second annual report (2023). No additional work has been conducted since the previous annual report.

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: On-going

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 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: Complete

This task is complete. Details about implementation of this stipulation were included in the first annual report (2022). The UDP has been included in construction and bidding documents issued for the project to date and will be included in all future construction and bidding documents. As specified in the UDP, CSX’s QCRC prepared and printed posters and brochures to be posted and distributed to the construction contractors that included an archaeological resource identification guide and listed stop work requirements.

- Stipulation IX. Emergency Situations

Requirement:

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.

Status: No update since first annual report

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. No emergency situations have arisen to date.

- 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. The first annual report was sent via email on May 24, 2022. The second annual report was sent via email on May 24, 2023. This report is the third annual report.

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

Laura van Opstal, RK&K (for CSX)
lvanopstal@rkk.com

Enclosures

Attachment 1: June 22, 2023 NPS HDP acceptance of the HAER documentation



United States Department of the Interior



NATIONAL PARK SERVICE
Interior Region 1
North Atlantic-Appalachian
1234 Market Street, 20th Floor
Philadelphia, Pennsylvania 19107

IN REPLY REFER TO:

A.1.2. (NER-RSS)

June 22, 2023

Laura E. van Opstal
Rummel, Klepper, & Kahl, LLP
700 East Pratt Street – Suite 500
Baltimore, Maryland 21202

RE: Documentation – Historic American Engineering Record (HAER) No. MD-11, No. MD-203, No. MD-203-A,
No. MD-203-B, No. MD-203-C

Dear Ms. van Opstal:

The National Park Service acknowledges the receipt of and accepts the Historic American Engineering Record (HAER) documentation for HAER No. MD-11, No. MD-203, No. MD-203-A, No. MD-203-B, and No. MD-203-C. Acceptance means that the documentation meets HABS/HAER/HALS standards and complies with the stipulations for the documentation in the Memorandum of Agreement among the Federal Railroad Administration, the Maryland Historical Trust, the Pennsylvania Historical and Museum Commission, the Maryland Department of Transportation Port Administration, and CSX Transportation.

The documentation of the Howard Street Tunnel and the Baltimore Belt Line will be transmitted to the Library of Congress for placement in the HABS/HAER/HALS Collection, which is in the public domain and accessible through the library. We have appreciated your cooperation throughout the completion of this project.

Sincerely yours,

Roy Malcolm Porter, Jr.

Roy Malcolm “Jed” Porter Jr., PhD, LEED AP
Architect
History and Preservation Assistance

cc: Heritage Documentation Programs
Washington Support Office
National Park Service