

Frederick Douglass Tunnel

B&P TUNNEL REPLACEMENT



B&P Tunnel Replacement Program
Section 106 Programmatic Agreement
Second Annual Report

April 2023



Introduction:

Amtrak is pleased to provide this annual report regarding the work undertaken and tasks completed pursuant to the terms of the Baltimore & Potomac (B&P) Tunnel Project Programmatic Agreement (PA), executed March 2, 2017. The PA was executed to resolve adverse effects of the proposed B&P Tunnel Replacement Program (“Program”) under Section 106 of the National Historic Preservation Act, as amended (Section 106). This report covers the period from July 2021, the date when the previous report ended, to March 2, 2023, the anniversary of the PA’s execution.

Summary of Program Activities:

Subsequent to the March 2017 execution of Record of Decision under the National Environmental Policy Act and the PA, Amtrak has continued the overall design effort, advancing from the Preliminary Engineering Package (nominally 30%) toward 60%, 90%, or 100% design on some program components involving exterior design treatments. Due to the nature of the Program, design packages for specific components are being advanced on different schedules.

Section 106 Programmatic Agreement Detailed Status:

The following outline shows each section of the PA, states whether activities have progressed or been completed, and notes any challenges, changes or disputes that have been identified. Where applicable, PA implementation activities that Amtrak estimates could occur within the upcoming year are noted.

I. Applicability

No changes; no comments.

II. Timing

Estimated Phase I construction completion has been updated to 2035. In accordance with the PA, if mitigation commitments are not projected to be completed by the PA’s expiration date of March 2027, Amtrak will notify the signatories to amend and/or extend the PA at least six months prior to the expiration date.

III. Roles and Responsibilities

No changes; no comments.

IV. Professional Qualifications and Standards

To ensure that all work carried out pursuant to this PA will be done by or under the direct supervision of a qualified professional in the disciplines of Archaeology, Architectural History and/or Historic Architecture who meets the relevant standards outlined in the Secretary of the Interior’s *Professional Qualifications Standards for Archeology and Historic Preservation* (36 CFR §61), Amtrak has contracted with WSP USA / Parsons Transportation Group, Inc., a Joint Venture (JV), which will coordinate compliance with the PA. Archaeological work has been carried out by or under the direct supervision of WSP USA Supervising Archaeologist Henry Ward, WSP USA Senior Archaeologist Jason Shellenhamer, and Parsons Cultural Resources Specialist Susan Bupp. A JV subconsultant, ARCH², Inc., conducts historic architectural work and advises Amtrak and the Joint Venture regarding compliance with the Program PA, with support from Parsons Architectural Historian Anu Kumar. Henry Ward,

Jason Shellenhamer, Susan Bupp, Anu Kumar, and ARCH², Inc. President Nancy L. Zerbe all far exceed the professional standards in their respective fields.

V. Treatment Measures for Architectural Resources

A. Introductory Paragraph

No change; no comment.

B. Preservation Grant Fund

The Maryland Historical Trust (MHT), Federal Railroad Administration (FRA), Amtrak, and Preservation Maryland, as signatories to the PA, have coordinated on the preservation grant fund program to develop the fund agreement as outlined in the PA. As part of this effort, the signatories have researched and explored:

- The process for prioritizing the two geographic areas identified in the PA as eligible for receiving grant funds, i.e., the first priority (Tier 1) and the second priority (Tier 2). The PA signatories' recommended approach is to limit the initial grant round(s) to historic properties within Tier 1, which is defined as the Architectural History Area of Potential Effects (APE-Architectural History) for the B&P Tunnel Replacement Program. Subsequent grant rounds can then be opened to Tier 2, which includes all areas within the Midtown Edmondson and the Edmondson Avenue Historic Districts. Because the APE-Architectural History boundaries are irregular and divide individual properties and blocks of rowhouses, the PA signatories have recommended that the Tier 1 boundaries be revised to include entire blocks (see Attachment A).
- Methods for addressing the diversity of property types (e.g., residential, commercial, and industrial) and potential applicants (e.g., individual property owners, organizations, and developers) as delineated by the PA. Signatories explored grant eligibility requirements, methods of application submittals (e.g., electronic, paper), and scoring criteria.
- Collaboration and coordination with other organizations and complementary programs, including the Baltimore City Commission for Historical and Architectural Preservation (CHAP).
- Maximizing grant fund utilization in the target neighborhoods, including developing a strong outreach process, creating a user-friendly application, and providing technical assistance to applicants.
- The practicalities of administering the grant program, including defining administrative roles and potential staffing, potential grant priorities and related selection criteria, and similar topics related to establishing the grant fund and its administration. As the result of the discussions, the signatories determined that the best course of action is for Amtrak to develop a Request for Proposals (RFP) to select an organization to administer the grant program, in keeping with the purpose and requirements of the preservation grant fund under the PA and in coordination with the signatories. Amtrak will provide the scope of work to the PA signatories and concurring parties for their review and comment at an appropriate time during the RFP process, prior to selection of an Administrator. If a new administrator is selected through the RFP process, the PA would be amended to reflect this change.

