

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL RAILROAD ADMINISTRATION
AND
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
AMTRAK PELHAM BAY BRIDGE REPLACEMENT PROJECT
BRONX BOROUGH, BRONX COUNTY, NEW YORK**

WHEREAS, the National Railroad Passenger Corporation (Amtrak) is proposing the Amtrak Pelham Bay Bridge Replacement Project in the Borough of the Bronx, Bronx County, New York (Project); and

WHEREAS, the Project consists of construction of a new Amtrak Pelham Bay Bridge across the Hutchinson River and demolition of the existing Amtrak Pelham Bay Railroad Bascule Bridge; the new bridge would be located immediately downstream (to the south) and adjacent to the existing bridge, primarily within Amtrak's existing right-of-way, and like the existing bridge, the new bridge would contain two railroad tracks; and

WHEREAS, the Federal Railroad Administration (FRA) is providing funding to complete the National Environmental Policy Act (NEPA) review process and anticipates providing future financial assistance to Amtrak for construction of the Project; and

WHEREAS, the Project would be an "Undertaking" pursuant to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) (NHPA), as amended, and its implementing regulations at 36 C.F.R. § 800 (hereinafter collectively referred to as Section 106) because federal funds are being sought for construction of the Project; and

WHEREAS, FRA will be the federal agency responsible for compliance with Section 106 if the Project becomes an Undertaking; and

WHEREAS, FRA is the lead federal agency for the Project under NEPA (42 U.S.C. § 4321 *et seq.*) and is preparing an Environmental Assessment (EA). Pursuant to 36 C.F.R. § 800.8 FRA has coordinated Section 106 compliance with the NEPA process; and

WHEREAS, pursuant to 36 C.F.R. § 800.2(c)(4), FRA authorized Amtrak to prepare any necessary analyses, documentation, and recommendations on its behalf, but FRA remains legally responsible for all findings and determinations, including determinations of eligibility and effects of the Project; and

WHEREAS, pursuant to 36 C.F.R. § 800.3(c)(3), FRA initiated consultation and identified Consulting Parties pursuant to 36 C.F.R. § 800.2(c) with the New York State Historic Preservation Office (SHPO), in a letter dated April 5, 2023 (Attachment 1); and

WHEREAS, pursuant to 36 C.F.R. § 800.3(f), in a letter dated April 5, 2023, Amtrak, on behalf of FRA, invited the following organizations with a demonstrated interest in the Project to

participate in the Section 106 process and be Consulting Parties: Bronx Borough President's Office, Friends of Pelham Bay Park, MTA Metro-North Railroad, New York Chapter of Railway & Locomotive Historical Society, New York City Department of Parks and Recreation, New York City Landmarks Preservation Commission, Professional Archaeologists of New York City, Roebling Chapter, Society for Industrial Archaeology, Tri-State Railway Historical Society, and Federal Transit Administration. In a letter dated June 12, 2024, Amtrak, on behalf of FRA, invited the following additional organizations to participate in the Section 106 process and be Consulting Parties: the United States Army Corps of Engineers and the United States Coast Guard. The New York City Landmarks Preservation Commission accepted FRA's invitation; and

WHEREAS, pursuant to 36 C.F.R. § 800(3)(f)(2), in a letter dated April 5, 2023, FRA invited the following Federally-recognized Indian tribes (herein collectively referred to as Tribes) to participate in the Section 106 process and be Consulting Parties: Delaware Nation, Delaware Tribe, Shinnecock Indian Nation, Stockbridge-Munsee Community. The Delaware Nation accepted the invitation to participate, and the remaining Tribes did not provide a response. Tribes who accepted Consulting Party status are referred to as consulting Tribes; and

WHEREAS, pursuant to 36 C.F.R §§ 800.4(a)(1) and 800.16(d) and in consultation with SHPO and Consulting Parties, FRA defined the Project's Area of Potential Effects (APE) (Attachment 2) and SHPO concurred with the APE in a letter dated July 12, 2024; and

WHEREAS, pursuant to 36 C.F.R § 800.4 and in consultation with SHPO and Consulting Parties, FRA identified four historic properties that are listed in or eligible for listing in the National Register of Historic Places (NRHP) in the APE: Amtrak Pelham Bay Railroad Bascule Bridge, Pelham Bay Park Historic District, Shore Road Bridge, and Co-op City Historic District. SHPO concurred with this determination in a letter dated July 12, 2024 (Attachment 1); and

WHEREAS, pursuant to 36 C.F.R § 800.5 and in consultation with SHPO and Consulting Parties, FRA found that the Project will have an adverse effect on the Amtrak Pelham Bay Railroad Bascule Bridge and that the Project will have no adverse effect on the Shore Road Bridge and the Co-op City Historic District and that the Project will have no adverse effect on Pelham Bay Park Historic District with the conditions that Amtrak implement noise abatement measures in the vicinity of the Bronx Equestrian Center, restore vegetation in areas where temporary right-of-way is needed for construction, and implement best management practices to reduce construction noise. SHPO concurred with this finding in a letter dated July 12, 2024 (Attachment 1); and

WHEREAS, pursuant to 36 C.F.R § 800.6(a) and in consultation with SHPO and Consulting Parties, FRA considered the following avoidance and minimization measures: construction of noise abatement measures, implementation of best management practices to reduce construction noise, minimization of vegetation removal, and replanting of vegetation in areas where removal is necessary. These measures will avoid and/or minimize the adverse effects of the Project (Attachment 1); and

WHEREAS, FRA and Amtrak, along with the SHPO, have determined that it is appropriate to enter into this Memorandum of Agreement (MOA) to resolve adverse effects pursuant to 36

C.F.R § 800.6(c), which will govern the implementation of the Project and satisfy FRA’s obligation to comply with Section 106; and

WHEREAS, pursuant to 36 C.F.R. § 800.6(a)(1), FRA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and intention to enter into a MOA on September 23, 2024, and the ACHP, in a letter dated October 10, 2024, declined to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii) (Attachment 1); and

WHEREAS, Amtrak will have roles and responsibilities in the implementation of this MOA, and FRA invited Amtrak to sign this MOA as an Invited Signatory; and

WHEREAS, FRA sought and considered the views of the public regarding Section 106 by posting a draft MOA for public review and comment on regulations.gov and Amtrak’s project website; and

NOW, THEREFORE, FRA and SHPO (collectively referred to as the Signatories) agree that the project will be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.

STIPULATIONS

FRA, in coordination with Amtrak, will ensure the following measures are carried out:

I. APPLICABILITY

This MOA applies to FRA’s Undertaking and only binds FRA and Amtrak if FRA provides funding for the Project.

II. TIMEFRAMES AND COMMUNICATIONS

The timeframes and communication protocols described in this Stipulation apply to all Stipulations in this MOA unless otherwise specified.

- A. All time designations are in calendar days unless otherwise stipulated. If a review period ends on a Saturday, Sunday, or Federal holiday, the review period will be extended until the next business day.
- B. All review periods are thirty (30) days, starting on the day the documents are provided by Amtrak for review.
- C. Amtrak, in coordination with FRA, will ensure that all comments received within the 30-day review period are considered, and will consult with responding parties as appropriate. If Amtrak does not receive comments within the 30-day review period, Amtrak may proceed to the next step of the process.
- D. In exigent circumstances (e.g., in Post-Review Discovery situations, or concerns over construction suspensions or delays), all Signatories, consulting Tribes, and Consulting Parties agree to expedite their respective document review within seven (7) days.

E. All official notices, comments, requests for further information, documentation, and other communications will be sent in writing by e-mail or other electronic means.

F. FRA is responsible for all government-to-government consultation with Tribes.

III. ROLES AND RESPONSIBILITIES

A. FRA

1. Pursuant to 36 CFR § 800.2(a)(2), FRA has the primary responsibility to ensure the provisions of this MOA are carried out.
2. FRA remains legally responsible for all findings and determinations, including determinations of National Register of Historic Places (NRHP) eligibility, assessment of effects of the Project on historic properties, and resolution of adverse effects, as well as resolution of objections or dispute resolution.
3. FRA is responsible for all government-to-government consultation with Federally-recognized Indian tribes.

B. SHPO

SHPO shall review Project submittals according to the timeframes defined within this MOA and participate in consultation, as requested by FRA or Amtrak.

C. AMTRAK

1. Pursuant to the FRA authorization granted under 36 CFR § 800.2(c)(4), Amtrak, in coordination with FRA, will conduct investigations and produce analyses, documentation and recommendations in a timely manner to address historic properties pursuant to the terms of the MOA.
2. Amtrak is responsible for continued compliance with all commitments outlined in this MOA and will comply with applicable conditions of the MOA until such time as the terms of this MOA are complete or this MOA is terminated or expires. Amtrak may engage consultants to assist in carrying out the MOA commitments, but Amtrak ultimately remains responsible for compliance.
3. Amtrak is responsible for the funding and completion of measures to resolve adverse effects pursuant to this MOA. Amtrak will consider these measures to be successfully completed upon the completion of procedures described in Stipulation XV.

D. Consulting Parties

1. Consulting Parties and consulting Tribes (identified in Attachment 3) have been provided the opportunity to actively participate in the development of this MOA and to assist in the resolution of adverse effects pursuant to 36 C.F.R. § 800.6.
2. If a Consulting Party or consulting Tribe does not provide written comments within the timeframes specified in this MOA, FRA and Amtrak will proceed to the next step in the review process without taking additional steps to seek comments from such party.

IV. PROFESSIONAL QUALIFICATIONS STANDARDS

Amtrak will ensure that all actions prescribed by this MOA are carried out by, or under the direct supervision of, qualified professional(s) who meet the appropriate standards in the applicable disciplines as outlined in the *Secretary of the Interior's Professional Qualifications Standards* (48 Fed. Reg. 44716, 44738 (Sept. 29, 1983)).

V. DOCUMENTATION STANDARDS

All studies, reports, plans, and other documentation prepared pursuant to this MOA will be consistent with pertinent standards and guidelines outlined in *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 Fed. Reg. 44716, Sept. 29, 1983). In addition, documentation will also follow applicable guidance issued by the ACHP, National Park Service (NPS), and SHPO or subsequent revisions or replacements to these documents.

VI. TREATMENT MEASURES

A. Recordation of the Amtrak Pelham Bay Railroad Bascule Bridge

1. Amtrak will prepare Historic American Engineering Record (HAER) Level II recordation for the Amtrak Pelham Bay Railroad Bascule Bridge. Amtrak will contact the NPS to determine whether the NPS would like the documentation to be deposited with the agency for inclusion in its HAER collection at the Library of Congress, and if so, seek guidance on the final scope, content, and format of required documentation in fulfillment of this MOA. If NPS declines the documentation, Amtrak will coordinate with SHPO instead, and further coordination with NPS is not required.
2. In accordance with HAER Guidelines for Historical Reports and Heritage Documentation Program's HABS/HAER/HALS Photography Guidelines, Amtrak will provide large format black and white photographs, and a narrative that describes the physical characteristics and history of the Amtrak Pelham Bay Railroad Bascule Bridge. As part of the recordation, Amtrak will make an effort to obtain from accessible archival sources, printed, graphic, and photographic information regarding Amtrak Pelham Bay Railroad Bascule Bridge. Amtrak will evaluate the compiled information and, per guidance from NPS, if depositing documentation in the HAER collection, photograph or otherwise provide graphic content as part of the recordation. Inclusion of Amtrak records or potentially security-sensitive information is subject to Amtrak corporate approval.
3. At least 90 days prior to the initiation of any demolition or construction activity of the Amtrak Pelham Bay Railroad Bascule Bridge, Amtrak will provide the large format photographic recordation in electronic format to SHPO and NPS for concurrent review in accordance with Stipulation II.
4. Following SHPO's, and NPS if applicable, acceptance of the large format photography per Stipulation VI.A.3, Amtrak will complete the HAER recordation. Amtrak will provide the draft narrative and related materials to SHPO and NPS for review in accordance with Stipulation II. This does not preclude Amtrak from submitting draft written and graphic materials prior to or with the photographs per Stipulation VI.A.3. NPS must approve the documentation prior to finalizing if it will be deposited in the HAER collection.

Amtrak will provide archival copies of the final HAER recordation document to SHPO and NPS. Amtrak will provide an electronic copy in PDF format to FRA.

B. Interpretation

Amtrak will prepare an illustrated pamphlet, up to two pages in length, containing basic information about the history and significance of the Amtrak Pelham Bay Railroad Bascule Bridge within the larger context of the electrification of the New York, New Haven, and Hartford Railroad. Amtrak will format the document to print as one (1), double-sided sheet, which will be suitable for web hosting. Amtrak will coordinate with SHPO to identify up to ten (10) local repositories to receive electronic versions of the pamphlet for their own use. Amtrak will provide a draft of the pamphlet to SHPO and the other Consulting Parties for review and comment prior to distribution, following the steps described in Stipulation II. Amtrak will provide FRA with a final electronic copy of the pamphlet.

C. Archaeological Resources

1. Amtrak will complete geotechnical borings as part of the Project, both within the existing Amtrak right-of-way (ROW) and in areas that will be subject to new ground disturbance as part of the Project outside of the ROW. Amtrak will ensure that all geotechnical soil borings are reviewed by a qualified archaeologist to confirm areas of prior disturbance and to further assess and refine any areas of potential archaeological sensitivity in locations that have not been previously sampled as part of earlier soil boring programs. The qualified archaeologist will prepare a technical report summarizing the results of the geotechnical soil borings and make recommendations as to whether future archaeological studies may be warranted based on the results. Amtrak will submit the technical report to FRA and SHPO for review per Stipulation II.
2. If the geotechnical soil borings indicate areas of potential NRHP-eligible archaeological resources, then Amtrak will coordinate with FRA and SHPO to determine required next steps for archaeological field testing to avoid, minimize, or mitigate any potential effects to such resources. Amtrak will complete an archaeological work plan in advance of any potential archaeological field investigations that will describe specific methods to be employed during the work. Amtrak will submit the archaeological work plan to FRA and SHPO for review per Stipulation II prior to the implementation of the field testing.
3. Amtrak will complete any necessary archaeological field investigations to fulfill requirements of the Section 106 process prior to the initiation of any demolition or construction activity of the Amtrak Pelham Bay Railroad Bascule Bridge, unless the affected area cannot be accessed prior to the bridge demolition, in which case field testing or monitoring may be completed in conjunction with project work. Amtrak will prepare appropriate technical reports summarizing the results for FRA and SHPO review per Stipulation II.

D. Noise Abatement

Amtrak will construct a noise barrier in the vicinity of the Bronx Equestrian Center, which is a contributing resource of the Pelham Bay Park Historic District. Amtrak

will construct the noise barrier on the bridge structure and adjacent to the railroad tracks. Amtrak will ensure that the construction of the noise barrier results in post-construction noise exposure levels from train operation that are the same as or below existing levels.

E. Vegetation Replanting

Amtrak will replant vegetation in areas where the Project involves temporary right-of-way acquisition and vegetation removal within the Pelham Bay Park Historic District.

F. Best Management Practices for Construction Noise

Amtrak and/or its construction contractor(s) will implement best management practices to minimize construction noise. Amtrak will ensure that construction contract documents contain requirements for implementation of the best management practices to minimize construction noise.

VII. PROJECT MODIFICATION AND DESIGN CHANGES

Amtrak will notify the Signatories, consulting Tribes, and Consulting Parties of any proposed modifications to the Project or changes to Project design that may result in additional or new effects on historic properties. Before Amtrak takes any action that may result in additional or new effects on historic properties, Amtrak, in coordination with FRA, will consult with SHPO, consulting Tribes, and Consulting Parties to determine the appropriate course of action. This may include revision to the APE, identification of historic properties, assessment of effects to historic properties, and treatment measures to resolve adverse effects. If FRA determines that an amendment to the MOA is required, it will proceed in accordance with Stipulation XI.

VIII. POST-REVIEW DISCOVERIES

A. Unanticipated Discovery or Effect to Cultural Resources

In accordance with 36 C.F.R. § 800.13(a)(2), if a previously undiscovered archeological or cultural resource that is or could reasonably be a historic property is encountered or a previously known historic property will be affected in an unanticipated manner during construction, as determined by staff who meet the qualifications set forth in Stipulation IV, Amtrak will implement the following procedures. Each step within these procedures will be completed within seven (7) days unless otherwise specified:

1. Amtrak will require the contractor to immediately cease all ground disturbing and/or construction activities within a [50]-foot radius buffer zone of the discovery. For any discovered archeological resources, Amtrak will also halt work in surrounding areas where additional subsurface remains are reasonably expected to be present. Amtrak, in coordination with FRA, may seek written SHPO concurrence during notification that a smaller buffer is allowable based on facts in the field specific to the unanticipated discovery.
2. Amtrak will ensure that no excavation, operation of heavy machinery, or stockpiling occurs within the buffer zone. Amtrak will secure the buffer zone

through the installation of protective fencing. Amtrak will not resume ground disturbing and/or construction activities within the buffer zone until the specified Section 106 process required by this MOA is complete. Work in all other Project areas may continue.

3. Amtrak will notify the Signatories within 24 hours of any unanticipated discovery or unanticipated effect. Amtrak, in coordination with FRA, will also consider if new Federally-recognized Indian tribes and/or Consulting Parties should be identified and invited to consult regarding unanticipated discoveries or unanticipated effects.
4. Following notification of an unanticipated discovery or effect, Amtrak, will investigate the discovery site and evaluate the resource(s) according to the documentation standards contained in Stipulation V. Amtrak, in coordination with FRA, will prepare and submit a written document containing a proposed determination of National Register eligibility for the resource and/or, if relevant, an assessment of the Undertaking's effects on historic properties. Amtrak will provide that document for review to the Signatories, consulting Tribes, and Consulting Parties in accordance with the timeframes and communications protocols identified in Stipulation II. If SHPO does not concur with the eligibility and/or effects determination, FRA may elect to assume eligibility and/or adverse effects for expediency.
5. If the unanticipated discovery or effect is determined to be eligible for listing in the National Register and/or adverse effects cannot be avoided, Amtrak, in coordination with FRA, will propose in writing to Signatories, consulting Tribes, and Consulting Parties, treatment measures to resolve adverse effects following the timeframes and communications protocols identified in Stipulation II.
6. If it is necessary to develop treatment measures, Amtrak, in coordination with FRA, will implement the approved treatment measures. Amtrak will ensure construction-related activities within the buffer zone do not proceed until consultation with the Signatories, consulting Tribes, and Consulting Parties, concludes with SHPO concurrence that: 1) the resource is not National Register-eligible; 2) the agreed upon treatment measures have been implemented; or 3) it has been agreed that the treatment measures can be completed within a specified time period after construction-related activities have resumed.