More information on the grant program will be provided to the concurring parties in the coming months.

C. Context-Sensitive Design

Amtrak's JV design team has progressed Program design work, working with the JV Architectural Historian to apply context-sensitive design (CSD) guidance to the features identified in Stipulation V.C of the PA. In the last year, the design team has worked on the design of the North Warwick Avenue Bridge replacement, Lafayette Avenue Bridge reconstruction, retaining walls, the West Baltimore MARC Station, and the South and Intermediate Ventilation Facilities.

During the reporting period, the following CSD analyses for the North Warwick Avenue Bridge Replacement Project were issued to PA signatories and other concurring parties for review and comment:

- 1/28/2022 – Context-Sensitive Design report for the 60% Design Plans
- 5/04/2022 – Context-Sensitive Design report for the 90% Design Plans

In response to a comment received about the area underneath the bridge appearing dark, Amtrak confirmed that there will be lights along both sidewalks underneath the bridge.

In addition, the following CSD analyses were prepared and will be distributed to signatory and concurring parties:

- Retaining walls located south and north of the new tunnels
- South Portal Cut-and-Cover Structure
- Lafayette Avenue Bridge reconstruction

Multiple additional analyses will be prepared in the coming year.

Amtrak has determined that CSD analysis is not necessary for two Program components included in the PA:

- CSX Railroad Bridge over Jones Falls Valley: Due to design changes, the Program will not result in alterations to this bridge.
- Franklinton Road Bridge: The Program no longer necessitates demolition and replacement of this bridge. However, the bridge will be used for interim routing of utilities, which will remain on the bridge until the new tunnel is placed into service. This Program component was handled as a Section 106 Project Change, which was distributed to PA signatories and consulting parties on January 6, 2023. No comments were received and no further evaluation is required as part of CSD analysis.

One challenge in meeting the PA's CSD stipulation relates to the requirement to deliver 60 percent and 90 percent Program plan sheets and specification documents relevant to exterior design treatments to PA signatories and concurring parties. This requirement is complicated by two factors:

- Because of the size of the Program, the design is divided up into multiple design packages, with some features such as retaining walls and sound barriers being included in more than one package.
- Some of the exterior design features are not fully developed at the 60 percent level.

To address these challenges, Amtrak will distribute exterior design treatments at 60 percent or when they are first developed. If there are any comments received or if the design treatment changes, Amtrak will distribute the plans again at approximately the 90 percent level. For example, the aesthetic treatment of retaining walls occurs late in design, so distribution of 60% plans for that element would not be informative. Amtrak will provide materials for review once

an appropriate level of detail is achieved. Further, once a design treatment for a common element such as retaining walls has been reviewed by signatories and concurring parties and comments have been considered, the agreed-upon design will be used in other design packages that include those common elements. This approach will be explained in the CSD materials submitted for review.

D. Historic Properties Construction Protection Plan

Amtrak determined that construction protection plans (CPP) are needed for the following three activities in the Program:

- Construction activities associated with the North Warwick Avenue Bridge Replacement Project: Amtrak distributed this draft CPP to the PA signatories and other concurring parties on May 4, 2022. No comments were received.
- Demolition activities: Amtrak distributed this draft CPP to the PA signatories and other concurring parties on September 7, 2022. No comments were received.
- All other construction-related activities: Amtrak is currently finalizing this draft and will soon distribute it to the PA signatories and other concurring parties.

E. Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) Documentation

A total of 26 HABS / HAER documentation packages are being prepared. These include: two rail lines and five rail-related historic properties; fourteen commercial properties, four of which have been converted to religious use; four groupings containing a total of thirty rowhouses; and one public building (a firehouse). All work is being conducted in consultation with and under the guidance of Christopher H. Marston, HAER Architect for the National Park Service. Mr. Marston participated in many field visits, determined the level of effort for each historic property to be documented, coordinated with Amtrak on development of a process for interim submission of photographic documentation for NPS review and approval, and reviews all submitted documentation to determine its acceptability.

Preparation of HABS / HAER documents has been prioritized based on two important factors. First, priority has been given to documenting historic properties in areas slated for early demolition or construction. These properties include the area of the proposed Intermediate Ventilation Facility (IVF) in the 900 block of West North Avenue, as well as the area of the southern approach roughly defined by West Lanvale Street to the south, North Pulaski Street to the west, Mosher Street to the north, and North Payson Street to the east. Second, because photographing historic properties is the absolute minimum documentation requirement prior to a property being demolished, Amtrak and its cultural resources consultants have prioritized preparation of all large-format photography.

To date, the following photography work has been accomplished:

- Exterior photography has been prepared and approved by the National Park Service for 21 of the 26 historic individual properties or groupings of properties.
- For 12 of the 26 properties or groupings of properties, interior photography has been completed or determined to be unnecessary.

In the upcoming year, Amtrak anticipates completing all interior and exterior photography, pending access.

In addition to photography, extensive work has been done to research the historic properties slated for demolition, describe their history and significance, and conduct fieldwork to develop thorough building descriptions. The research material includes a variety of primary sources, e.g., railroad company records and plans, municipal records, historic maps and atlases, and city directories. These documents are located in Amtrak archives as well as local repositories, railroad collections, the National Archives, the Library of Congress, and online. Secondary sources include documentation prepared as part of the Section 106 review process for the B&P Tunnel Replacement Program as well as relevant books, journal articles, and newspapers. Historic photographs are located at the Baltimore City Archives, the Maryland Center for History and Culture, and the Library of Congress. Fieldwork to describe historic properties has been conducted at all except the two properties for which access has not yet been provided.

The narrative portions of the HABS / HAER documents, consisting of history, significance, and descriptions, are underway for all properties, with most of the narratives being close to completion. In addition, the HABS documents for the following properties—including the two buildings on the site of the proposed IVF—have been approved and deemed complete by the National Park Service:

- HABS MD-1433, 2100 West Lanvale Street (commercial building converted to religious use)
- HABS MD-1441, 1000-1030 North Payson Street (rowhouses)
- HABS MD-1444, 900-908 West North Avenue (commercial buildings)
- HABS MD-1447, 920 West North Avenue (Madison Park Medical Center)
- HABS MD-1449, 2000 West Lafayette Avenue (Super Pride Markets)

During the reporting period, several changes were made to the list of historic properties for which HABS documentation is required:

- The automotive service garage at 501 North Bentallou Street has been removed from the list in coordination with NPS because of the building's loss of architectural integrity.
- Four properties were added to the list of required HABS documentation:
 - 2000 West Lafayette Avenue and 920 West North Avenue were identified as historic subsequent to the execution of the PA, as noted above.
 - 813 North Pulaski Street and 2039-2041 Lafayette Avenue were previously evaluated as contributing to the Midtown Edmondson Historic District, but had not been identified as needing HABS documentation.
- Three industrial buildings that are located within the Program's APE-Architectural History but were not evaluated as historically significant will be photo-documented due to their potential ties to the theme of the Midtown Edmondson Commercial and Industrial Corridor. The Program will result in the demolition of the industrial building at 2353 West Franklin Street. The ACME Warehouse at 2120 West Lafayette Avenue and the American Ice Company at 2100 West Franklin Street will not be demolished.

F. Interpretive Displays

ARCH² performed historic research in conjunction with PA Stipulation V.E.