B. Unanticipated Discovery of Human Remains

1. If human remains are encountered during ground disturbing or construction activities, Amtrak will immediately halt subsurface disturbance in that portion of the Project area and immediately secure and protect the human remains and any associated funerary objects in place in such a way that minimizes further exposure or damage to the remains from the elements, looting, and/or vandalism. Amtrak will ensure a perimeter with a [50]-foot radius buffer zone around the human remains is established where there will be no excavation, operation of heavy machinery, or stockpiling. Amtrak will secure the buffer zone through the installation of protective fencing. Amtrak, in coordination with FRA, may seek written SHPO concurrence during notification that a smaller buffer is allowable based on facts in the field specific to the unanticipated discovery. Amtrak will not resume ground disturbing and/or construction activities within the buffer zone until the specified Section 106 process required by this MOA is complete. Work in all other Project areas may continue.
2. Amtrak will immediately notify the local police department to determine if the discovery is subject to a criminal investigation by law enforcement and notify the Signatories within twenty-four (24) hours of the initial discovery.
3. If a criminal investigation is not appropriate, Amtrak will ensure compliance with any applicable State and local laws pertaining to human remains, funerary objects, and cemeteries.
4. In the event the human remains encountered are of Native American origin, FRA , in coordination with Amtrak, will consult with the appropriate Tribal representatives and SHPO to determine treatment measures for the avoidance, recovery or reburial of the remains. FRA and Amtrak will follow the guidelines outlined in the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (2023).
5. If the remains are not of Native American origin, Amtrak, in coordination with FRA, will consult with the Signatories, consulting Tribes, and Consulting Parties pursuant to Stipulation VIII.A(4)-(6) to determine if the discovery is a historic property, take into account the effects on the historic property, and resolve adverse effects, as appropriate.
6. If it is necessary to develop treatment measures, Amtrak, in coordination with FRA, will implement the approved treatment measures. Amtrak will ensure ground disturbing and construction-related activities within the buffer zone do not proceed until consultation with the Signatories, consulting Tribes, and Consulting Parties, as appropriate, concludes with SHPO concurrence that: 1) the resource is not National Register-eligible; 2) the agreed upon treatment measures have been implemented; or 3) it has been agreed that the treatment measures can be completed within a specified time period after construction-related activities have resumed.
7. Amtrak, in coordination with FRA, will also ensure ground disturbing and construction-related activities within the buffer zone do not proceed until Amtrak has complied with Article § 205.27 of the New York City Health Code Law, which addresses the disinterment of human remains inclusive of historical remains.

IX. ADOPTABILITY

In the event that a Federal agency, not initially a party to or subject to this MOA, receives an application for financial assistance, permits, licenses, or approvals for the Project as described in this MOA, such Federal agency may become a signatory to this MOA as a means of complying with its Section 106 responsibilities for its undertaking. To become a signatory to this MOA, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA, and identifying the lead Federal agency for the undertaking. The participation of the agency is subject to approval by the Signatories. Upon approval, the agency must execute a signature page to this MOA, file the signature with the ACHP, and implement the terms of this MOA, as applicable. Any necessary amendments to the MOA will be considered in accordance with Stipulation XI.

X. MONITORING AND REPORTING

Once yearly, beginning one (1) year from the date of execution of this MOA until it expires or is terminated, Amtrak will provide all Signatories, consulting Tribes, and Consulting Parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report will include any progress on implementation, proposed scheduling changes, any problems encountered, and any disputes or objections received as a result of FRA and Amtrak's efforts to carry out the terms of this MOA.

XI. AMENDMENTS

If any amendment is required or any Signatory to this MOA requests that it be amended, FRA will notify the Signatories, consulting Tribes, and Consulting Parties, and consult for no more than thirty (30) calendar days (or another time period agreed upon by all Signatories) to consider such amendment. The amendment will become effective immediately upon execution by all Signatories.

XII. DISPUTE RESOLUTION

- A. Any Signatory to this MOA, consulting Tribe or Consulting Party may object to any proposed action(s) or the manner in which the terms of this MOA are implemented by submitting its objection to FRA in writing, after which FRA will consult with all Signatories to resolve the objection. If FRA determines such objection cannot be resolved, FRA will, within thirty (30) days of such objection:
1. Forward all documentation relevant to the dispute, including FRA's proposed resolution, to the ACHP (with a copy to the Signatories). ACHP may provide FRA with its comments on the resolution of the objection within thirty (30) days of receiving documentation.
 2. If the ACHP does not provide comment regarding the dispute within thirty (30) days, FRA will make a final decision on the dispute and proceed accordingly.
 3. FRA will document this decision in a written response that takes into account any timely comments received regarding the dispute from ACHP and the Signatories and provide the Signatories, consulting Tribes and Consulting Parties with a copy of the response.
 4. FRA will then proceed according to its final decision.

5. The Signatories remain responsible for carrying out all other actions subject to the terms of this MOA that are not the subject of the dispute.
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- B. A member of the public may object to the manner in which the terms of this MOA are being implemented by submitting its objection to FRA in writing. FRA will notify the other Signatories of the objection in writing and take the objection into consideration. FRA will consult with the objecting party, and if FRA determines it appropriate, the other Signatories for not more than thirty (30) days. Within fifteen (15) days after closure of this consultation period, FRA will provide the Signatories, consulting Tribes, Consulting Parties, and the objecting party with its final decision in writing.

XIII. TERMINATION

- A. If any Signatory to this MOA determines that its terms will not or cannot be carried out, that Signatory will immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XI. If within thirty (30) days an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories.
- B. Once the MOA is terminated, and prior to work initiating or continuing on the Project, FRA must either: 1) execute a new MOA pursuant to 36 C.F.R. § 800.6, or 2) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. FRA will notify the Signatories as to the course of action it will pursue.

XIV. EFFECTIVE DATE

- A. This MOA will become effective immediately upon execution by all Signatories. In the event another federal agency elects to use this MOA, the MOA will be effective on the date that other federal agency completes the process identified in Stipulation IX of this MOA.
- B. Counterparts. This PA may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Agreement.
- C. Electronic Copies. Within one (1) week of the last signature on this MOA, Amtrak shall provide each Signatory with one high quality, legible, full color, electronic copy of the fully-executed MOA and all of its attachments fully integrated into one, single document. If the electronic copy is too large to send by e-mail, Amtrak shall provide each Signatory with an electronic copy of the fully executed MOA as described above via other suitable, electronic means.

XV. DURATION

This MOA will expire when all treatments measures identified in Stipulation VI and any treatment measures identified pursuant to Stipulation VII have been completed and the Project Sponsor has completed a final yearly summary report, or in ten (10) years from the effective date, whichever comes first, unless the Signatories extend the duration through an

amendment in accordance with Stipulation XI. The Signatories to this MOA will consult six (6) months prior to expiration to determine if there is a need to extend or amend this MOA. Upon completion of the Stipulations set forth above, Amtrak, in coordination with FRA, will provide a letter (with attached documentation) of completion to SHPO, with a copy to the Signatories. If SHPO concurs the Stipulations are complete within thirty (30) days, Amtrak will notify the Signatories, consulting Tribes, and Consulting Parties in writing and this MOA will expire, at which time the Signatories will have no further obligations hereunder. If SHPO objects, FRA and Amtrak will consult further with SHPO to resolve the objection. If the objections cannot be resolved through further consultation, FRA will resolve the dispute pursuant to Stipulation XII. Amtrak will provide written notification to the Signatories, consulting Tribes, and Consulting Parties on the final resolution.

XVI. EXECUTION AND IMPLEMENTATION

Execution of this MOA by the Signatories and its subsequent filing with the ACHP by FRA, demonstrates that FRA has taken into account the effect of the Project on historic properties, has afforded the ACHP an opportunity to comment, and FRA has satisfied its responsibilities under Section 106 of the NHPA and its implementing regulations.

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REGARDING THE
AMTRAK PELHAM BAY BRIDGE REPLACEMENT PROJECT
BRONX BOROUGH, BRONX COUNTY, NEW YORK**

FEDERAL RAILROAD ADMINISTRATION

By: _____

Amanda Murphy

Deputy Federal Preservation Officer

Date: _____

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BRONX BOROUGH, BRONX COUNTY, NEW YORK**

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
[Name, title]

ATTACHMENT 1 – SECTION 106 CONSULTATION DOCUMENTATION

- Initiation of Section 106 Consultation and Request for Concurrence – Christine Taniguchi (FRA) to Daniel Mackay (SHPO) dated April 5, 2023
- Initiation of Section 106 Consultation and Request for Information and Comment – Christine Taniguchi (FRA) to Deborah Dotson (Delaware Nation) dated April 5, 2023
- Initiation of Section 106 Consultation and Request for Information and Comment – Christine Taniguchi (FRA) to Brad KillsCrow (Delaware Tribe of Indians) dated April 5, 2023
- Initiation of Section 106 Consultation and Request for Information and Comment – Christine Taniguchi (FRA) to Bryan Polite (Shinnecock Indian Nation) dated April 5, 2023
- Initiation of Section 106 Consultation and Request for Information and Comment – Christine Taniguchi (FRA) to Shannon Holsey (Stockbridge-Munsee Community) dated April 5, 2023
- Section 106 Concurrence – Olivia Brazee (SHPO) to Anthony Ross (FRA) dated April 25, 2023
- Section 106 Consultation Acceptance – Carissa Speck (Delaware Nation) to FRA dated May 8, 2023
- Environmental Review – Gina Santucci (Landmarks Preservation Commission) to FRA dated April 19, 2023
- Finding of Adverse Effect – Scott Williams (FRA) to Daniel Mackay (SHPO) dated June 12, 2024
- Finding of Adverse Effect – Scott Williams (FRA) to Deborah Dotson (Delaware Nation) dated June 7, 2024
- Adverse Effect Concurrence – Olivia Brazee (SHPO) to Anthony Ross (FRA) dated July 12, 2024
- Environmental Review – Gina Santucci (LPC) to FRA dated August 8, 2024
- ACHP Electronic Section 106 Documentation Submittal System (e106) Form – submitted September 23, 2024
- ACHP Response – Lucrecia Brooks (ACHP) to Anthony Ross (FRA) dated October 10, 2024



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 5, 2023

Mr. Daniel Mackay
Deputy Commissioner, Division for Historic Preservation
NY State Office of Parks, Recreation and Historic Preservation
625 Broadway
Albany, NY 12238

RE: Pelham Bay Bridge Replacement Project
Mile Post 15.73 over the Hutchinson River
The Bronx, Bronx County and Town of Pelham, Westchester County, New York
Initiation of Section 106 Consultation and Request for Concurrence

Dear Mr. Mackay:

The Federal Railroad Administration (FRA) is providing financial assistance to the National Railroad Passenger Corporation (Amtrak) to construct a new Amtrak Pelham Bay Bridge across the Hutchinson River as a replacement to the existing Pelham Bay Bridge (mile post (MP) 15.73) (Project). The Project is located at the Hutchinson River in the Bronx, between the Co-op City neighborhood and Pelham Bay Park, along Amtrak's Hell Gate Line (which connects New Rochelle to Queens, New York through the eastern Bronx) (see **Attachment 1**). The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations (36 CFR Part 800) (Section 106). The purpose of this letter is to initiate Section 106 consultation for the Project and to seek your concurrence with our findings.

Project Background

The purpose of the undertaking is to improve the reliability, resiliency, and service level of Amtrak's Northeast Corridor (NEC) passenger trains crossing of the Hutchinson River. The NEC, from Washington, D.C., to Boston, Massachusetts, is the busiest rail corridor in the United States. The existing Pelham Bay Bridge requires a high level of repair and maintenance, which compromises railroad operations and maritime navigation. A 2014 bridge inspection found it is overall in generally good condition; however, the bridge machinery is in poor condition. The limiting operating speed over the bridge is 45 miles per hour. The factors currently affecting service of Amtrak's NEC passenger rail service along the segment north of Penn Station New York, one of the most important hubs in the NEC, include: (1) reliability of the existing bridge to continue its movable bridge function; (2) low operating speeds for trains using the bridge because of deteriorated bridge conditions; and (3) need to frequently open the bridge to accommodate maritime traffic on the Hutchinson River. The undertaking would maintain and improve passenger rail service on the NEC by reducing the amount of bridge-related delays due to maintenance requirements and the need to open the main span to allow for maritime navigation. In addition, the bridge replacement would be compatible with and support the Metropolitan Transportation Authority's recently approved Penn Station Access project that would bring

Metro-North commuter service from Connecticut into Penn Station New York via Amtrak's Hell Gate Line and Pelham Bay Bridge.

Description of the Existing Bridge

Alternatively called the Hutchinson River Bridge, the Pelham Bay Bridge was the central one of three parallel two-track bridges built in 1907 by the New York, New Haven and Hartford Railroad. It is a two-track railroad bridge comprised of three main structural sections: west bridge approach (Amtrak MP 15.69); main span (MP 15.73); and east bridge approach (MP 15.85). The main span includes a single 40-foot-long steel girder span, a single 27-foot-long steel girder-floor beam-stringer span and a single steel rolling lift 82-foot-long truss bascule span, which was designed by the Scherzer Rolling Lift Bridge Company. Both the west and east bridge approaches consist of 18 spans each, 16 of which are about 20 feet in length. These spans consist of precast concrete beams with cast-in-place concrete decks that are supported by abutments and piers built on a combination of pile and spread footing foundations. Both approaches also include single riveted steel plate girder spans with a cast-in-place concrete deck. The bridge currently provides eight feet of vertical clearance in the closed position over the mean high water of the Hutchinson River channel. See photographs in **Attachment 2**.

In 1941, the original timber approach trestles were replaced by the precast concrete and cast-in-place reinforced concrete system that is in service currently. In 1984, a major rehabilitation contract was completed that included repairs to the steel girders and track stringers, replacement of the moveable span machinery, replacement of the tracks and track girders in Span 2, and structural modifications to the segmental girders of the bascule span. In 2004, the movable span electrical system and controls were replaced. In 2011, significant repairs were made to the approach spans' pilings, including rebuilding the western portion of the masonry Pier 2, and repairing the tower foundations and fender system.

Project Description

The proposed undertaking would construct a new Amtrak Pelham Bay Bridge across the Hutchinson River as a replacement to the existing Pelham Bay Bridge. The new Pelham Bay Bridge would be located immediately downstream (to the south) and adjacent to the existing bridge, primarily within the Amtrak's existing right-of-way, although parts of the modified railroad approaches would physically impact Pelham Bay Park. Like the existing bridge, the new bridge would contain two railroad tracks

The proposed build alternative would provide a bridge with a center movable span like the existing bridge and a mid-level of clearance in the closed position (compared to the existing low-level clearance). A conceptual structure layout of the proposed build alternative is included as **Attachment 3**. Preliminary design of the proposed bridge is currently underway. The proposed Project would demolish the existing bridge once the new bridge is placed into service.

Area of Potential Effects

The Area of Potential Effects (APE), as defined in 36 CFR Part 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

The APE consists of the area where the Project has the potential to cause effects on historic properties. FRA delineated the APE to reflect the nature, scale, and location of the Project (see **Attachment 4**). The APE has been delineated as a 500-foot radius around the bridge (including its approaches) according to the scale of the proposed, above-ground project work. The archaeological APE will be delineated as the project design progresses and is not separately depicted on Attachment 4. When the information is available, the archaeological APE will include areas of ground disturbance as well as consider the sensitivity of in-water locations within the project footprint for both submerged (prehistoric and/or historic) and maritime archaeological resources.

Identification of Historic Properties

To identify historic properties in the APE, Amtrak’s consultants, who meet the Secretary of the Interior’s Professional Qualifications Standards, reviewed available information, including data provided by Amtrak; National Register of Historic Places (NRHP) listings; and the NY State Office of Parks, Recreation and Historic Preservation’s Cultural Resource Information System. A field survey was conducted by Amtrak’s consultant team on April 26, 2022 to observe the bridge and the surrounding area.

Three architectural historic properties were identified in the APE:

Property Name	Unique Site Number (USN)	Location	Description
Amtrak Pelham Bay Railroad Bascule Bridge	00501.000795	Spans Hutchinson River	NR-Eligible by SHPO in 2018; meets NRHP Criteria A and C – significant in the area of engineering as one of twelve bascule bridges in the Port of New York and a major railroad construction project that played a significant role in the history of New York City's transportation network, both by water and rail; the period of significance is 1907, the same as the build year.
Shore Road Bridge (aka Pelham Bay Bridge) BIN 2240200	00501.001472	Spans Hutchinson River approximately 500-700 feet southeast of Amtrak Pelham Bay Railroad Bascule Bridge	NR-Eligible by SHPO in 2014; meets NRHP Criterion C for evaluation in the area of engineering as a distinctive example of early-20th century bridge construction in New York City; the period of significance is 1908, the same as the build year.
Pelham Bay Park Historic District	11961.000020	Encompasses entire park on either side of Hutchinson River	NR-Eligible by SHPO in 2018; significant under NRHP Criterion A as an embodiment of multiple major themes in the development of New York City and Westchester County and under Criterion C because it includes many fine examples of architecture and design

Property Name	Unique Site Number (USN)	Location	Description
			associated with the various periods in the park's development; period of significance from 1748 to 1964.

Consulting Party Outreach

In accordance with 36 CFR Part 800.2(c), FRA and Amtrak identified parties that may be interested in the Project and FRA's findings. The following are copied on this letter to serve as their invitation to participate as Section 106 Consulting Parties and to provide comment:

- Bronx Borough President's Office
- Friends of Pelham Bay Park
- MTA Metro-North Railroad
- New York Chapter of Railway & Locomotive Historical Society
- New York City Department of Parks and Recreation
- New York City Landmarks Preservation Commission
- Professional Archaeologists of New York City
- Roebling Chapter, Society for Industrial Archaeology
- Tri-State Railway Historical Society
- Federal Transit Administration

FRA will initiate consultation with the following federally recognized Indian tribes and invite them to participate in consultation by separate letter:

- Delaware Nation
- Delaware Tribe
- Shinnecock Indian Nation
- Stockbridge-Munsee Community

Invited parties may indicate their willingness to participate as a consulting party and provide comment on the information provided, as indicated below, within 30 days of receipt of this letter. If any invited party expresses concerns about the Project's potential effects to historic properties, FRA will consult with you and other consulting parties to resolve those concerns prior to project implementation.

Request for Comments and Concurrence

FRA seeks your concurrence with the proposed APE, historic properties identified thus far, and identified consulting parties. Should you disagree with the information presented herein, please notify us within 30 calendar days from the date of receipt of this letter. Amtrak and its consultants will contact your office to discuss appropriate methods for further identification of historic properties and next steps in the Section 106 process. FRA welcomes an opportunity to discuss the undertaking with you and other consulting parties prior to making a determination of effect. Once consulting parties are confirmed, FRA, or Amtrak on FRA's behalf, may offer to schedule a consulting parties web meeting to discuss the Project.

Please note that FRA has authorized Amtrak to coordinate with your agency on behalf of FRA for the purposes of this Project.

Please e-mail your response to Anthony Ross at anthony.ross@dot.gov and Amtrak_S106_Submissions@dot.gov, and copy Mario Midy, Amtrak Project Manager, at the email address provided below. If you have questions or wish to discuss this Project, Mr. Midy can be reached at the number below; or, if you would like to discuss the Project directly with FRA, Anthony Ross can be reached at (463) 274-0785. Thank you for your cooperation on this Project.

Sincerely,

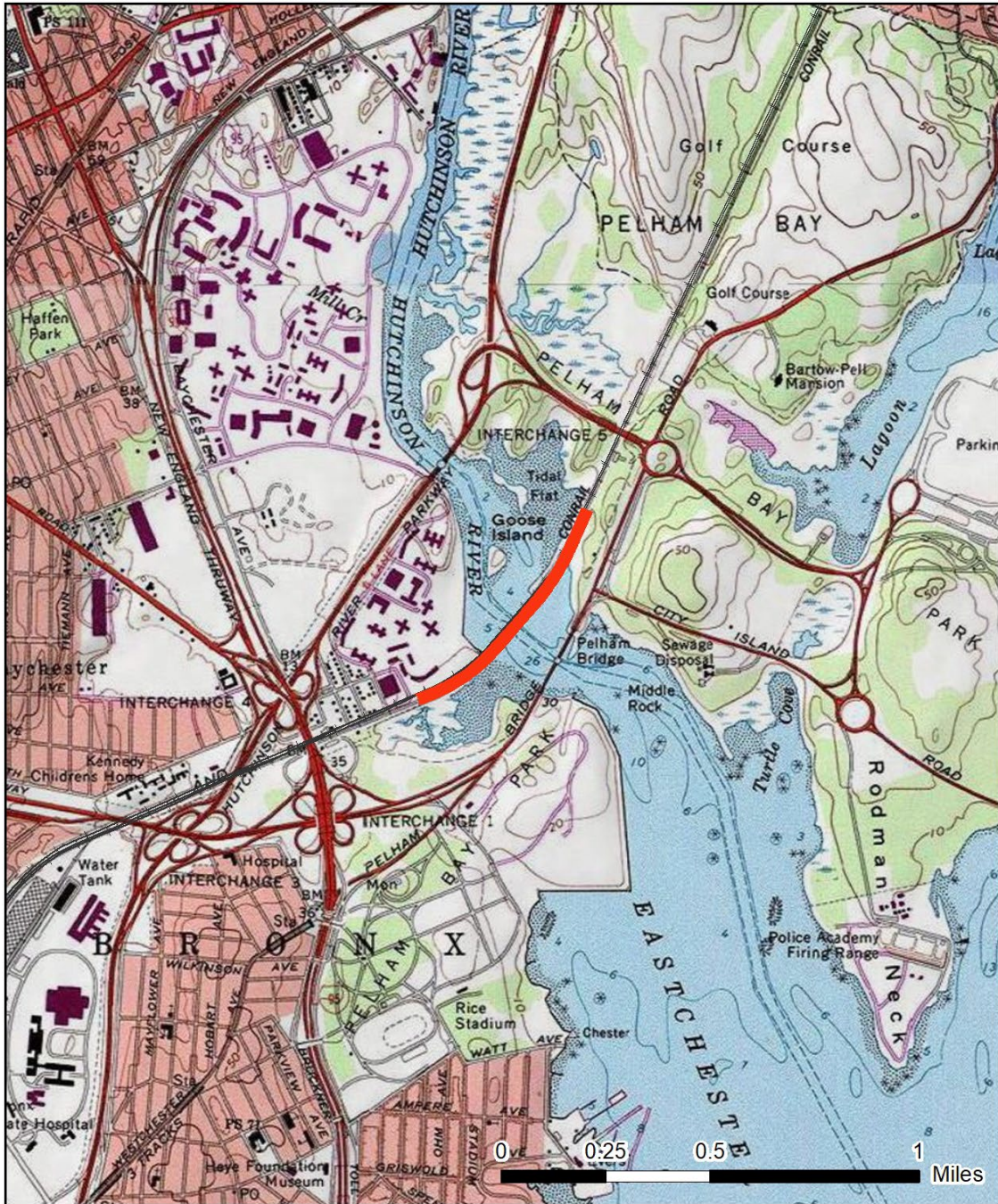


Christeen Taniguchi
Environmental Protection Specialist
Federal Railroad Administration


Enc: Attachment 1. Location Map
Attachment 2. Photographs
Attachment 3. Proposed Conceptual Structure Layout (Plan View and Elevation View)
Attachment 4. APE Map

cc: Anthony Ross, FRA Environmental Protection Specialist
Mario Midy, Amtrak, mario.midy@amtrak.com; (646) 771-7361
Damon Tvaryanas, Amtrak
John Brun, Amtrak
Nicole Weymouth, WSP
Gina Santucci, New York City Landmarks Preservation Commission
Catherine Rinaldi, MTA Metro-North Railroad
Emily Humes, New York City Department of Parks and Recreation
Vanessa Gibson, Bronx Borough President
Richard King, Tri-State Railway Historical Society
Friends of Pelham Bay Park
Dr. Joan Geismar, Professional Archaeologists of New York City
Bierce Riley, Society for Industrial Archaeology
Tommy Meehan, Railway & Locomotive Historical Society
Donald Burns, Federal Transit Administration

Pelham Bay Bridge Replacement
Attachment 1. Location Map – USGS Topographic 7.5-Minute Quadrangle



Service Layer Credits: Copyright © 2013 National Geographic Society, i-cubed

 Pelham Bay Bridge



*Pelham Bay Bridge Replacement
Attachment 2. Photographs*



*Photograph 1. View of Amtrak Pelham Bay Bridge looking east (Shore Road Bridge in the background)
(4/20/22)*



Photograph 2. View of Amtrak Pelham Bay Bridge looking east (4/20/22)



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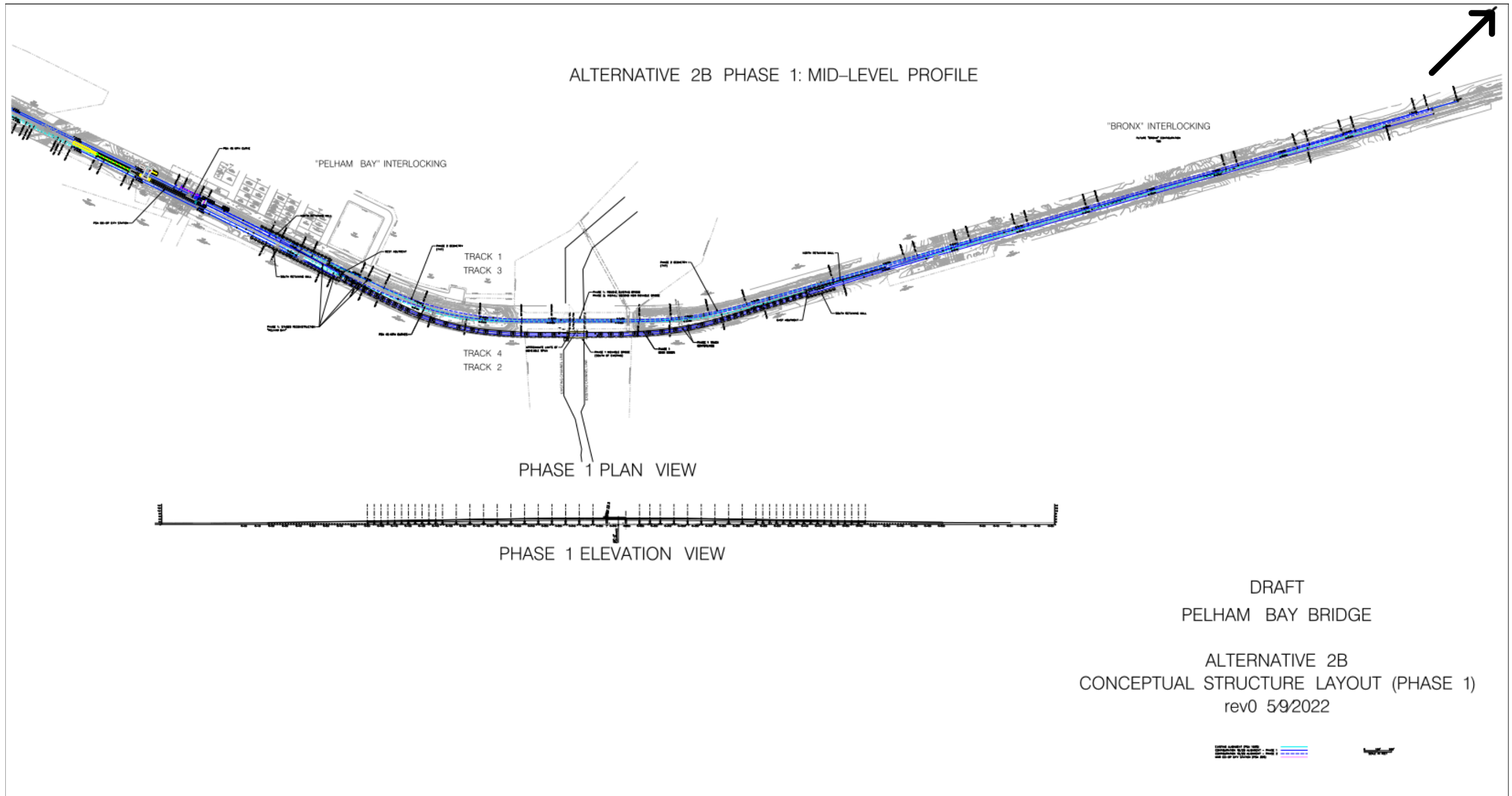
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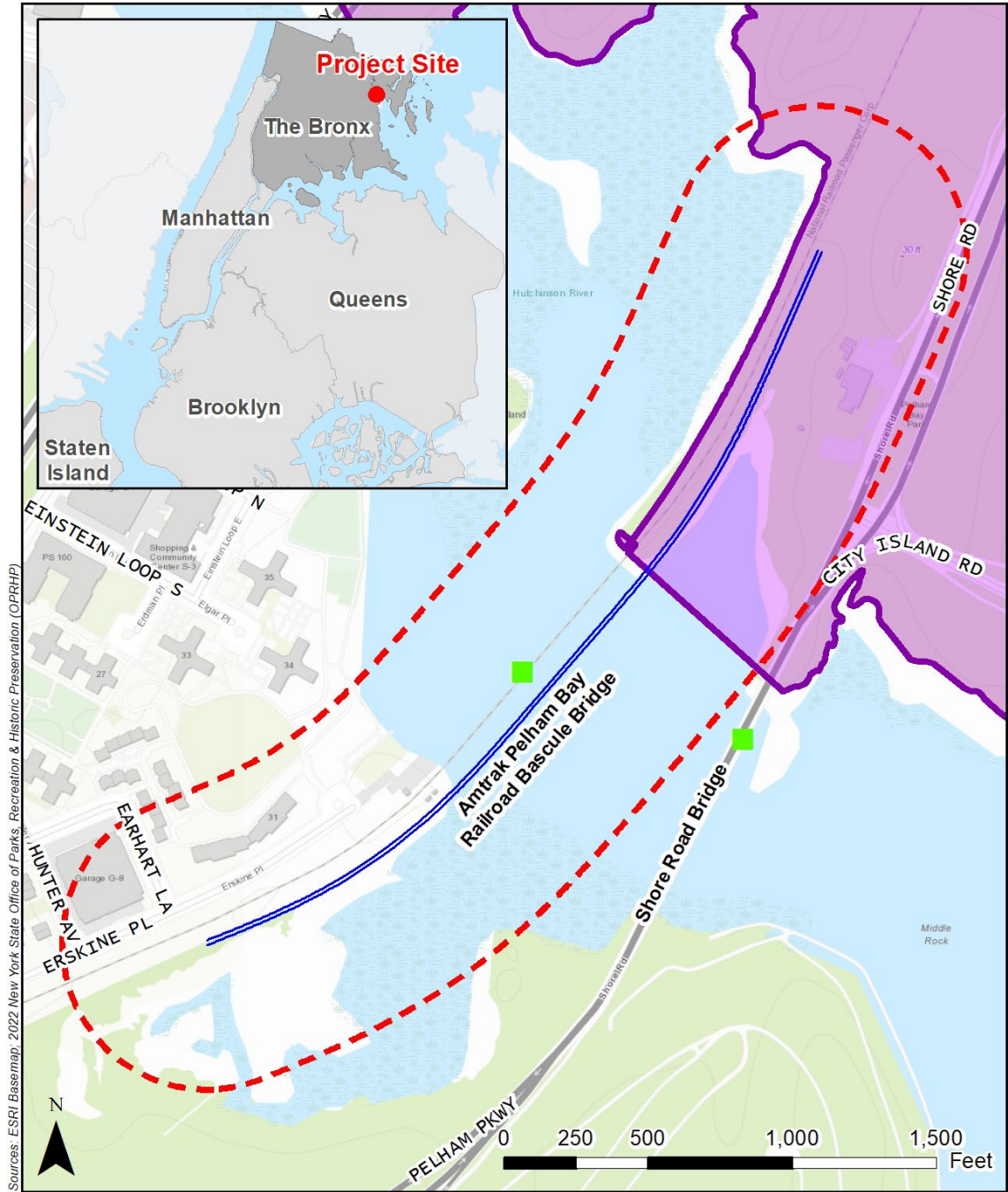
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Sources: ESRI Base map; 2022 New York State Office of Parks, Recreation & Historic Preservation (OPRHP)

- Proposed Pelham Bay Bridge Replacement Alignment
- Pelham Bay Park Historic District (Eligible for listing on the State & National Register of Historic Places)
- - - Area of Potential Effect (500-foot radius)
- Historic Resource Eligible for listing on the State & National Register of Historic Places



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 5, 2023

Deborah Dotson
President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

RE: Pelham Bay Bridge Replacement Project
Mile Post 15.73 over the Hutchinson River
The Bronx, Bronx County and Town of Pelham, Westchester County, New York
Initiation of Section 106 Consultation and Request for Information and Comment

Dear President Dotson:

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Project Background

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Property Name	Unique Site Number (USN)	Location	Description
			embodiment of multiple major themes in the development of New York City and Westchester County and under Criterion C because it includes many fine examples of architecture and design associated with the various periods in the park's development; period of significance from 1748 to 1964.

Request for Information and Comments

FRA requests that you: 1) review the enclosed materials and provide any information you have regarding historic properties of religious or cultural significance to your Tribe that may be present in the APE and/or may be affected by the Project, and 2) notify FRA within 30 calendar days from the date of your receipt of this letter whether you accept or decline this invitation to be a Consulting Party.

Please e-mail your response to Anthony Ross at anthony.ross@dot.gov and Amtrak_S106_Submissions@dot.gov, and copy Mario Midy, Amtrak Project Manager, at the email address provided below. If you have questions or wish to discuss this Project, Mr. Midy can be reached at the number below; or, if you would like to discuss the Project directly with FRA, Anthony Ross can be reached at (463) 274-0785. FRA is also available for Government-to-Government consultation on this Project.

Please note that FRA intends to authorize Amtrak to coordinate with your tribe on behalf of FRA for this Project, unless you prefer to work directly with FRA. FRA remains responsible for all required findings, determinations, disputes, and Government-to-Government consultation.

Sincerely,



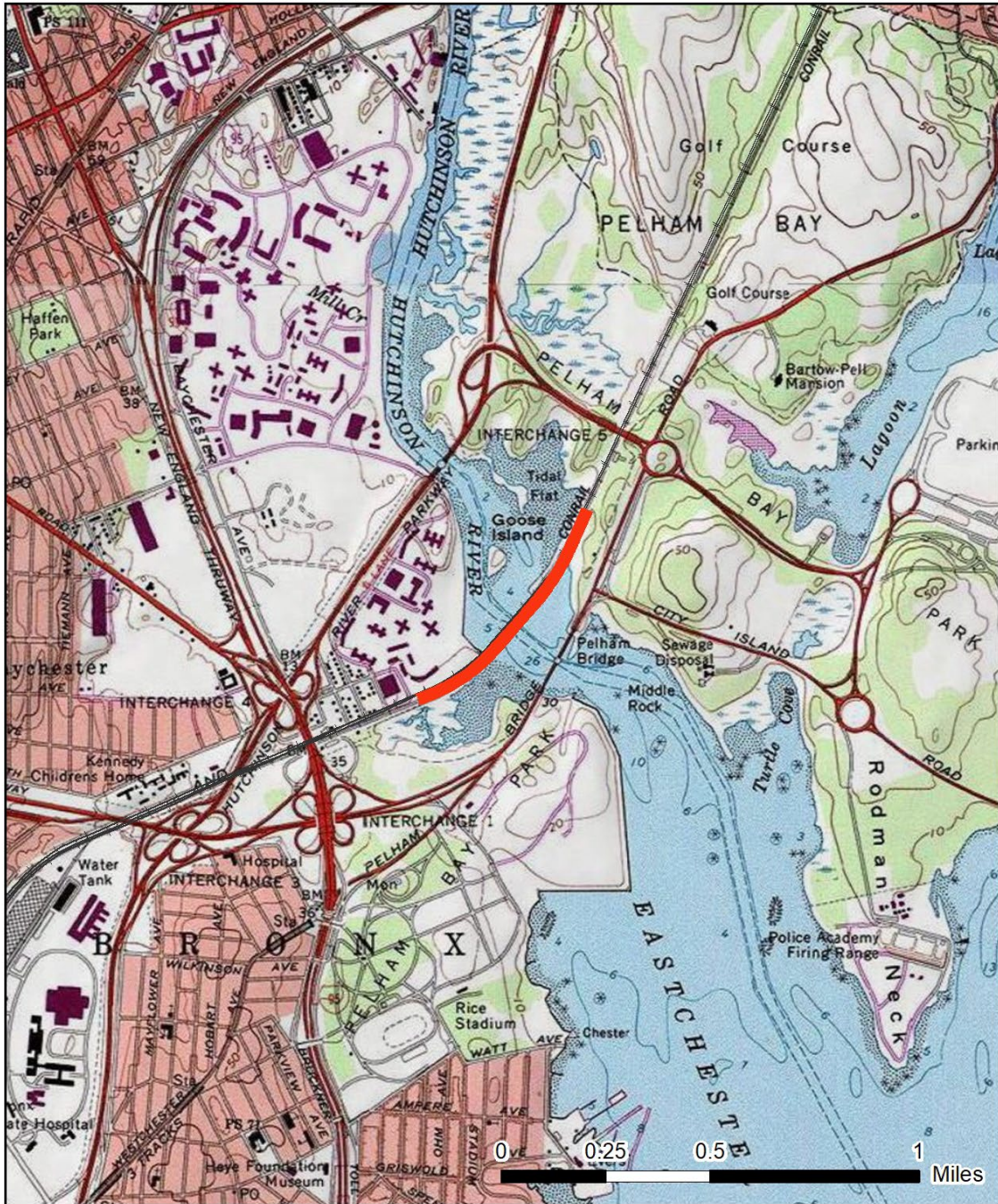
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Environmental Protection Specialist
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Attachment 3. Proposed Conceptual Structure Layout (Plan View and Elevation View)
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cc: Anthony Ross, FRA Environmental Protection Specialist
Mario Midy, Amtrak, mario.midy@amtrak.com; (646) 771-7361

Damon Tvaryanas, Amtrak
John Brun, Amtrak
Katelyn Lucas, Delaware Nation THPO
Nicole Weymouth, WSP

Pelham Bay Bridge Replacement
Attachment 1. Location Map – USGS Topographic 7.5-Minute Quadrangle - Flushing