G. Railroad Historic Property Boundary Clarifications

ARCH² performed historic research in conjunction with task V.E. Utilizing historic research material and maps, Ms. Zerbe initiated the analysis of railroad boundaries in the vicinity of Baltimore Penn Station, and initiated consultation with the MHT to inform this effort. A recent amendment to the Baltimore Penn Station determination of eligibility will inform this task.

H. Salvage Building Components

Amtrak is working to develop and implement its architectural salvage program. During the reporting period, Amtrak has taken the following steps to establish the program:

- On August 12, 2022, Amtrak distributed a proposed process for the timing for the PA signatories' and other concurring parties' review of which items Amtrak proposes to salvage in specific historic properties. The proposed process, which the signatory and concurring parties did not object to, is as follows:
 - To the extent possible, Amtrak will allow the signatories and concurring parties a 30-day review period. However, if Amtrak determines that safety and security issues constitute exigent circumstances that warrant a quicker response, Amtrak will request that the signatories and concurring parties respond within seven (7) calendar days of receipt of an Architectural Salvage Report.
- Amtrak developed an "Architectural Salvage Report" template format that will be completed for each historic property. The Architectural Salvage Report provides a description of the property and recommendations for interior and exterior salvage items. Each report will then be distributed to PA signatories and concurring parties for their review, as noted above.
- Amtrak's Architectural Historian consultant conducted salvage investigations for four commercial and twelve residential historic properties, and distributed salvage recommendations for 900-908 West North Avenue, 920 West North Avenue, and 2000 West Lafayette Avenue. The PA signatories did not object to the recommendations that no features in these three industrial or commercial buildings warrant architectural salvage. Also, salvage recommendations for the aforementioned twelve residential properties and two commercial properties were prepared by Amtrak's Architectural Historian; distribution to signatories and concurring parties is pending.
- Amtrak has explored options for teaming with a local partner to implement the architectural salvage program. The program will entail deconstruction, transportation, cataloguing, and maintaining of the salvaged material, plus administrative duties required to implement the program's specifications. Amtrak received two comments from the PA signatories and concurring parties expressing concern about the salvaged materials being stored outside of West Baltimore. As such, the ability to store materials in West Baltimore is of high priority in seeking a salvage firm. Once a firm has been selected, Amtrak will work with the PA signatories to ensure that residents in the two West Baltimore historic districts are provided the opportunity to learn about and access the salvaged material.

In the upcoming year, Amtrak will complete salvage investigations and reporting for all properties in the area of the southern approach and initiate investigations for buildings in the Edmondson Avenue area.

- I. Electronic Information Platforms
No activity.

VI. Treatment Measures for Archaeological Resources

- A. Introductory Paragraph
No change; no comment.

- B. Define Archaeological Area of Potential Effects (APE-Archaeology)
Archaeologists Henry Ward, Susan Bupp, and Jason Shellenhamer have reviewed Program updates, including any new parcels identified for acquisition and existing geotechnical data, to assess necessary changes to the APE-Archaeology. Upcoming work will involve agency coordination on the new APE-Archaeology delineation with FRA and MHT.

The proposed APE-Archaeology will encompass proposed ground disturbance for Program activities including open-cut excavation, construction staging areas, material disposal sites, temporary access roads, utility and stormwater management sites, and off-site mitigation sites. The majority of the proposed APE-Archaeology is located between North Warwick Avenue and North Monroe Street, in the vicinity of the proposed south portal. Approximately one-third of the APE-Archaeology is situated east of the proposed north portal location and extends between Penn Station and the existing Baltimore Light RailLink Station. The remaining few acres of the APE-Archaeology consist of the site of the proposed Intermediate Ventilation Facility at 900-940 West North Avenue. Additional description detail and mapping will be provided in the forthcoming Supplemental Phase IA Survey.

- C. Supplemental Phase I Survey
Amtrak has prepared a draft Supplemental Phase IA Survey to determine the sensitivity for the presence of precontact and historic archaeological resources in the proposed APE-Archaeology for the Program. In addition, the Supplemental Phase IA study includes recommendations for Phase IB survey to identify archaeological resources in the APE-Archaeology. The study, prepared by Archaeologist Jason Shellenhamer, supported by Archaeologists Henry Ward and Susan Bupp, is based on available environmental and soil data, historical background research, the results of the Geographic Information System topographical analysis, and geotechnical survey data.