Service Layer Credits: Copyright © 2013 National Geographic Society, i-cubed

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(4/20/22)*



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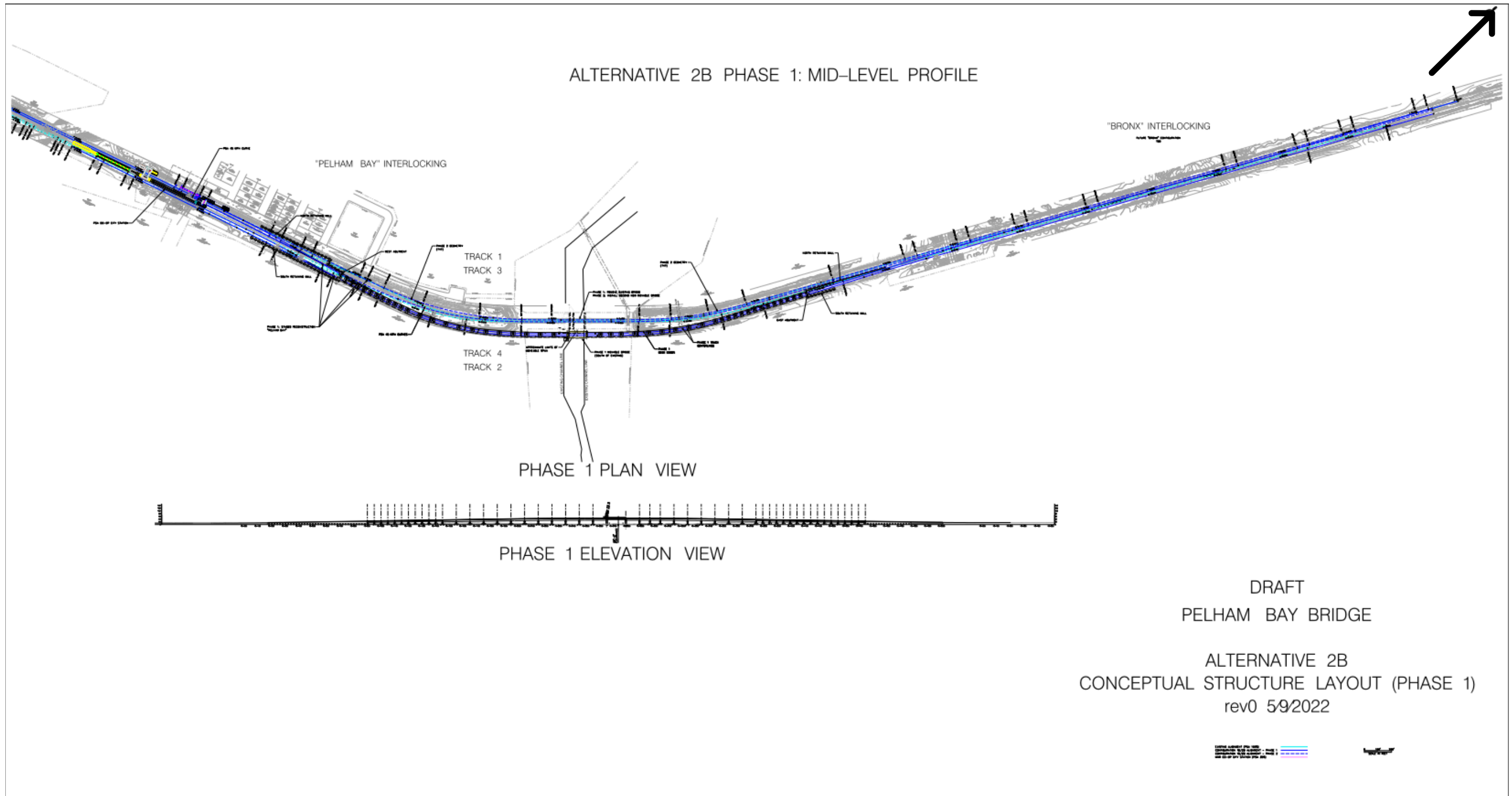
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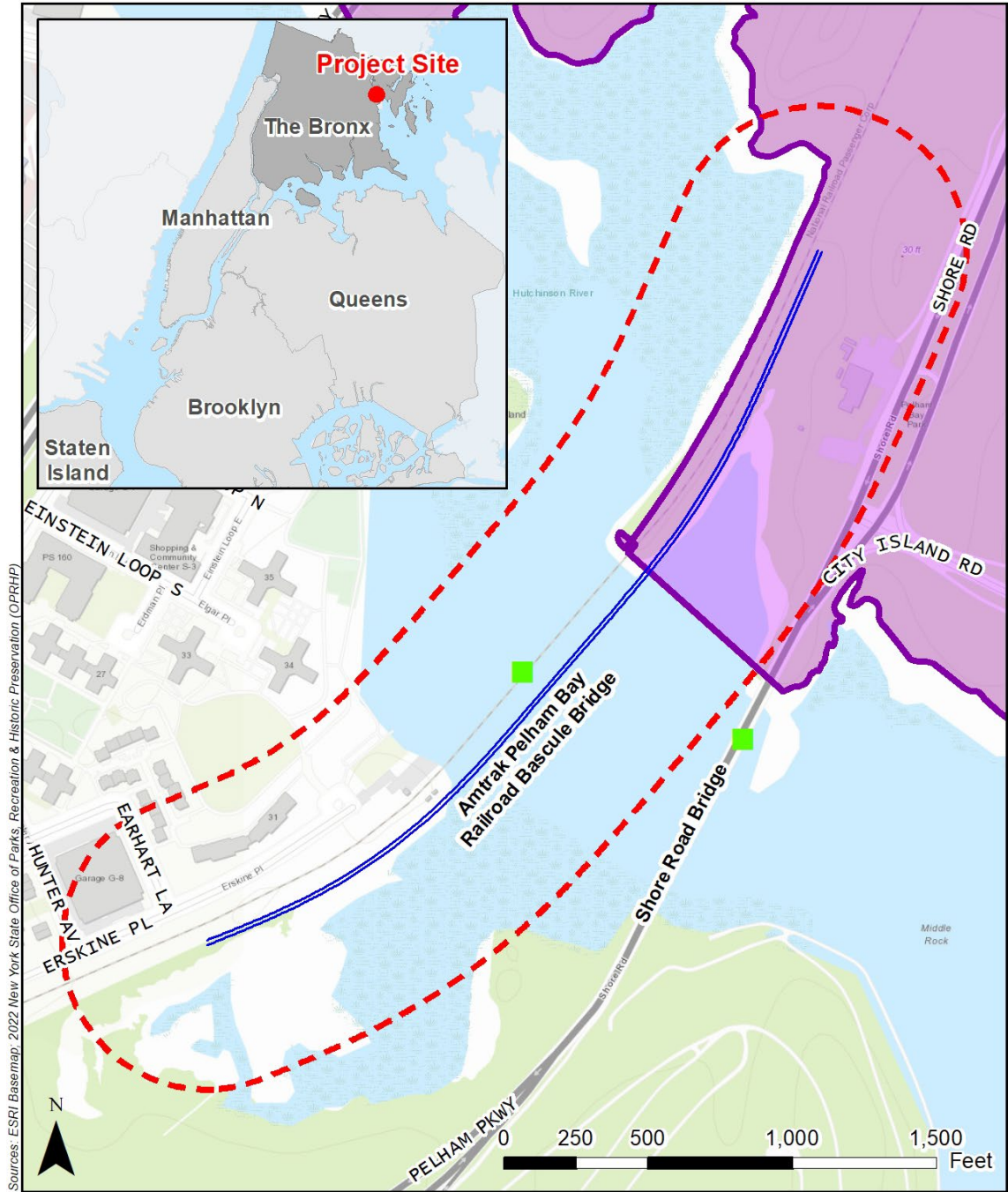
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U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 5, 2023

Brad KillsCrow
Chief
Delaware Tribe of Indians
5100 Tuxedo Boulevard
Bartlesville, OK 74006

RE: Pelham Bay Bridge Replacement Project
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Request for Information and Comments

FRA requests that you: 1) review the enclosed materials and provide any information you have regarding historic properties of religious or cultural significance to your Tribe that may be present in the APE and/or may be affected by the Project, and 2) notify FRA within 30 calendar days from the date of your receipt of this letter whether you accept or decline this invitation to be a Consulting Party.

Please e-mail your response to Anthony Ross at anthony.ross@dot.gov and Amtrak_S106_Submissions@dot.gov, and copy Mario Midy, Amtrak Project Manager, at the email address provided below. If you have questions or wish to discuss this Project, Mr. Midy can be reached at the number below; or, if you would like to discuss the Project directly with FRA, Anthony Ross can be reached at (463) 274-0785. FRA is also available for Government-to-Government consultation on this Project.

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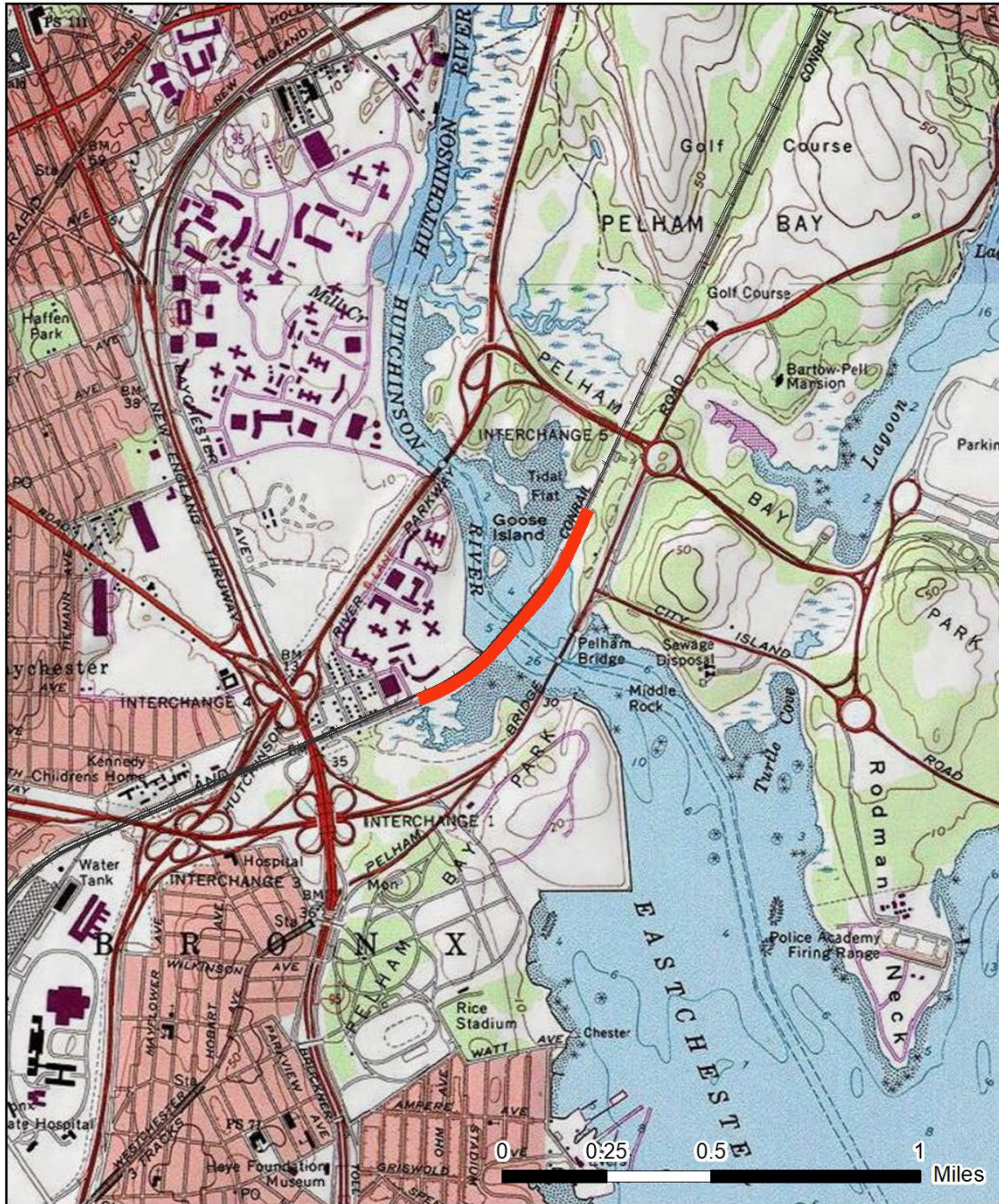
Christeen Taniguchi
Environmental Protection Specialist
Federal Railroad Administration

Enc: Attachment 1. Location Map
Attachment 2. Photographs
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cc: Anthony Ross, FRA Environmental Protection Specialist
Mario Midy, Amtrak, mario.midy@amtrak.com; (646) 771-7361

Damon Tvaryanas, Amtrak
John Brun, Amtrak
Susan Bachor, Delaware Tribe
Nicole Weymouth, WSP

*Pelham Bay Bridge Replacement
Attachment 1. Location Map – USGS Topographic 7.5-Minute Quadrangle - Flushing*



Service Layer Credits: Copyright © 2013 National Geographic Society, i-cubed

 Pelham Bay Bridge



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*Photograph 1. View of Amtrak Pelham Bay Bridge looking east (Shore Road Bridge in the background)
(4/20/22)*



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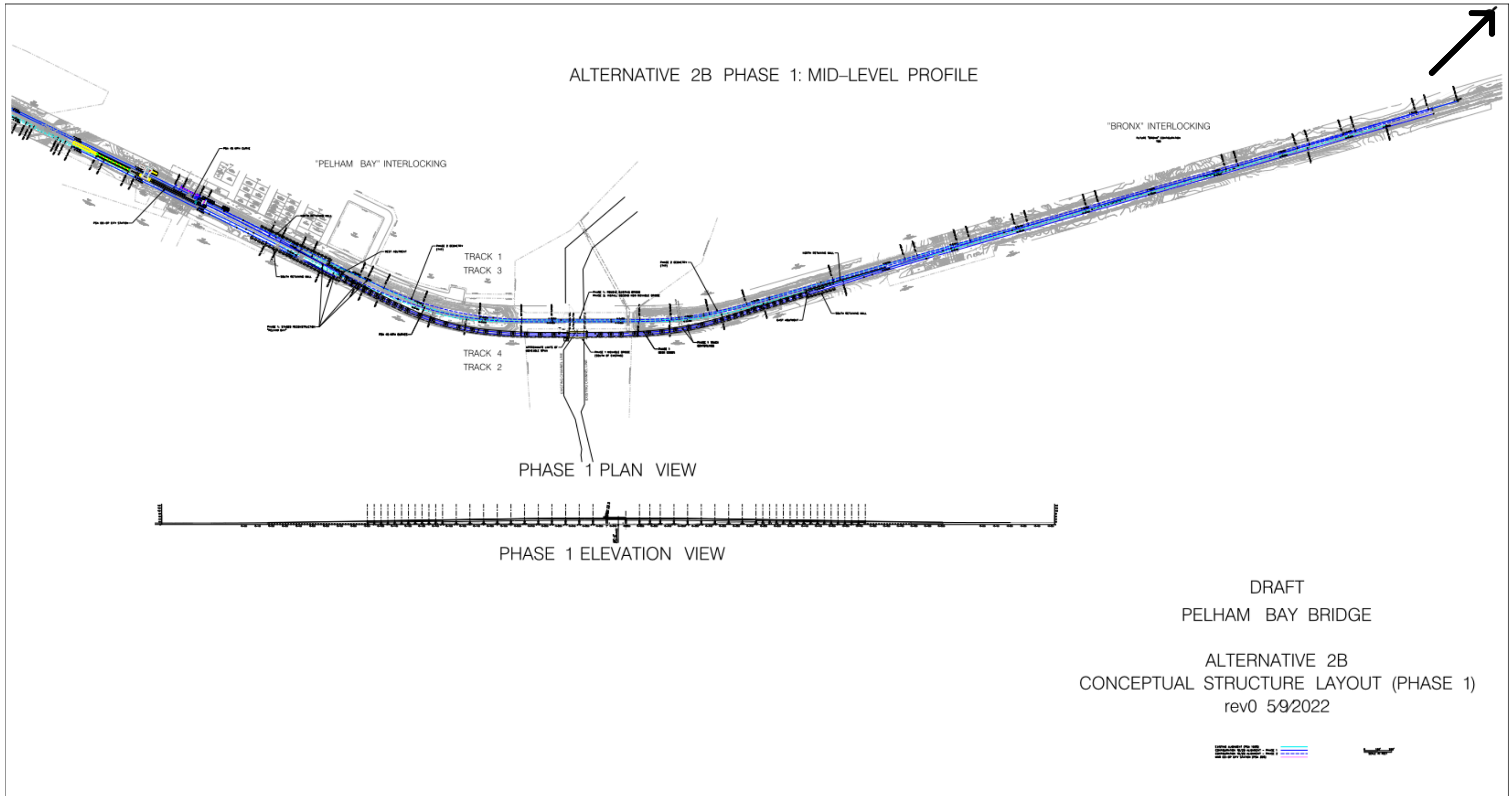
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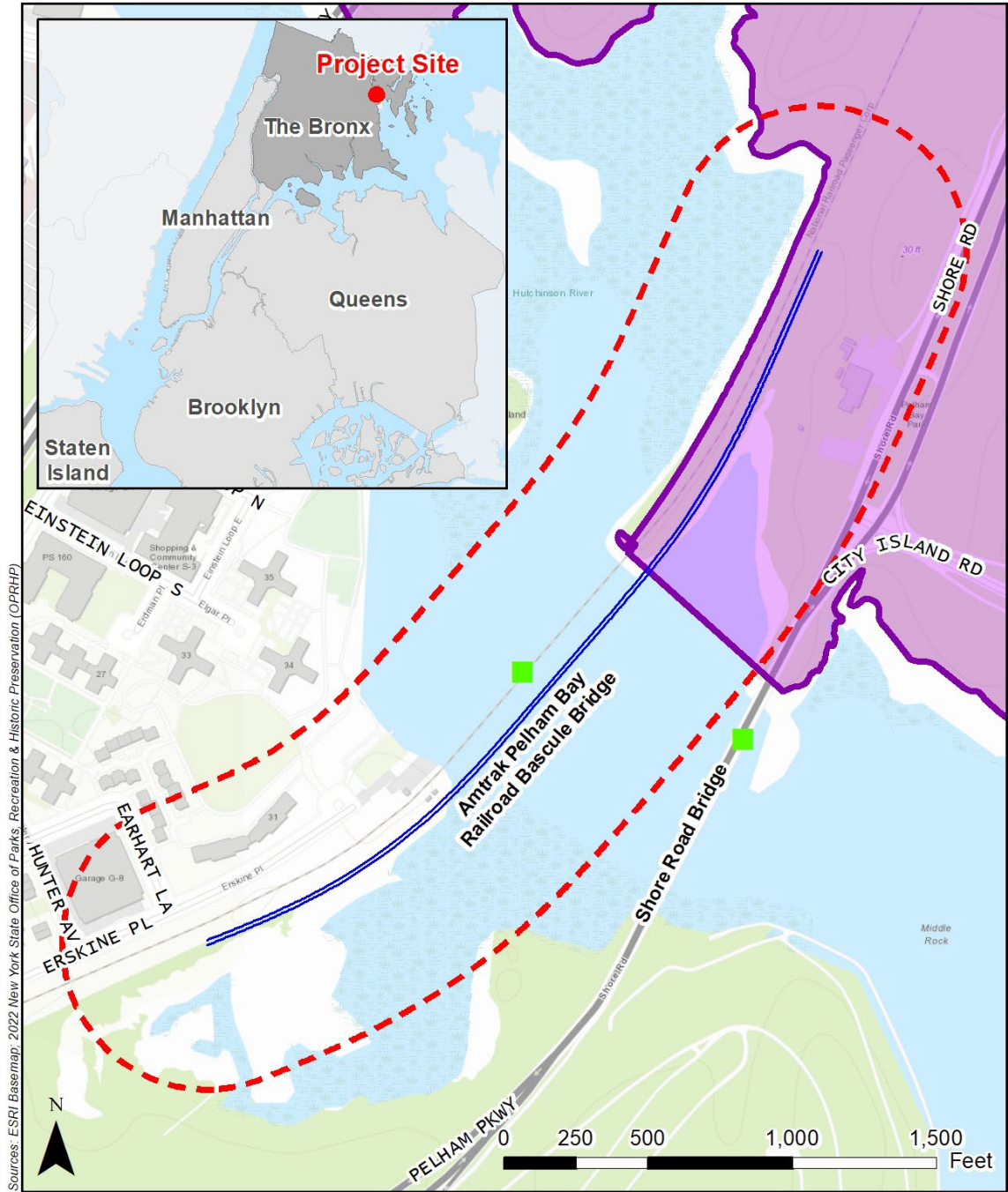
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Sources: ESRI Basemap; 2022 New York State Office of Parks, Recreation & Historic Preservation (OPRHP)

- Proposed Pelham Bay Bridge Replacement Alignment
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(Eligible for listing on the State & National Register of Historic Places)
- - - Area of Potential Effect (500-foot radius)
- Historic Resource Eligible for listing on the State & National Register of Historic Places



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 5, 2023

Bryan Polite
Chair of Council of Trustees
Shinnecock Indian Nation
P.O. Box 5006
100 Church Street
Shinnecock Community Center
Southampton, NY 11969

RE: Pelham Bay Bridge Replacement Project
Mile Post 15.73 over the Hutchinson River
The Bronx, Bronx County and Town of Pelham, Westchester County, New York
Initiation of Section 106 Consultation and Request for Information and Comment

Dear Chairman Polite:

The Federal Railroad Administration (FRA) is providing financial assistance to the National Railroad Passenger Corporation (Amtrak) to construct a new Amtrak Pelham Bay Bridge across the Hutchinson River as a replacement to the existing Pelham Bay Bridge (mile post [MP] 15.73) (Project). The Project is located at the Hutchinson River in the Bronx, between the Co-op City neighborhood and Pelham Bay Park, along Amtrak's Hell Gate Line (which connects New Rochelle to Queens, New York through the eastern Bronx) (see **Attachment 1**). The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations (36 CFR Part 800) (Section 106). The purpose of this letter is to initiate Section 106 consultation for the Project, to determine if there are historic properties of cultural or religious significance to your Tribe that may be affected by the Project, and to determine if you want to be a Consulting Party.

Project Background

The purpose of the undertaking is to improve the reliability, resiliency, and service level of Amtrak's Northeast Corridor (NEC) passenger trains crossing of the Hutchinson River. The NEC, from Washington, D.C., to Boston, Massachusetts, is the busiest rail corridor in the United States. The existing Pelham Bay Bridge requires a high level of repair and maintenance, which compromises railroad operations and maritime navigation. A 2014 bridge inspection found it is overall in generally good condition; however, the bridge machinery is in poor condition. The limiting operating speed over the bridge is 45 miles per hour. The factors currently affecting service of Amtrak's NEC passenger rail service along the segment north of Penn Station New York, one of the most important hubs in the NEC, include: (1) reliability of the existing bridge to continue its movable bridge function; (2) low operating speeds for trains using the bridge because of deteriorated bridge conditions; and (3) need to frequently open the bridge to accommodate maritime traffic on the Hutchinson River. The undertaking would maintain and improve passenger rail service on the NEC by reducing the amount of bridge-related delays due to maintenance requirements and the need to open the main span to allow for maritime navigation.

In addition, the bridge replacement would be compatible with and support the Metropolitan Transportation Authority's recently approved Penn Station Access project that would bring Metro-North commuter service from Connecticut into Penn Station New York via Amtrak's Hell Gate Line and Pelham Bay Bridge.

Description of the Existing Bridge

Alternatively called the Hutchinson River Bridge, the Pelham Bay Bridge was the central one of three parallel two-track bridges built in 1907 by the New York, New Haven and Hartford Railroad. It is a two-track railroad bridge comprised of three main structural sections: west bridge approach (Amtrak MP 15.69); main span (MP 15.73); and east bridge approach (MP 15.85). The main span includes a single 40-foot-long steel girder span, a single 27-foot-long steel girder-floor beam-stringer span and a single steel rolling lift 82-foot-long truss bascule span, which was designed by the Scherzer Rolling Lift Bridge Company. Both the west and east bridge approaches consist of 18 spans each, 16 of which are about 20 feet in length. These spans consist of precast concrete beams with cast-in-place concrete decks that are supported by abutments and piers built on a combination of pile and spread footing foundations. Both approaches also include single riveted steel plate girder spans with a cast-in-place concrete deck. The bridge currently provides eight feet of vertical clearance in the closed position over the mean high water of the Hutchinson River channel. See photographs in **Attachment 2**.

In 1941, the original timber approach trestles were replaced by the precast concrete and cast-in-place reinforced concrete system that is in service currently. In 1984, a major rehabilitation contract was completed that included repairs to the steel girders and track stringers, replacement of the moveable span machinery, replacement of the tracks and track girders in Span 2, and structural modifications to the segmental girders of the bascule span. In 2004, the movable span electrical system and controls were replaced. In 2011, significant repairs were made to the approach spans' pilings, including rebuilding the western portion of the masonry Pier 2, and repairing the tower foundations and fender system.

Project Description

The proposed undertaking would construct a new Amtrak Pelham Bay Bridge across the Hutchinson River as a replacement to the existing Pelham Bay Bridge. The new Pelham Bay Bridge would be located immediately downstream (to the south) and adjacent to the existing bridge, primarily within the Amtrak's existing right-of-way, although parts of the modified railroad approaches would physically impact Pelham Bay Park. Like the existing bridge, the new bridge would contain two railroad tracks

The proposed build alternative would provide a bridge with a center movable span like the existing bridge and a mid-level of clearance in the closed position (compared to the existing low-level clearance). A conceptual structure layout of the proposed build alternative is included as **Attachment 3**. Preliminary design of the proposed bridge is currently underway. The proposed Project would demolish the existing bridge once the new bridge is placed into service.

Area of Potential Effects

The Area of Potential Effects (APE), as defined in 36 CFR Part 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is

influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

The APE consists of the area where the Project has the potential to cause effects on historic properties. FRA delineated the APE to reflect the nature, scale, and location of the Project (see **Attachment 4**). The APE has been delineated as a 500-foot radius around the bridge (including its approaches) according to the scale of the proposed, above-ground project work. The archaeological APE will be delineated as the project design progresses and is not separately depicted on Attachment 4. When the information is available, the archaeological APE will include areas of ground disturbance as well as consider the sensitivity of in-water locations within the project footprint for both submerged (prehistoric and/or historic) and maritime archaeological resources.

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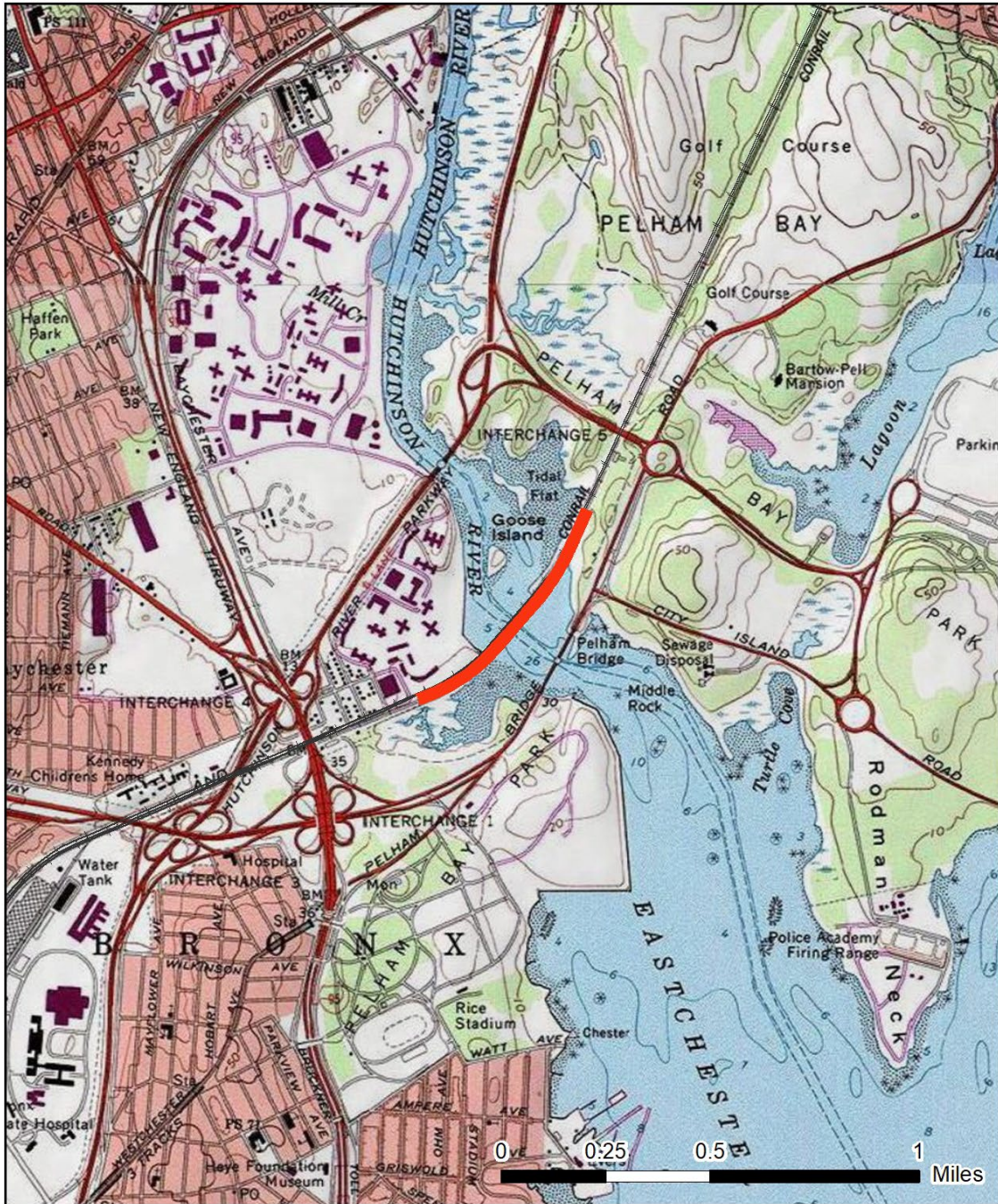


Christeen Taniguchi
Environmental Protection Specialist
Federal Railroad Administration

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Mario Midy, Amtrak, mario.midy@amtrak.com; (646) 771-7361
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John Brun, Amtrak
Josephine Smith, Shinnecock Indian Nation, Director of Cultural Resources
Nicole Weymouth, WSP

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Service Layer Credits: Copyright © 2013 National Geographic Society, i-cubed

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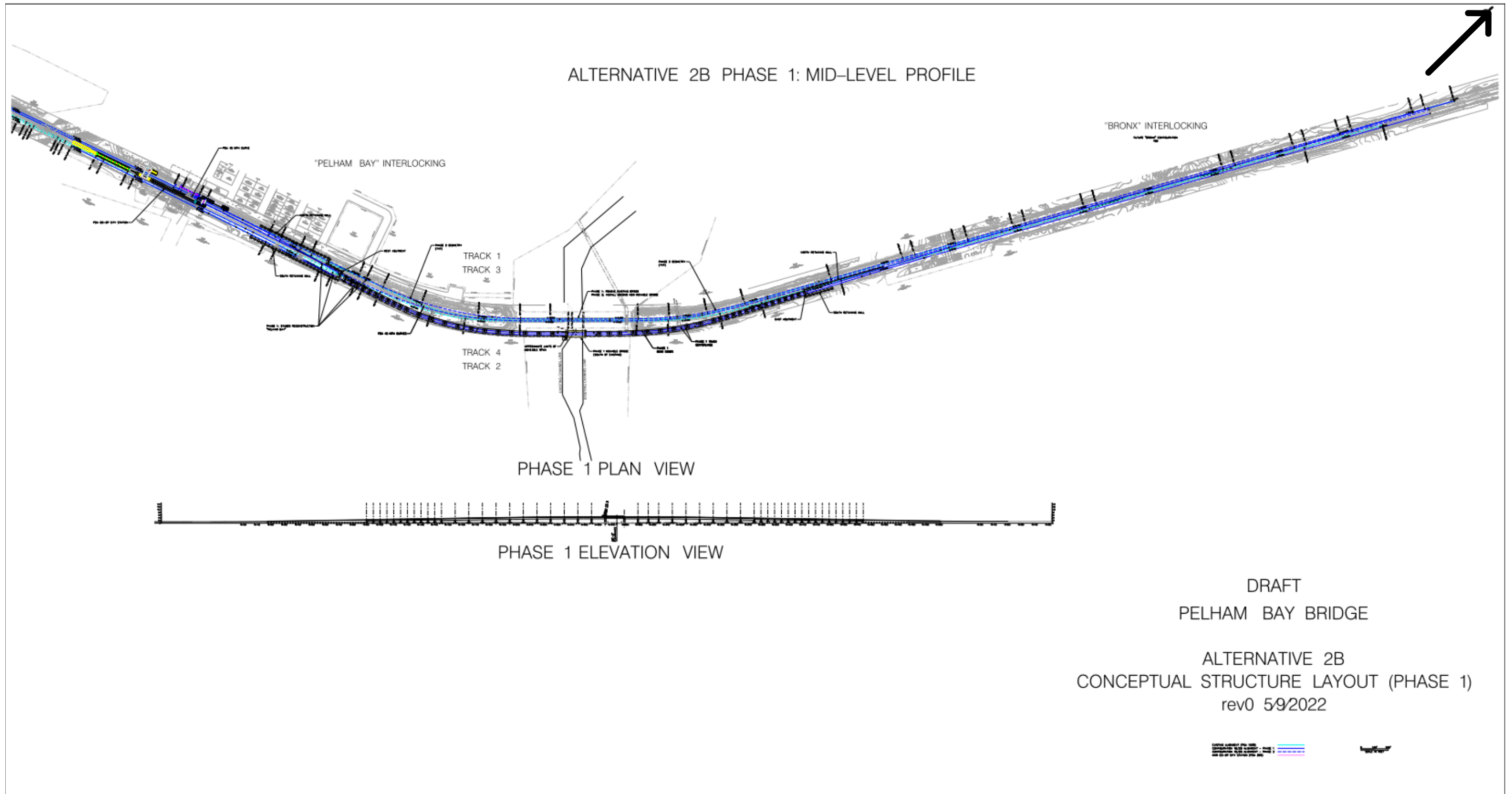
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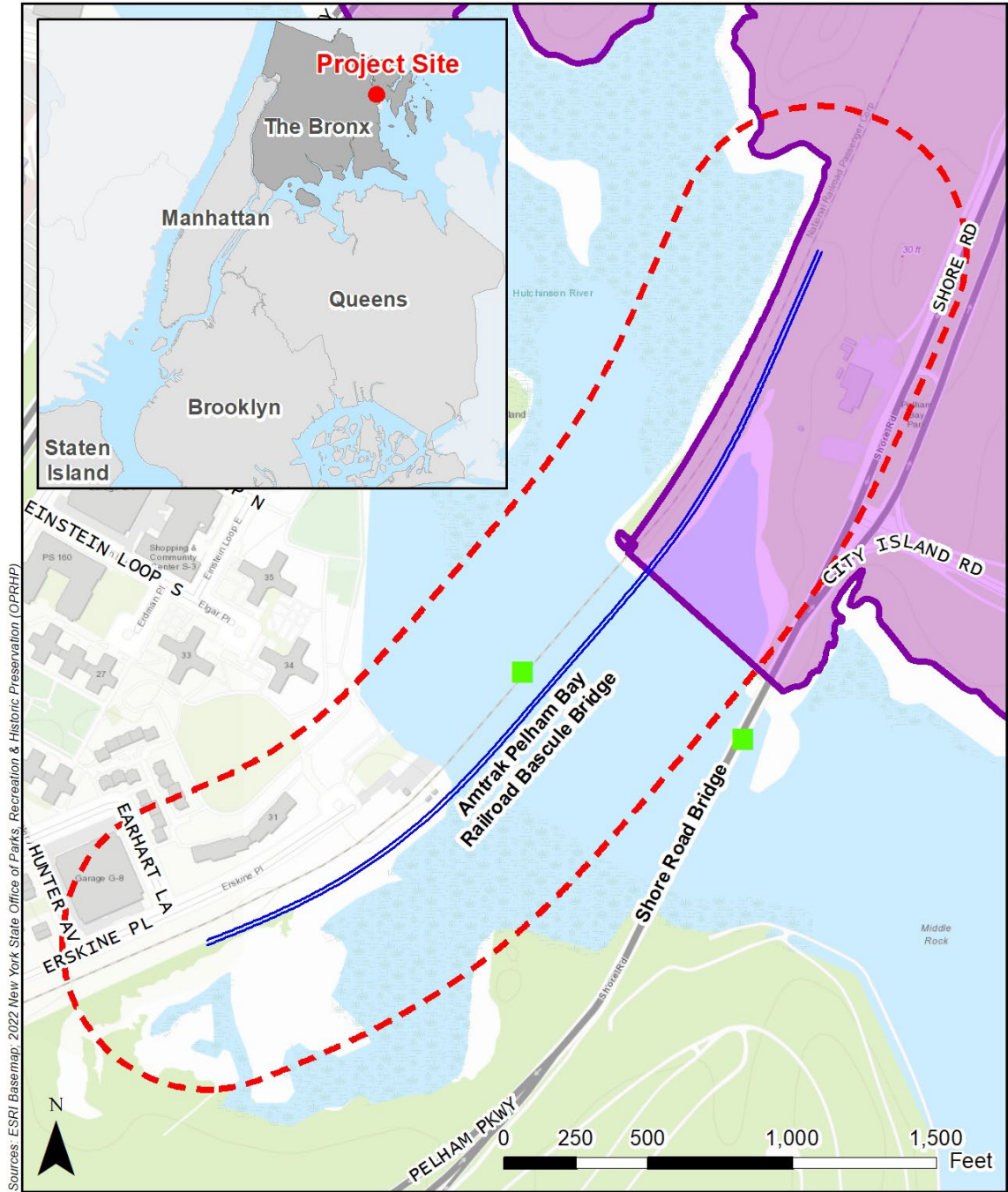
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U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 5, 2023

Shannon Holsey
Tribal Council President
Stockbridge-Munsee Community
N8476 MohHeConNuck Road
Bowler, WI 54416

RE: Pelham Bay Bridge Replacement Project
Mile Post 15.73 over the Hutchinson River
The Bronx, Bronx County and Town of Pelham, Westchester County, New York
Initiation of Section 106 Consultation and Request for Information and Comment

Dear President Holsey:

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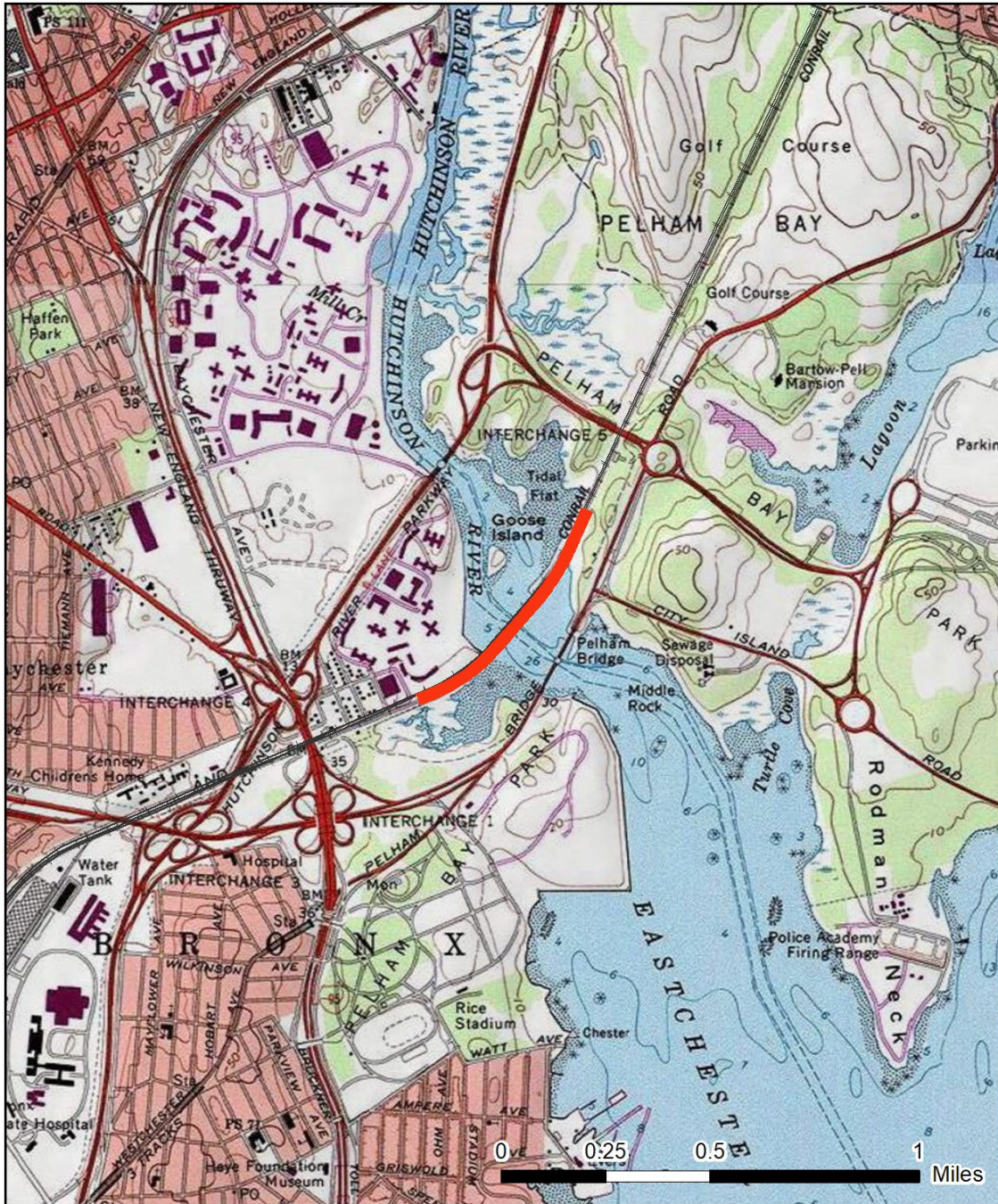
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Service Layer Credits: Copyright © 2013 National Geographic Society, i-cubed

 Pelham Bay Bridge



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(4/20/22)*



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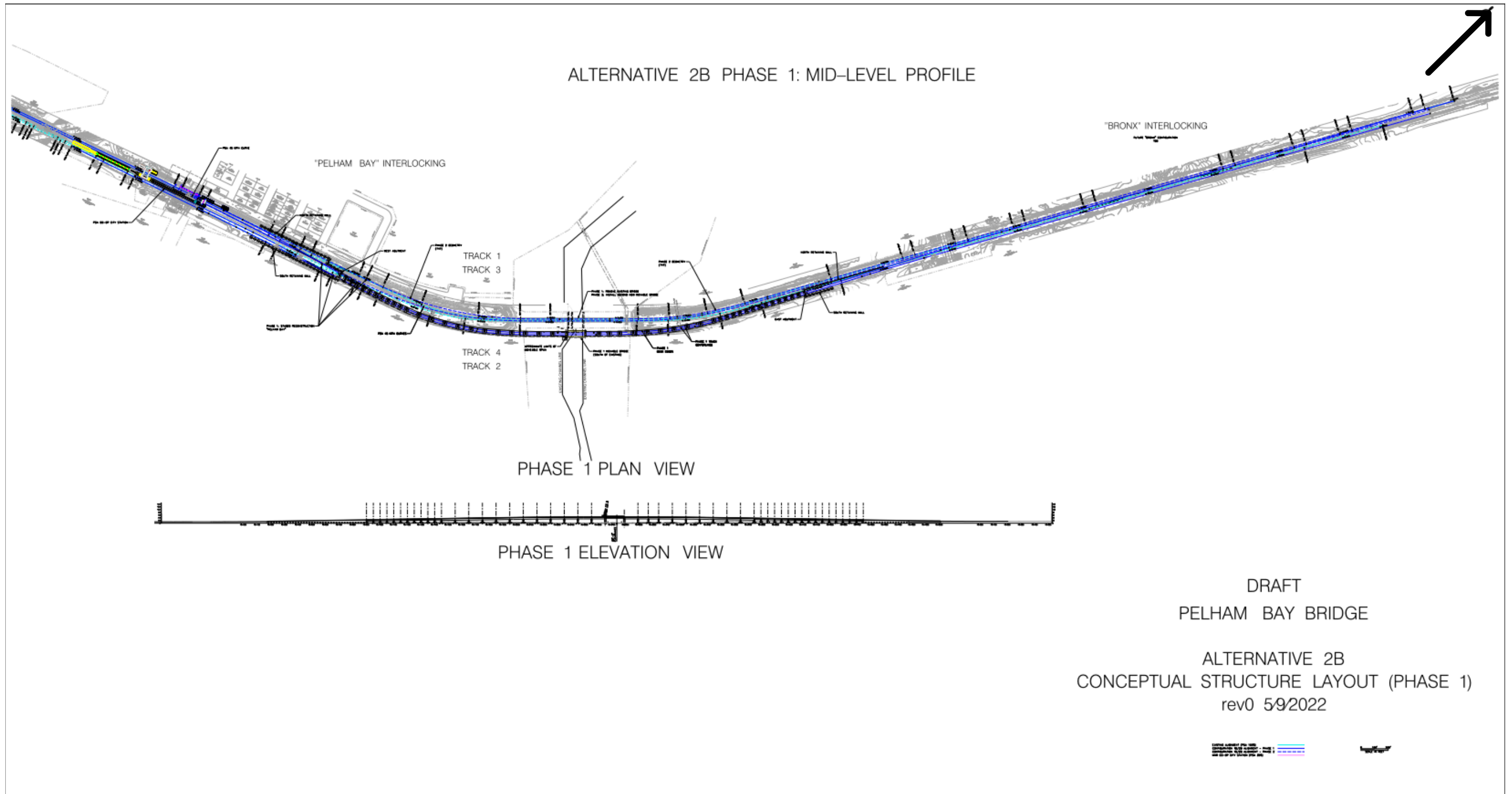
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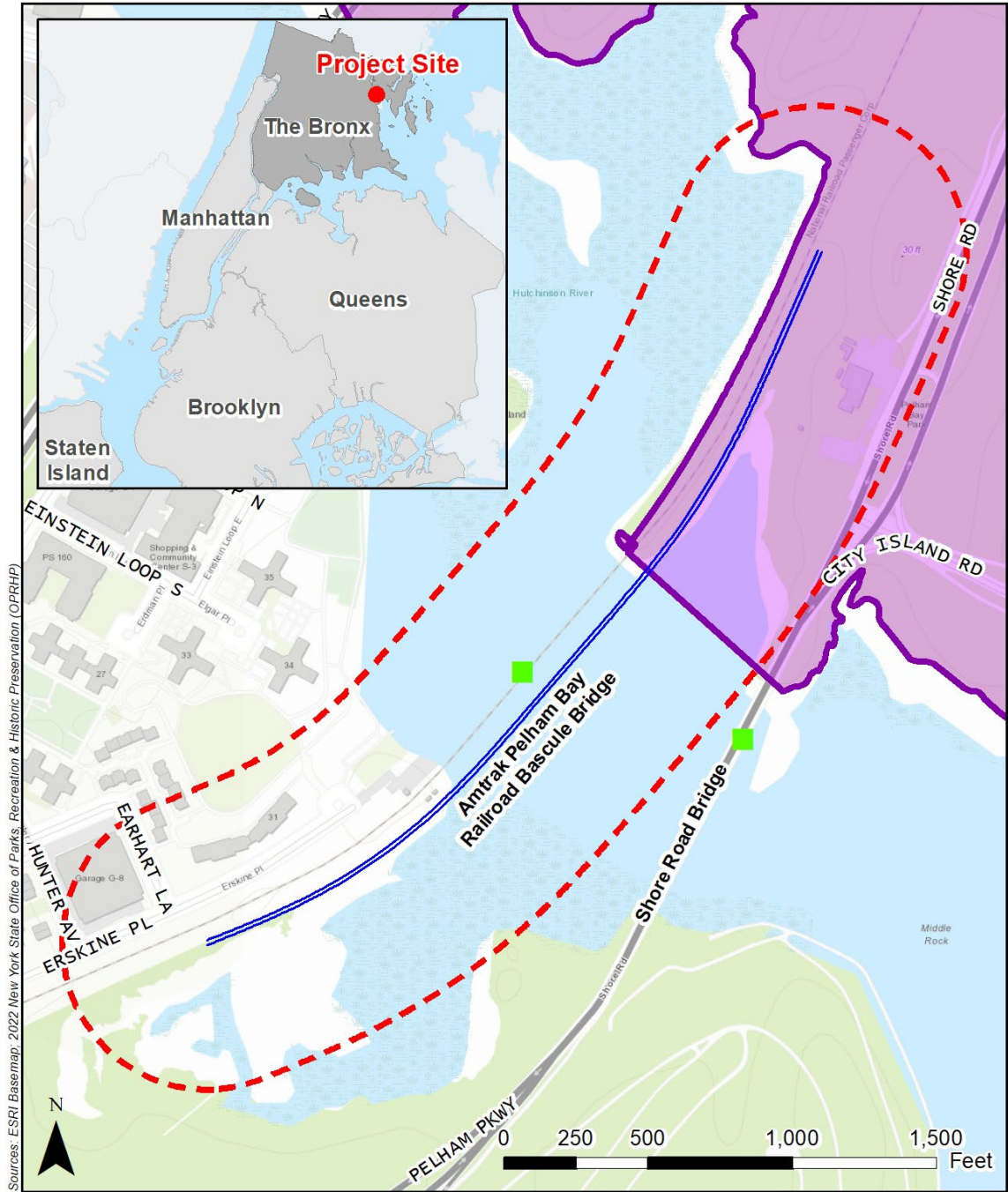
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(Eligible for listing on the State & National Register of Historic Places)
- Historic Resource Eligible for listing on the State & National Register of Historic Places



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

April 25, 2023

Anthony Ross
Environmental Protection Specialist
FRA
575 N Pennsylvania Street #685
Indianapolis, IN 46204

Re: FRA
Pelham Bay Bridge Replacement Project
23PR02904

Dear Anthony Ross:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (NY Environmental Conservation Law Article 8).

We note that the Pelham Bay Bridge is eligible for listing in the State and National Registers of Historic Places. We have reviewed your Section 106 initiation letter dated April 5th, 2023, with attachments. Based upon our review, SHPO concurs with the Area of Potential Effect proposed for the above-ground project work, and will provide comments on the archaeological APE once it has been determined. SHPO also concurs with the list of identified historic properties and Consulting Parties.

If you have any questions, I am best reached via e-mail.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

cc: CRIS list

via e-mail only



Delaware Nation
Historic Preservation Department

31064 State Highway 281
Anadarko, OK 73005
Phone (405)247-2448

May 8, 2023

To Whom It May Concern:

The Delaware Nation Historic Preservation Department received correspondence regarding the following referenced project(s):

Project: FRA Amtrak Pelham Bay Bridge Replacement Mile Post 15.73 over the Hutchinson River, The Bronx, Bronx County and Town of Pelham, Westchester County, NY

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and implementing regulation 36 CFR 800, "Protection of Historic Properties," **Delaware Nation accepts your invitation for consultation on this project.**

Our office is committed to protecting tribal heritage, culture and religion with particular concern for archaeological sites potentially containing burials and associated funerary objects. The Lenape people occupied the area indicated in your letter during and prior to European contact until their eventual removal to our present locations. According to our files, the proposed project should have **no adverse effect** on any known cultural or religious sites of interest to the Delaware Nation.

Please continue with the project as planned keeping in mind should human remains and/or any Native American archaeological resources inadvertently be uncovered, all construction and ground disturbing activities should immediately be halted until the appropriate state agencies, as well as this office, are notified (within 24 hours), and a proper archaeological assessment can be made.

Please note that Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Community are the only Federally Recognized Delaware/Lenape entities in the United States and consultation for Lenape homelands must be made with only the designated staff of these three Nations (and/or other federally recognized tribal nations who may have overlapping areas of interest). We appreciate your cooperation in contacting the Delaware Nation Historic Preservation Office to conduct proper Section 106 consultation. Should you have any questions, feel free to contact our offices at 405-247-2448 ext. 1403.

Carissa Speck

Carissa Speck
Historic Preservation Director
Delaware Nation
405-247-2448 ext. 1403
cspeck@delawarenation-nsn.gov

ENVIRONMENTAL REVIEW

Project number: 106.X (FEDERAL RAILWAY ADMINISTRATION)
Project: PELHAM BAY BRIDGE REPLACEMENT

Date Received: 4/5/2023

S/NR ELIGIBLE AMTRAK PELHAM BAY RAILROAD BASCULE BRIDGE (PROJECT SITE); SHORE ROAD BRIDGE (AKA PELHAM BAY BRIDGE) AND PELHAM BAY PARK HISTORIC DISTRICT WITHIN RADIUS.

LPC will review the project site for archaeology once more detailed plans are submitted. There are no LPC designated or eligible properties on the project site or in the radius.

LPC defers to SHPO regarding treatment of architectural properties.

Cc: NYS SHPO 23PR02904



4/19/2023

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 37035_FSO_GS_04192023.docx



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 12, 2024

Mr. Daniel Mackay
Deputy Commissioner for Historic Preservation
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

**RE: Amtrak Pelham Bay Bridge Replacement
Bronx County, New York
SHPO Project # 23PR02904
Finding of Adverse Effect**

Dear Mr. Mackay:

The Federal Railroad Administration (FRA) anticipates providing financial assistance for the Amtrak Pelham Bay Bridge Replacement Project to be undertaken by the National Railroad Passenger Corporation (Amtrak). The Project consists of the replacement of the existing Amtrak Pelham Bay Railroad Bascule Bridge over the Hutchinson River at Mile Post 15.73 with a new Pelham Bay Bridge to improve the reliability, resiliency, and service level of Amtrak's Northeast Corridor (NEC) passenger trains. The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations (36 CFR Part 800) (Section 106). The purpose of this letter is to continue Section 106 consultation for the Project and seek your concurrence with FRA's findings.

In a letter to the New York State Historic Preservation Office dated April 5, 2023, FRA initiated consultation, identified a preliminary above-ground Area of Potential Effects (APE), explained a process for determining the below-ground APE, identified previously identified architectural historic properties within the APE, and identified consulting parties. On April 25, 2023, SHPO concurred with FRA's determinations. As part of the ongoing Section 106 consultation process, FRA is providing an Identification of Historic Properties and Assessment of Effects Report (**Attachment 1**) for the Amtrak Pelham Bay Bridge Replacement Project. Based on the recommendations of the report, FRA has found that the Project would have an Adverse Effect on historic properties.

Description of Undertaking

The Project would construct a new Amtrak Pelham Bay Bridge across the Hutchinson River as a replacement to the existing Amtrak Pelham Bay Railroad Bascule Bridge. The new Pelham Bay Bridge would be located immediately downstream (to the south), primarily within the Amtrak's existing right-of-way.

The proposed design consists of a bridge with two railroad tracks, a center movable span, like the existing bridge, and a mid-level of clearance in the closed position (compared to the existing low-level clearance). The proposed Project would demolish the existing Amtrak Pelham Bay Railroad Bascule Bridge once the new bridge is placed into service.

More information on the undertaking is included in Section I of **Attachment 1**.

Area of Potential Effects

The Area of Potential Effects (APE), as defined in 36 CFR Part 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

The above-ground APE has been updated, and the below-ground, or archaeological APE, has been established. Updated APE Maps are included as **Figures 1 and 2 of Attachment 1**.

Identification of Historic Properties

To identify historic properties in the APE, Amtrak's consultants, who meet the Secretary of the Interior's Professional Qualifications Standards, reviewed available information, including data provided by Amtrak; National Register of Historic Places (NRHP) listings; and the NY State Office of Parks, Recreation and Historic Preservation's Cultural Resource Information System. The results of the identification effort are described in the attached Identification of Historic Properties and Assessment of Effects Report (**Attachment 1**).

As noted in FRA's April 5, 2023 letter, FRA previously determined that three properties in the above-ground APE are eligible for listing in the NRHP: the Amtrak Pelham Bay Railroad Bascule Bridge, the Shore Road Bridge, and the Pelham Bay Park Historic District. FRA has identified an additional property in the above-ground APE that is potentially eligible for the NRHP: Co-Op City. Based on the recommendations of the attached Identification of Historic Properties and Assessment of Effects Report, FRA has determined that Co-Op City shall be considered eligible for the NRHP for the purposes of this Section 106 undertaking, per 36 CFR 800.4(c)(2). Because the Project is not anticipated to adversely affect Co-Op City and the large majority of Co-Op City is outside the APE of this Project, a comprehensive and definitive evaluation of the property's historic significance and integrity is beyond the scope of this Section

106 undertaking. Future evaluation efforts would be needed in order to fully evaluate the eligibility of Co-Op City.

Finding of Effect

FRA considered the scope of work and recommendations of the attached Identification of Historic Properties and Assessment of Effects Report. FRA finds that the Project would alter the qualifying characteristics of the Amtrak Pelham Bay Railroad Bascule Bridge in a manner that would diminish its integrity and would have an *Adverse Effect* on this historic property.

FRA finds that the Project would have *No Adverse Effect* on the Shore Road Bridge and Co-Op City.

In accordance with 36 CFR 800.5(b), FRA finds the proposed Project would have **No Adverse Effect** on the Pelham Bay Park Historic District with the following conditions: Amtrak will implement noise abatement measures in the vicinity of the Bronx Equestrian Center; Amtrak will implement best management practices to minimize construction noise; and Amtrak will restore vegetation in areas where temporary right-of-way is needed for construction.

An Archaeological Disturbance Memo is also included as **Attachment 2**. No archaeological sites have been identified within the below-ground APE.

For more information on the assessment of effects and efforts to avoid and minimize adverse effects, please see Section IV of the attached Identification of Historic Properties and Assessment of Effects Report.

Consulting Party Outreach

In accordance with 36 CFR 800.2(c), FRA and Amtrak previously identified parties that may be interested in the Project and FRA's findings. The NYC Landmarks Preservation Commission, copied, indicated they would review the Project site for archaeology when more detailed plans were available. FRA and Amtrak have now identified additional parties that may be interested in the Project and FRA's finding. The following are copied on this letter to serve as their invitation to participate as Section 106 Consulting Parties and to provide comment: the Federal Transit Administration, United States Army Corps of Engineers, and the United States Coast Guard.