When the draft report is accepted by both Amtrak and FRA, it will be distributed to the MHT and other consulting parties for their review and comment.

- D. Phase II Evaluation
No activity.
- E. Phase III Data Recovery
No activity.
- F. Curation
No activity.
- G. Protection of Archaeologically-Sensitive Information
No activity.

VII. Project Changes

Amtrak prepared two project change notifications to receive PA signatories' and other consulting parties' review of changes to the B&P Tunnel Replacement Program subsequent to the execution of the PA in 2017. Changes such as these may occur for a variety of reasons, including the advancement of the Program design, response to new conditions in the field, or identification of new historic properties that could be affected by the Program.

920 West North Avenue/Madison Park Medical Center

On March 4, 2022, FRA provided to the PA signatories, consulting parties, and newly invited consulting parties a determination that the Madison Park Medical Center at 920 West North Avenue is individually eligible for inclusion in the National Register of Historic Places (NRHP) under Criteria A and C, and that the demolition of the property constitutes an adverse effect. On April 25, 2022, the MHT concurred with FRA's determination; no other comments were received.

On October 4, 2022, FRA submitted to the MHT, PA signatories, and other consulting parties recommendations for measures to mitigate the adverse effects in keeping with the existing mitigation protocols under the PA, such as HABS documentation, architectural salvage, and public interpretation on the already-required interpretive display. On November 1, 2022, the MHT concurred with the proposed mitigation with no further comments. On November 2, 2022, the Baltimore City Department of Planning and the Commission for Historical and Architectural Preservation (CHAP) responded that because this property is located within the Eutaw Place/Madison Avenue Historic District, both the demolition and proposed new construction at this site will require review and approval by CHAP. Such reviews are not related to the PA implementation.

After coordination regarding this property, Amtrak developed a "Project Change" template for future submittals of project changes to signatories and consulting parties. Further Project Change submissions will be numbered sequentially.

Project Change #1: Acquisitions and 2000 West Lafayette Avenue

On October 6, 2022, Amtrak distributed Project Change #1 to PA signatories and consulting parties that explained the following changes:

1. Acquisition of 23 parcels on a primarily residential block that is bounded by North Pulaski Street to the west, West Lafayette Avenue to the north, North Brice Street to the east, and West Lanvale Street to the south, parcels consisting of:
 - nine rowhouses located at 2022-2038 West Lanvale Street
 - three rowhouses at 812/814/816 North Brice Street
 - eleven vacant lots at 800-810/818 North Brice Street, 2040 West Lanvale Street, and 2023/2025/2027 West Lafayette Avenue

These acquisitions are necessitated by utility relocations and construction staging requirements. All are located within the NRHP-eligible Midtown Edmondson Historic District.

Per the PA, Amtrak, in coordination with FRA, proposed to mitigate the adverse effect of the demolition of the 12 rowhouses through:

- Historic American Buildings Survey (HABS) documentation of the 12 rowhouses (Stipulation V.E.1.e)
 - Architectural salvage (Stipulation V.H)
 - Assessment of the 23 parcels for archaeological potential. These parcels are within the Limits of Disturbance that were evaluated in accordance with Stipulation VI.C, in both the preliminary Phase IA (October 2015) and the draft Supplemental Phase IA Archaeological Survey (pending). In addition, these specific properties were evaluated in the *Construction Protection Plan – Demolition* (CPP) as having a moderate potential for containing archaeological resources in the backyard areas; recommendations to avoid archaeological impacts and procedures in the event of an unanticipated discovery were included. The PA signatories and concurring parties concurred with the CPP findings.
2. Identification of 2000 West Lafayette Avenue as a property that is contributing to the significance of the NRHP-eligible Midtown Edmondson Historic District. In contrast to the original 2015 NRHP nomination, which did not specifically identify 2000 West Lafayette Avenue as contributing to the historic district, the revised draft nomination, received in 2022 and marked “final,” clarifies that the property contributes to the historic district.