Invited parties may indicate their willingness to participate as a Consulting Party and provide comment on the information provided, as indicated below, within 30 days of receipt of this letter.

Federal agencies identified as potential consulting parties may have their own undertaking for this Project and are invited to designate FRA as the lead federal agency for Section 106 in accordance with 36 CFR 800.2(a)(2).

FRA will also continue consultation with the Delaware Nation, a federally recognized Indian tribes that accepted the invitation to consult on this Project on May 8, 2023 via a separate letter.

Request for Section 106 Concurrence

FRA requests SHPO's concurrence with our Adverse Effect finding within 30 calendar days from the date of receipt of this letter.

FRA and Amtrak will consult with your office and other consulting parties to resolve adverse effects per 36 CFR 800.6. As a mitigation measure for the replacement of the Amtrak Pelham Bay Bridge, FRA proposes completion of Historic American Engineering Record (HAER) documentation for the Amtrak Pelham Bay Railroad Bascule Bridge. Any additional mitigation measures would be identified in consultation with your office and the participating consulting parties. We welcome suggestions for appropriate and commensurate mitigation. By copying the consulting parties on this correspondence, FRA invites their comments on the project effects and potential mitigation measures.

Please e-mail your response to Anthony Ross at anthony.ross@dot.gov and Amtrak_S106_Submissions@dot.gov, and copy Rebecca Crew, Amtrak Lead Historic Preservation Specialist at the email address provided below. If you have questions or wish to discuss this Project, Ms. Crew can be reached at the number below; or, if you would like to discuss the Project directly with FRA, Anthony Ross can be reached at (463) 274-0785.

Thank you for your cooperation on this Project.

Sincerely,



Scott Williams
Federal Preservation Officer
Federal Railroad Administration

Enc: Attachment 1. Identification of Historic Properties and Assessment of Effects Report
Attachment 2. Archaeological Disturbance Memo

cc: Anthony Ross, FRA Environmental Protection Specialist
Jikitsa M. Patel, Amtrak
Rebecca Crew, Amtrak, rebecca.crew@amtrak.com; (443) 301-9579
Nicole Weymouth, WSP
Julie Abell Horn, Historical Perspectives, Inc.
Gina Santucci, New York City Landmarks Preservation Commission
Stephanie Lopez, United States Coast Guard
Christopher Minck, United States Army Corps of Engineers
Rosita Miranda, United States Army Corps of Engineers
Adam Klein, Federal Transit Administration



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 12, 2024

President Deborah Dotson
Delaware Nation, Oklahoma
31064 State Highway 281, Building 100
Andarko, OK 73005

Re: Amtrak Pelham Bay Bridge Replacement
Bronx County, New York
Finding of Adverse Effect

Dear President Dotson:

The Federal Railroad Administration (FRA) anticipates providing financial assistance for the Amtrak Pelham Bay Bridge Replacement Project to be undertaken by the National Railroad Passenger Corporation (Amtrak). The project consists of the replacement of the existing Amtrak Pelham Bay Railroad Bascule Bridge over the Hutchinson River at Mile Post 15.73 with a new Pelham Bay Bridge to improve the reliability, resiliency, and service level of Amtrak's Northeast Corridor (NEC) passenger trains. The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations (36 CFR Part 800) (Section 106). The purpose of this letter is to continue Section 106 consultation for the Project, to determine if there are historic properties of cultural or religious significance to your Tribe that may be affected by the Project, and to notify your Tribe of FRA's finding.

In a letter to the New York State Historic Preservation Office dated April 5, 2023, FRA initiated consultation, identified a preliminary above-ground Area of Potential Effects (APE), explained a process for determining the below-ground APE, identified previously identified architectural historic properties within the APE, and identified consulting parties. On April 25, 2023, SHPO concurred with FRA's determinations. As part of the ongoing Section 106 consultation process, FRA is providing an Identification of Historic Properties and Assessment of Effects Report (**Attachment 1**) for the Amtrak Pelham Bay Bridge Replacement Project. Based on the recommendations of the report, FRA has found that the Project would have an Adverse Effect on historic properties.

Description of Undertaking

The Project would construct a new Amtrak Pelham Bay Bridge across the Hutchinson River as a replacement to the existing Amtrak Pelham Bay Railroad Bascule Bridge. The new Pelham Bay Bridge would be located immediately downstream (to the south), primarily within the Amtrak's existing right-of-way.

The proposed design consists of a bridge with two railroad tracks, a center movable span, like the existing bridge, and a mid-level of clearance in the closed position (compared to the existing low-level clearance). The proposed Project would demolish the existing Amtrak Pelham Bay Railroad Bascule Bridge once the new bridge is placed into service.

More information on the undertaking is included in Section I of **Attachment 1**.

Area of Potential Effects

The Area of Potential Effects (APE), as defined in 36 CFR Part 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

The above-ground APE has been updated, and the below-ground, or archaeological APE, has been established. Updated APE Maps are included as **Figures 1 and 2 of Attachment 1**.

Identification of Historic Properties

To identify historic properties in the APE, Amtrak’s consultants, who meet the Secretary of the Interior’s Professional Qualifications Standards, reviewed available information, including data provided by Amtrak; National Register of Historic Places (NRHP) listings; and the NY State Office of Parks, Recreation and Historic Preservation’s Cultural Resource Information System. The results of the identification effort are described in the attached Identification of Historic Properties and Assessment of Effects Report (**Attachment 1**).

As noted in FRA’s April 5, 2023 letter, FRA previously determined that three properties in the above-ground APE are eligible for listing in the NRHP: the Amtrak Pelham Bay Railroad Bascule Bridge, the Shore Road Bridge, and the Pelham Bay Park Historic District.

FRA has identified an additional property in the above-ground APE that is potentially eligible for the NRHP: Co-Op City. Based on the recommendations of the attached Identification of Historic Properties and Assessment of Effects Report, FRA has determined that Co-Op City shall be considered eligible for the NRHP for the purposes of this Section 106 undertaking, per 36 CFR 800.4(c)(2). Because the Project is not anticipated to adversely affect Co-Op City and the large majority of Co-Op City is outside the APE of this Project, a comprehensive and definitive evaluation of the property's historic significance and integrity is beyond the scope of this Section 106 undertaking. Future evaluation efforts would be needed in order to fully evaluate the eligibility of Co-Op City.

Finding of Effect

FRA considered the scope of work and recommendations of the attached Identification of Historic Properties and Assessment of Effects Report. FRA finds that the Project would alter the qualifying characteristics of the Amtrak Pelham Bay Railroad Bascule Bridge in a manner that would diminish its integrity and would have an *Adverse Effect* on this historic property.

FRA finds that the Project would have **No Adverse Effect** on the Shore Road Bridge, and Co-Op City.

In accordance with 36 CFR 800.5(b), FRA finds the proposed Project would have **No Adverse Effect** on the Pelham Bay Park Historic District with the following conditions: Amtrak will implement noise abatement measures in the vicinity of the Bronx Equestrian Center; Amtrak will implement best management practices to minimize construction noise; and Amtrak will restore vegetation in areas where temporary right-of-way is needed for construction.

An Archaeological Disturbance Memo is also included as **Attachment 2**. No archaeological sites have been identified within the below-ground APE.

For more information on the assessment of effects and efforts to avoid and minimize adverse effects, please see Section IV of the attached Identification of Historic Properties and Assessment of Effects Report.

Request for Information and Comments

FRA requests that you provide any information you have regarding historic properties of religious or cultural significance to your Tribe that may be present in the APE and affected by the Project. Additionally, FRA is notifying your Tribe of our Adverse Effect finding. Please notify us within 30 days from the date of receipt of this letter if you have any concerns about the Project's effects to historic properties.

Please e-mail your response to Anthony Ross at anthony.ross@dot.gov and Amtrak_S106_Submissions@dot.gov, and copy Amtrak Lead Historic Preservation Specialist Rebecca Crew, at the email address provided below. If you have questions or wish to discuss this Project, Ms. Crew can be reached at the number below; or, if you would like to discuss the Project directly with FRA, Anthony Ross can be reached at (463) 274-0785. FRA is also available for Government-to-Government consultation on this Project.

Please note that FRA intends to authorize Amtrak to coordinate with your tribe on behalf of FRA for this Project, unless you prefer to work directly with FRA. FRA remains responsible for all required findings, determinations, disputes, and Government-to-Government consultation.

Sincerely,



Scott Williams
Federal Preservation Officer
Federal Railroad Administration

Enc.: Attachment 1. Identification of Historic Properties and Assessment of Effects Report
Attachment 2. Archaeological Disturbance Memo

cc: Katelyn Lucas, THPO, Delaware Nation, Oklahoma
Anthony Ross, FRA Environmental Protection Specialist
Rebecca Crew, Amtrak; Rebecca.Crew@amtrak.com; (443) 301-9579
Margaret Klejbuk, Amtrak



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner *Pro Tempore*

July 12, 2024

Anthony Ross
Environmental Protection Specialist
FRA
575 N Pennsylvania Street #685
Indianapolis, IN 46204

Re: FRA
Pelham Bay Bridge Replacement Project
23PR02904

Dear Anthony Ross:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the documentation submitted in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

We have reviewed the reviewed your letter dated June 12th, 2024 and the effects assessment report dated June 2024 that were submitted to our office on June 12th, 2024. Based upon our review, the SHPO has determined that Co-Op City is eligible for listing in the State and National Registers, and concurs with the determination that the proposed undertaking will have an Adverse Effect on historic and cultural resources.

If you have any questions, feel free to call me at (518)948-2067.

Sincerely,

A handwritten signature in black ink that reads "Olivia Brazee".

Olivia Brazee
Senior Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

cc: CRIS list

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

● 518-237-8643 ● <https://parks.ny.gov/shpo> ●

ENVIRONMENTAL REVIEW

Project number: 106.X (FEDERAL RAILWAY ADMINISTRATION)
Project: PELHAM BAY BRIDGE REPLACEMENT
Date Received: 8/7/2024

Comments:

LPC is in receipt of the FRA letter review requests and reports dated June 12, 2024.

LPC has conducted review of Amtrak Pelham Bay Bridge Replacement, Bronx County, New York, SHPO Project # 23PR02904 as described in the letter and Attachments. LPC concurs with FRA's finding "No archaeological sites have been identified within the below-ground APE. Please copy LPC on any further actions needed as described in the "Archaeological Disturbance Memo included as Attachment 2."

LPC defers to SHPO regarding treatment of architectural properties.

Cc: NYS SHPO 23PR02904



8/8/2024

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 37035_FSO_DNP_08082024.docx



Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
***MS Word* format**

Send to: e106@achp.gov

Please review the instructions at www.achp.gov/e106-email-form prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.

I. Basic information

1. Purpose of notification. Indicate whether this documentation is to:

- Notify the ACHP of a finding that an undertaking may adversely affect historic properties
- Invite the ACHP to participate in a Section 106 consultation
- Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
- Supply additional documentation for a case already entered into the ACHP record system
- File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
- Other, please describe
[Click here to enter text.](#)

2. ACHP Project Number (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below):

N/A

3. Name of federal agency (If multiple agencies, list them all and indicate whether one is the lead agency):

Federal Railroad Administration (FRA)

4. Name of undertaking/project (Include project/permit/application number if applicable):

Amtrak Pelham Bay Bridge Replacement Project

5. Location of undertaking (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

The Amtrak Pelham Bay Bridge Replacement Project is located in the Borough of the Bronx, Bronx County, New York. The existing bridge is owned by the National Railroad Passenger Corporation (Amtrak) and the existing approach tracks are within the railroad right-of-way. The new Pelham Bay Bridge would be located immediately downstream (to the south) and adjacent to the existing bridge within the Hutchinson River, primarily within Amtrak's existing right-of-way, although parts of the

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 ☐ Washington, DC 20001-2637

Phone: 202-517-0200 Fax: 202-517-6381 achp@achp.gov www.achp.gov

modified railroad approaches would be within Pelham Bay Park, which is owned and administered by the City of New York. No portion of the undertaking is located on or would affect historic properties located on tribal lands.

6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:

Anthony Ross (he/him)
 Environmental Protection Specialist
 Office of Environmental Program Management
 U.S. Department of Transportation
 Federal Railroad Administration
 anthony.ross@dot.gov
 463-274-0785

II. Information on the Undertaking*

7. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

The Federal Railroad Administration (FRA) is providing financial assistance to Amtrak to construct a new Amtrak Pelham Bay Bridge across the Hutchinson River as a replacement to the existing Pelham Bay Bridge (mile post (MP) 15.73) (Project). The Project crosses the Hutchinson River in the Bronx, between the Co-op City neighborhood and Pelham Bay Park, along Amtrak's Hell Gate Line (which connects New Rochelle to Queens, New York through the eastern Bronx). The Project is an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations (36 CFR Part 800) (Section 106).

The purpose of the Project is to improve the reliability, resiliency, and service level of Amtrak's Northeast Corridor (NEC) passenger trains crossing of the Hutchinson River. The NEC, from Washington, D.C., to Boston, Massachusetts, is the busiest rail corridor in the United States. The existing Pelham Bay Bridge requires a high level of repair and maintenance, which compromises railroad operations and maritime navigation. A 2014 bridge inspection found it is overall in generally good condition; however, the bridge machinery is in poor condition. The limiting operating speed over the bridge is 45 miles per hour. The factors currently affecting service of Amtrak's NEC passenger rail service along the segment north of Penn Station in New York City, one of the most important hubs in the NEC, include: (1) reliability of the existing bridge to continue its movable bridge function; (2) low operating speeds for trains using the bridge because of deteriorated bridge conditions; and (3) the need to frequently open the bridge to accommodate maritime traffic on the Hutchinson River. The Project would maintain and improve passenger rail service on the NEC by reducing the number of bridge-related delays due to maintenance requirements and the need to open the main span to allow for maritime navigation. In addition, the bridge replacement would be compatible with and support the Metropolitan Transportation Authority's recently approved Penn Station Access project that would bring Metro-North Railroad commuter service from Connecticut directly to Penn Station New York via Amtrak's Hell Gate Line and the Pelham Bay Bridge.

The proposed design consists of a bridge with two railroad tracks, a center movable span, like the existing bridge, and a mid-level of clearance in the closed position (compared to the existing low-level clearance). The Assessment of Effects report (Attachment 1) includes a conceptual structure layout of the proposed design and renderings. The proposed Project would demolish the existing bridge once the new bridge is placed into service.

8. Describe the Area of Potential Effects (APE):

The Area of Potential Effects (APE) consists of the area where the Project has the potential to cause effects on historic properties. In accordance with 36 CFR 800.4(a)(1) and in consultation with FRA and the New York State Historic Preservation Office (SHPO), the APE has been defined for the Amtrak Pelham Bay Bridge Replacement Project based on a proposed scope of work that includes two general components:

1. Permanent ground disturbance for construction of the new bridge and its approaches, including new tracks, piers, pier footings/stems, retaining walls, abutments, noise barriers, and river channel dredging beneath the new bridge opening span. These impacts are depicted on Figures 3a-3c of the Assessment of Effects report (Attachment 1). The pier footings would extend 40 feet below grade. The retaining walls would extend 10 feet below grade and the noise barriers would extend 20 feet below grade.
2. Temporary ground disturbance associated with work zones and staging areas related to construction of the new bridge and demolition of the existing bridge. There would be a temporary trestle to support construction equipment along the length of the work zone, on the southeastern or downstream side of the existing bridge and approaches. In order to demolish the existing bridge, there would also be a temporary trestle erected on the upstream side of the existing bridge, where drilling into underlying bedrock would be required to anchor heavy machinery. The depth of the bedrock varies across the APE. It is expected that there would be one or more construction barges with spuds anchored next to the trestles over the course of the project. Although the precise locations of these barges are not known at this time, they would be located within the delineated limits of disturbance. These impacts are depicted on Figures 3a-3c of the Assessment of Effects report (Attachment 1).

The horizontal extent of the below-ground APE has been established by combining and connecting all of the permanent and temporary ground disturbance locations.

In defining the APE, there was a consideration of the character and setting of the built environment. The APE was defined in part to reflect visual changes associated with the removal of the existing bridge and the proposed new bridge at a higher elevation, a new alignment, and a new bridge type, which would introduce different elements into the existing built environment. Based on these parameters, FRA delineated the the above-ground APE as a 500-foot radius around the below-ground APE according to the scale of the proposed, above-ground Project work.

9. Describe steps taken to identify historic properties:

The following steps were undertaken to identify historic properties within the APE based on data available from the SHPO, the New York City Landmarks Preservation Commission (LPC), local research sources, and on-site visual inspection of the APE.

The SHPO's Cultural Resource Information System (CRIS) indicated that there were three previously identified and evaluated NRHP-eligible historic properties located within the APE: the Amtrak Pelham Bay Railroad Bascule Bridge, the Pelham Bay Park Historic District, and the Shore Road Bridge (see Figures 1 and 2 of the Assessment of Effects report [Attachment 1]).

CRIS and additional research sources also indicated that portions of the present APE had been included in other cultural resources surveys that addressed both archaeological resources and historic resources. In 1978 Amtrak's Northeast Corridor, including much of the below-ground APE, was subjected to cultural

resources studies that provided recommendations for archaeological sensitivity at certain locations. Portions of the railroad corridor on both the north and south approaches to the Pelham Bay Bridge were designated as potentially archaeologically sensitive, but no further archaeological fieldwork was undertaken to verify the presence or absence of archaeological resources at that time.¹

More recently, segments of the same Northeast Corridor study area have been subjected to cultural resources evaluations as part of the ongoing Penn Station Access Project, which also overlaps the present APE and which is being advanced under Section 106 and NEPA. In 2013, the portion of the existing railroad corridor, from approximately Hunter Avenue on the northeast to the Hutchinson River Parkway on the southwest, was subjected to a Phase IA archaeological assessment, which recommended review of future soil borings to determine archaeological potential.² In 2020 and 2021, the archaeological sensitivity within proposed Co-op City Station and the Hell Gate Line right-of-way on both sides of the Pelham Bay Bridge were refined through an evaluation of deep soil borings in these areas.³⁴ While borings were completed in the Hell Gate Line from the Hutchinson River channel and south, they were not completed for the Hell Gate Line immediately north of the river channel. Once the depths of Penn Station Access Project components south of the Pelham Bay Bridge were refined, a follow-up review of soil boring data concluded that there would be no impacts to potential archaeological resources from that project on either side of the Pelham Bay Bridge, and no further work was recommended (HPI 2023). All of the archaeological studies for the Penn Station Access Project were submitted to and accepted by SHPO as part of that project's Section 106 process.⁵

The only portions of the current below-ground APE that were not studied more intensively as part of the Northeast Corridor Project or the Penn Station Access Project are those areas that are outside of the railroad ROW. To the south of the Pelham Bay Bridge, this includes areas within the marshland and parkland of Pelham Bay Park. Within the Hutchinson River channel, this includes areas on either side of the existing Pelham Bay Bridge. On the north side of the Pelham Bay Bridge, this includes portions of the railroad ROW as well as the marshland and parkland.

Within the present above-ground APE, the architectural study area for the Penn Station Access Project also included the residential blocks roughly bounded by Erskine Place on the south, Stillwell Avenue on the north, Hunter Avenue on the east, and Interstate 95 on the west. That study did not identify any significant historic properties within the present above-ground or below-ground APE, other than the Amtrak Pelham Bay Railroad Bascule Bridge.⁶

¹ Cultural Resources Management Services, 1978. *A Report on Archaeological Sensitivity Along the Amtrak Northeast Corridor, Boston, Massachusetts to Washington, D.C.* On file, New Jersey Historic Preservation Office, Trenton, New Jersey.

² Historical Perspectives, Inc., 2013. *Phase IA Archaeological Documentary Study MTA Metro-North Penn Station Access Co-Op City Station Site, Bronx, Bronx County, New York OPRHP No. 99PR03265.*

³ Historical Perspectives, Inc., 2020. *MTA Metro-North Railroad Penn Station Access Project, Co-Op City Station Site, Bronx, Bronx County, New York, 13PR03777 Soil Boring Analysis: Co-Op City Station Site.* Prepared for STV and MTA Metro-North Railroad, New York.

⁴ Historical Perspectives, Inc., 2021. *Soil Boring Analysis: Hell Gate Line Right-of-Way.* Memorandum submitted to the OPRHP/SHPO.

⁵ Historical Perspectives, Inc., 2023. *Archaeological Reassessments, Phase IA Addendums, and Avoidance Plans, Morris Park Station, Co-Op City Station and Substation, and Areas Pre-3 and Pre-4 in HGL ROW.* Memorandum submitted to the OPRHP/SHPO.

⁶ Lynn Drobbin & Associates and Parsons Brinckerhoff, 2014. *Historic Architectural Resources Background Study (HARBS) for the Penn Station Access Project, Westchester, Bronx & Queens Counties, New York.*

Additionally, the Shore Road Bridge Reconstruction Project, within the above-ground APE, proposes to replace the existing historic bridge with a new bridge immediately downstream. That project also is being advanced under Section 106 and NEPA. The results of the cultural resources studies for the Penn Station Access Project and the Shore Road Bridge Reconstruction Project have been filed with SHPO and LPC and the recommendations relating to archaeological and historic resources have been accepted by those agencies.

Last, as part of the identification effort for the Project, all buildings, structures, and objects 50 years or older that had not been previously surveyed within the below-ground and above-ground APE were subjected to field survey and photo documentation and those results are presented below.

10. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

CRIS indicated that there are three previously identified and evaluated NRHP-eligible historic properties located within the APE. The Amtrak Pelham Bay Railroad Bascule Bridge (USN 00501.000795) and the Pelham Bay Park Historic District (USN 11961.000020) are located within both the below-ground and above-ground APE, whereas the Shore Road Bridge (USN 00501.001472) is located within the above-ground APE (Attachment 1). As part of this Project, a new historic property, Co-op City (00501.003702), located within the above-ground APE, was determined NRHP-eligible as a historic district by SHPO. Each of the previously identified historic properties, as well as the newly identified Co-op City historic property, is described in more detail in the project's Assessment of Effects report, which is included with this form as Attachment 1.

11. Describe the undertaking's effects on historic properties:

The Project includes demolition of the NRHP-eligible Amtrak Pelham Bay Railroad Bascule Bridge, which will result in an Adverse Effect. There will be no adverse effects to any other previously identified historic properties within the APE. Adverse noise and visual effects to the the NRHP-eligible Pelham Bay Park Historic District from will be avoided. If potential archaeological resources are identified as a result of future geotechnical soil borings, that additional archaeological field testing will be completed to mitigate any potential effects to such resources.

For more information on how the undertaking will affect historic properties, please see Attachment 1.

12. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

The Project will cause an Adverse Effect to the NRHP-eligible Amtrak Pelham Bay Railroad Bascule Bridge. To mitigate this Adverse Effect, FRA proposes that the bridge be documented to the standards of the Historic American Engineering Record (HAER). Any potential additional mitigation will be developed in consultation with the FRA, SHPO, and consulting parties.

There will be no Adverse Effects to any other historic properties within the APE. FRA found that the proposed Project would have No Adverse Effect on the Pelham Bay Park Historic District with the following avoidance conditions: Amtrak will implement noise abatement measures in the vicinity of the Bronx Equestrian Center; Amtrak will implement best management practices to minimize construction noise; and Amtrak will restore vegetation in areas where temporary right-of-way is needed for construction.

. If potential NRHP-eligible archaeological resources are identified as a result of future geotechnical soil

borings, that additional archaeological field testing will be completed to avoid and minimize any potential effects to such resources.

Measures to mitigate, avoid, and minimize adverse effects will be set forth in a Memorandum of Agreement (MOA).

13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

See Attachment 2 for a summary of Section 106 consultation correspondence.

III. Additional Information

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

On April 5, 2023, the FRA submitted a Section 106 Project Initiation Letter (PIL) for the proposed Project to the New York State Historic Preservation Office (SHPO) and other Consulting Parties (described below). The PIL described the Project, defined an APE that included preliminary Project limits (the below-ground APE) and a 500-foot buffer zone around those Project limits (the above-ground APE), identified previously listed and eligible National Register of Historic Places (NRHP) historic properties within the APE, including the NRHP-eligible Pelham Bay Bridge, and identified potential Section 106 Consulting Parties. The detailed Project limits of disturbance or below-ground APE was not delineated at the time that the Section 106 initiation package was submitted in April 2023. In a letter dated April 25, 2023, SHPO accepted the PIL and concurred with the list of identified historic properties, the proposed APE, and list of Consulting Parties.⁷ Both SHPO and the New York City Landmarks Preservation Commission (LPC), a Consulting Party, indicated in responses on April 25, 2023 and April 19, 2023, respectively, that they would review the below-ground APE (also known as the "archaeological APE") once it became available.

On October 11, 2023, members of FRA, Amtrak, and Project consultants WSP and Historical Perspectives, Inc. (HPI) conducted an online Section 106 consultation meeting with SHPO representative Timothy Lloyd, PhD, who is the archaeological reviewer for the Bronx. The meeting was held to discuss the Project's limits of disturbance or below-ground APE and the next steps for a submittal to satisfy the archaeological scope requirements under Section 106. FRA and the Project team proposed, and SHPO accepted, that an Archaeological Disturbance Memo would be prepared. The memo would include discussion of the updated below-ground APE, summarize past archaeological projects that have been completed within the below-ground APE including the Northeast Corridor Study and the Penn Station Access Study, and make recommendations for any further archaeological work necessary to identify potential archaeological resources within the below-ground APE. Because portions of the below-ground APE already have been studied in depth by others, the Section 106 consultation meeting attendees concluded that a full Phase IA Archaeological Assessment for the below-ground APE was not necessary as part of this Project.

The Assessment of Effects report, which included the Archaeological Disturbance Memo as an attachment, was submitted to SHPO on June 12, 2024. SHPO concurred with FRA's findings and

⁷ Olivia Brazee, SHPO, April 25, 2023. Letter to Anthony Ross, FRA.

determinations on July 12, 2024:

Based upon our review, the SHPO has determined that Co-Op City is eligible for listing in the State and National Registers, and concurs with the determination that the proposed undertaking will have an Adverse Effect on historic and cultural resources.⁸

In accordance with 36 CFR Part 800.2(c), FRA and Amtrak identified parties that may be interested in the Project and FRA's findings. Letters were sent in April 2023 to the following groups that were invited to participate as Section 106 Consulting Parties and to provide comment:

- Bronx Borough President's Office
- Friends of Pelham Bay Park
- MTA Metro-North Railroad
- New York Chapter of Railway & Locomotive Historical Society
- New York City Department of Parks and Recreation
- New York City Landmarks Preservation Commission
- Professional Archaeologists of New York City
- Roebling Chapter, Society for Industrial Archaeology
- Tri-State Railway Historical Society
- Federal Transit Administration

FRA also initiated consultation with the following federally recognized Indian tribes and invited them to participate in consultation by separate letter:

- Delaware Nation
- Delaware Tribe
- Shinnecock Indian Nation
- Stockbridge-Munsee Community

The following consulting parties accepted the invitation to consult:

- New York City Landmarks Preservation Commission
- Delaware Nation

The Assessment of Effects report, which included the Archaeological Disturbance Memo, was submitted to the consulting parties on June 12, 2024. At that time, FRA and Amtrak identified additional consulting parties that may be interested in the Project and FRA's finding, and included them in the distribution of the Assessment of Effects report and Archaeological Disturbance Memo. These additional agencies are:

- Federal Transit Administration
- United States Army Corps of Engineers
- United States Coast Guard

In response to the June 12, 2024 consulting parties outreach, the LPC was the only agency that responded. They wrote:

LPC is in receipt of the FRA letter review requests and reports dated June 12, 2024.

⁸ Olivia Brazee, SHPO, July 12, 2024. Letter to Anthony Ross, FRA.

LPC has conducted review of Amtrak Pelham Bay Bridge Replacement, Bronx County, New York, SHPO Project # 23PR02904 as described in the letter and Attachments. LPC concurs with FRA's finding "No archaeological sites have been identified within the below-ground APE. Please copy LPC on any further actions needed as described in the "Archaeological Disturbance Memo included as Attachment 2."

LPC defers to SHPO regarding treatment of architectural properties.⁹

As noted above, Section 106 project correspondence is provided in Attachment 2.

15 Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

Yes

<https://railroads.dot.gov/rail-network-development/environment/environmental-reviews/pelham-bay-bridge-replacement-project>

<https://www.amtrak.com/pelham-bay-bridge-replacement>

16. Is this undertaking considered a "major" or "covered" project listed on the Federal Infrastructure Projects Permitting Dashboard? If so, please provide the link:

Yes

<https://www.permits.performance.gov/permitting-project/dot-projects/pelham-bay-bridge-replacement-project>

The following are attached to this form (check all that apply):

- Section 106 consultation correspondence (Attachment 2)
- Maps, photographs, drawings, and/or plans (included within the Assessment of Effects report)
- Additional historic property information
- Consulting party list with known contact information
- Other: Assessment of Effects report (Attachment 1)

⁹ Gina Santucci, LPC, Environmental Review. August 8, 2024.



October 10, 2024

Anthony Ross
Environmental Protection Specialist
Federal Railroad Administration
Office of Environmental Program Management
Cultural Resources Division

Ref: *Amtrak Pelham Bay Bridge Replacement Project*
Bronx, New York
ACHP Project Number: 021534

Dear Mr. Ross:

On September 23, 2024, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the New York SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Max Sickler at (202) 517-0220 or by e-mail at msickler@achp.gov

and reference the ACHP Project Number above.

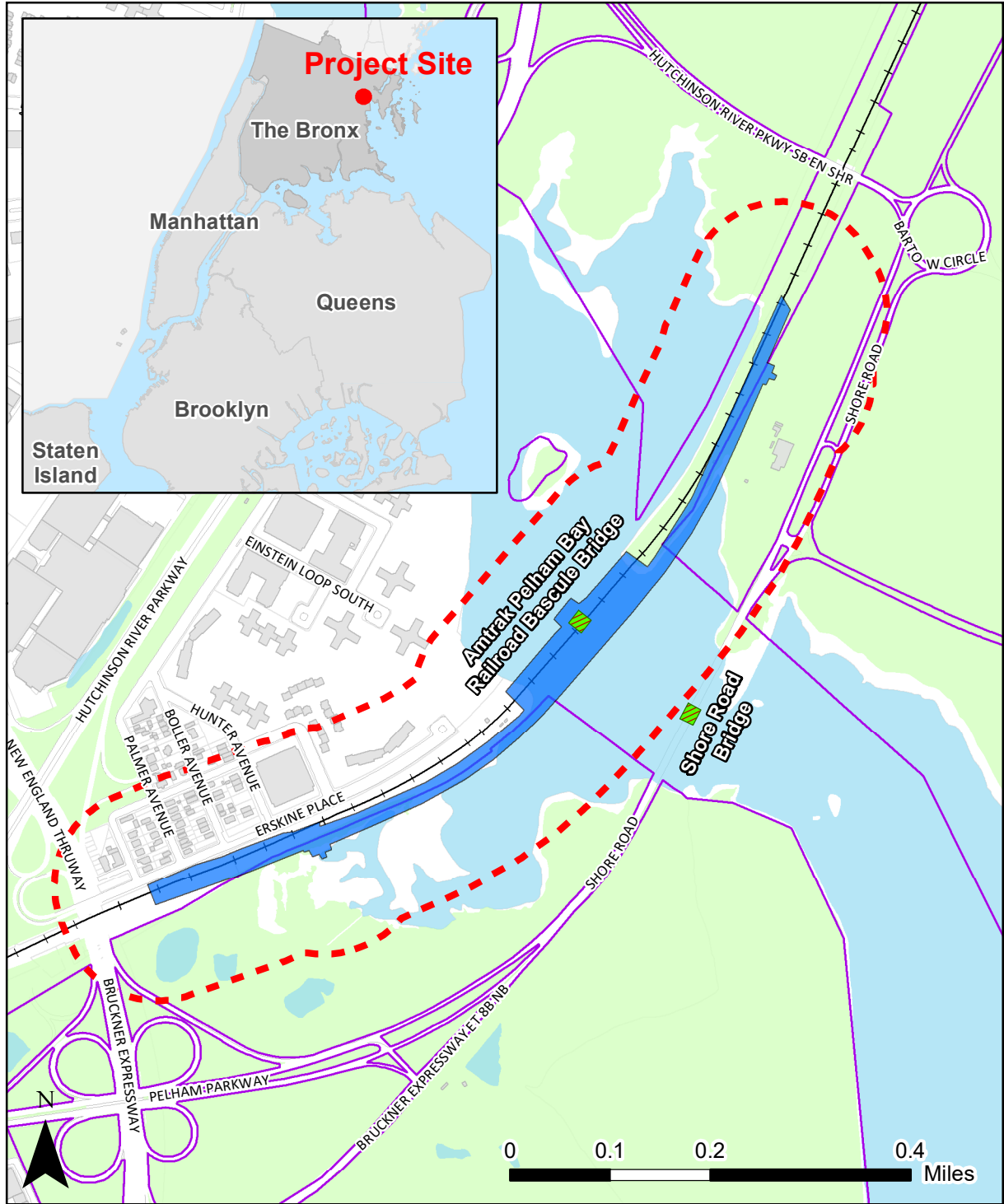
Sincerely,

A handwritten signature in cursive script, appearing to read "Lucrecia Brooks".

Lucrecia Brooks
Historic Preservation Technician
Office of Federal Agency Programs

ATTACHMENT 2 – AREA OF POTENTIAL EFFECTS

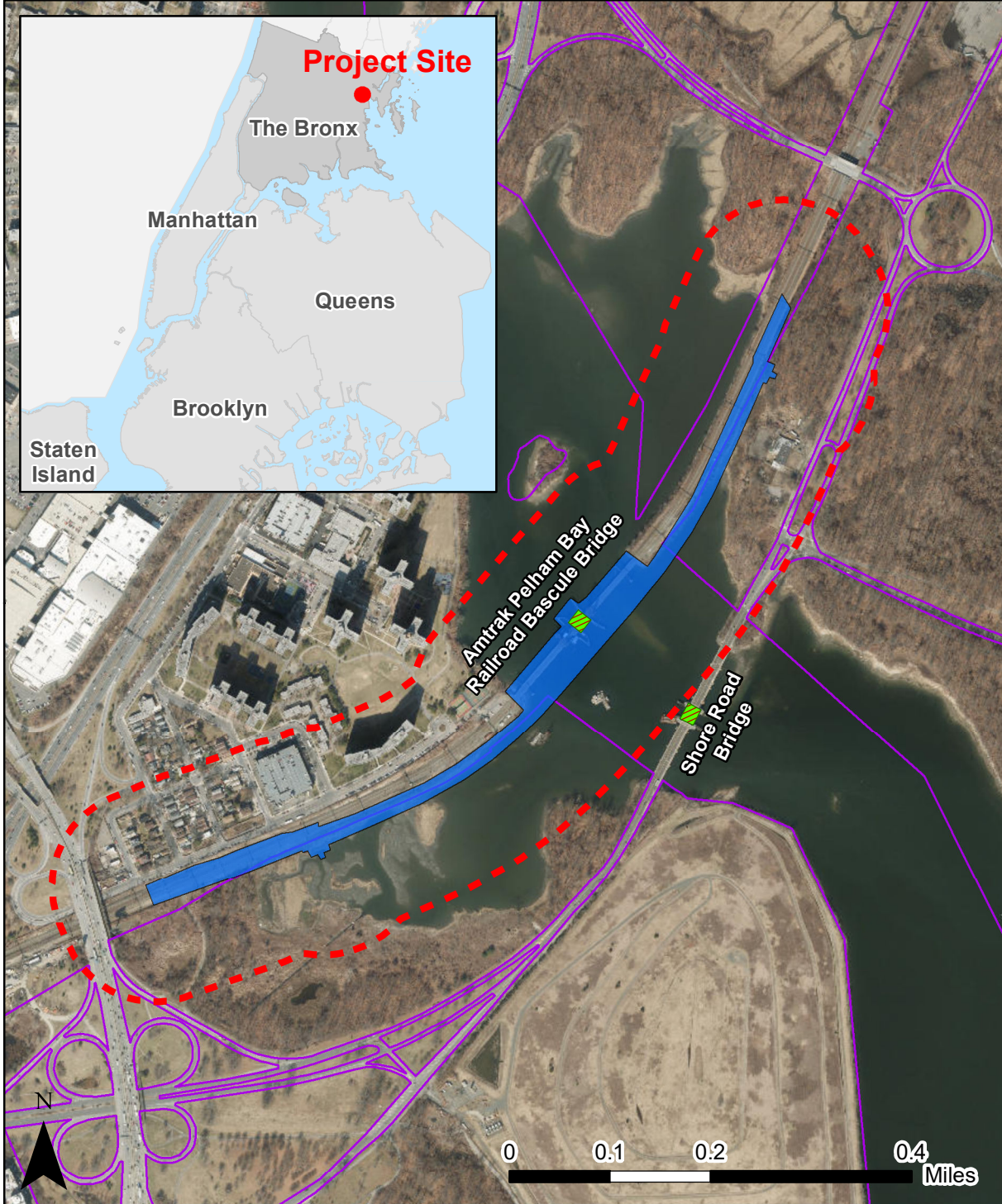
- Figure 1. Above and below-ground APE on modern street map (WSP 2023)
- Figure 2. Above and below-ground APE on modern aerial map (WSP 2023)



- NHRP-eligible property
- Above-ground APE
- Below-ground APE
- Pelham Bay Park Historic District

Source: ESRI Basemap

Figure 1. Above and below-ground APE on modern street map (WSP 2024).



Source: ESRI Basemap





-  NHRP-eligible property
-  Above-ground APE
-  Below-ground APE
-  Pelham Bay Park Historic District

Figure 1. Above and below-ground APE on modern aerial map (WSP 2024).

ATTACHMENT 3 – LIST OF INVITED SECTION 106 CONSULTING PARTIES

Bronx Borough President's Office	
Friends of Pelham Bay Park	
MTA Metro-North Railroad	
New York Chapter of Railway & Locomotive Historical Society	
New York City Department of Parks and Recreation	
New York City Landmarks Preservation Commission	Accepted
Professional Archaeologists of New York City	
Roebling Chapter, Society for Industrial Archaeology	
Tri-State Railway Historical Society	
Federal Transit Administration	
U.S. Army Corps of Engineers	
U.S. Coast Guard	
Delaware Nation	Accepted
Delaware Tribe	
Shinnecock Indian Nation	
Stockbridge-Munsee Community	