Per the PA, Amtrak, in coordination with FRA, proposed to mitigate the adverse effect of the demolition of 2000 W. Lafayette Avenue through:

- HABS documentation for 2000 West Lafayette Avenue
- Architectural salvage (Stipulation V.H)
- Assessment of the property for archaeological potential. This parcel is within the Limits of Disturbance that were evaluated in accordance with Stipulation VI.C, in both the preliminary Phase IA (October 2015) and the draft Supplemental Phase IA Archaeological Survey (pending). In addition, this property was evaluated in the *Construction Protection Plan – Demolition* (CPP) as having a low potential for containing archaeological resources; recommendations to avoid archaeological impacts and procedures in the event of an unanticipated discovery were included. The PA signatories and concurring parties concurred with the CPP finding.

The MHT concurred with Project Change #1 on November 1, 2022, acknowledging the changes to the project design and the resulting additional impacts to historic properties, and agreed with the proposed mitigation treatment measures. No other signatories nor consulting parties responded to the Project Change #1 distribution.

Project Change #2: Franklinton Road Bridge

On January 11, 2023, Amtrak distributed Project Change #2 to PA signatories and consulting parties that explained the following changes:

- Amtrak is no longer proposing the demolition of the bridge over Franklinton Road, avoiding the adverse effect to this bridge.
- A new conduit trough will be attached to the bridge temporarily to ensure continued railroad functionality throughout program construction. Work will be in keeping with the *Secretary of the Interior’s Standards for Rehabilitation*. When the new tunnel is placed into service, all elements associated with this work (i.e., the trough, junction boxes, mounting hardware, and expansion anchor bolts) will be removed and the small,

approximately 1” diameter bolt holes will be filled with grout, leaving no obvious evidence of the interim trough and junction boxes.

- Because the HAER documentation of the bridge was significantly advanced by the time of the Project Change, Amtrak committed to completing the documentation as planned.

The MHT concurred with Project Change #2 on January 18, 2023, acknowledging the changes to the project design and the resulting avoidance of adverse impacts to this historic property. No other signatories nor consulting parties responded to the Project Change #2 distribution.

VIII. Unanticipated Discoveries
 None.

IX. Treatment of Human Remains
 None.

X. Emergency Situations
 None.

XI. Document Review
 No issues encountered during document review to date.

XII. Communications
 The following changes have been made to the points-of-contact:

Signatories:	Invited Signatories:
Marlys Osterhues Acting Director, Office of Environmental Program Management Federal Railroad Administration 1200 New Jersey Avenue SE West Building, Mail Stop 20 Washington, D.C. 20590 202-493-0413 Marlys.Osterhues@dot.gov	Mark N. Milton Discipline Chief Engineer of B&P Tunnel 1 Massachusetts Avenue NW Washington, D.C. 20001 445-216-9178 mark.milton@amtrak.com

Amtrak invites updates to other contacts related to this Program, including concurring parties.

XIII. Anti-Deficiency Act
 No changes; no comments.

XIV. Adoptability
 No changes; no comments.

XV. Dispute Resolution
 None.

XVI. Amendments

No changes; no comments.

XVII. Termination

No changes; no comments.

XVIII. Monitoring and Reporting

A. Annual Report

Annual Report #1, for the period up through June 30, 2021, was distributed in September 2021. Report #2 covers the period of July 2021 through the March 2, 2023 anniversary of the execution of the PA. In accordance with the PA, Amtrak will issue an Annual Report every year on or about April 1, for the period ending with the March 2nd anniversary date.

B. Specific Notifications

1. Acquisition of Property

On September 30, 2021, Amtrak submitted to FRA the official ten-day notice that it was proceeding with plans to acquire property in advance of the Program. Amtrak is actively pursuing property acquisition and by the end of the reporting period had acquired approximately one-third of the required historic properties.

2. Demolition of Acquired Property

None.

3. Excavation/Earthmoving Activities

None.

4. Construction

None.

XIX. Execution and Effective Date

No changes; no comments.

XX. Duration

No changes; no comments.

Attachment A: Preservation Grant Fund: Recommended Tier 1 Boundary Revisions

As defined in the Programmatic Agreement (PA), the Preservation Grant Fund’s Tier 1 boundaries are coincident with the Area of Potential Effects (APE) for the B&P Tunnel Program’s south portal (shown below in white). To address the irregular nature of this boundary, the PA signatories have recommended revising the boundaries to include entire blocks (shown below with dark yellow outline).

