

FREDERICK DOUGLASS TUNNEL PROGRAM
SECTION 106 PROJECT CHANGE TRANSMITTAL #5
Change of Ownership and Long-Term Temporary Vacating of 902-932, 901-913, 917-921,
and 1001-1021 North Payson Street Rowhouses

TO: Section 106 Programmatic Agreement Signatories and other Consulting Parties,
Frederick Douglass Tunnel Program

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behalf of Amtrak

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Leah Gatlin, Amtrak

DATE: December 19, 2024

SUBJECT: Notification of Project Change Due to Potential Change of Ownership and Long-Term
Temporary Vacating of 902-932, 901-913; 917-921, and 1001-1021 North Payson Street
Rowhouses

In accordance with the Programmatic Agreement (PA) for the Frederick Douglass Tunnel Program (Program), executed under Section 106 of the National Historic Preservation Act (Section 106), Amtrak is providing to Signatories and other Consulting Parties this fifth notice of a Project Change (Stipulation VII). A Project Change may occur for a variety of reasons, including advancement of the project design, response to new conditions in the field, or identification of new historic properties that could be affected by the Program. The proposed Project Change would not affect archaeological resources because no new ground disturbance is proposed.

Description of Project Change and Need

This Project Change is required to facilitate Amtrak's potential acquisition and long-term temporary vacating of some to all of the following three blocks (see map in Attachment A) of 37 rowhouses that front onto North Payson Street between West Lafayette Avenue and Riggs Avenue (see photographs in Attachment B). These 37 properties are:

- 902-932 North Payson Street, 16 rowhouses located on the west side of the street between West Lafayette Avenue and Mosher Street;
- 901-913 and 917-921 North Payson Street, 10 rowhouses located on the east side of the street between West Lafayette Avenue and Mosher Street; and
- 1001-1021 North Payson Street, 11 rowhouses located on the east side of the street between Mosher Street and Riggs Avenue.

All three blocks of rowhouses are in close proximity to the proposed locations of the new tunnel's South Portal and South Ventilation Facility (see rendering in Attachment C), with the rear of the 900-932 North Payson Street rowhouses overlooking the South Portal and the 1001-1021 North Payson Street rowhouses

facing the ventilation facility. In addition, all of these rowhouses will be impacted by utility relocations, including along North Payson Street; deep excavations; and other construction-related activities that will be completed in support of the South Portal and South Ventilation Facility construction. As a result, there will be significant long-term construction disturbances that could constitute a nuisance for the owners and tenants of these 37 rowhouses.

As part of National Environmental Policy Act Reevaluation No. 3, Amtrak identified measures to mitigate construction impacts (such as from utility disruptions, noise, vibration, dust, and temporary road closures) and potential environmental justice impacts to the residents of 902-932 North Payson Street. Amtrak subsequently identified the potential impacts to the residents of 901-913, 917-921, and 1001-1021 North Payson Street, which also directly face onto North Payson Street and will therefore be impacted by the inconveniences associated with accessing their entrances during utility construction along North Payson Street. Therefore, as part of the North Payson Street Mitigation Reevaluation, Amtrak proposes to offer mitigation to the owners and tenants of 902-932, 901-913, 917-921, and 1001-1021 North Payson Street.

Amtrak will develop a FDT Voluntary Relocation Mitigation Plan (Plan) to mitigate for construction impacts to environmental justice communities. The Plan will include, but will not be limited to, the following:

- All tenants that are permanently relocated due to a successful volunteer acquisition with the property owner are considered displaced persons and eligible for full relocation benefits granted under 49 CFR Part 24 and are not subject to this Plan.
- Residential owner-occupants of successful voluntary acquisitions impacted by this project are not considered displaced persons and not eligible for full relocation benefits under 49 CFR Part 24. These persons, if considered eligible under the Plan, will be eligible for specified aid to assist with their successful relocation to adequate housing. These benefits will include appropriate moving costs, necessary closing costs and a residential gap payment. The specifics of these benefits will further be defined and documented in the Plan.
- Residential tenants of unsuccessful voluntary negotiations are not considered displaced persons under the Uniform Act and are not eligible for relocation benefits under 49 CFR Part 24. If a tenant is considered eligible under the Plan, they will be eligible for specified aid to assist with their successful relocation to adequate housing. These benefits will include appropriate move costs and rental assistance aid as further described in the Plan.
- Landlords whose tenants relocate under the Plan but do not successfully enter into a voluntary acquisition agreement with Amtrak and who are considered eligible under the Plan will be eligible for term-limited supplemental rent payments for loss of rent if certain criteria are met. Criteria will be further described in the Plan.

Amtrak will not acquire these properties or relocate any occupants of the properties until FRA approves the Plan.

Amtrak will establish measures to encourage owner occupancy after major construction is complete. In coordination with FRA, Amtrak will establish occupancy program(s) including short-term caretaker leases and long-term transfer of title.

Amtrak acknowledged in Reevaluation No. 3 that if the mitigation measures resulted in one or more of the properties becoming vacated during construction and/or transferred to Amtrak ownership, Amtrak would evaluate the need for a Section 106 Project Change transmittal in accordance with the Programmatic Agreement and would coordinate with FRA to implement the necessary steps. Based on the coordination thus far, Amtrak anticipates acquiring many, or possibly all, of the 37 rowhouse properties and providing voluntary relocation benefits for the occupants. This could result in both transfers of ownership to Amtrak as well as many of the houses being vacated for the multi-year construction period. As defined in Section VII of the PA, these actions “are of a nature that could potentially affect historic properties,” thereby requiring this Project Change transmittal.

Section 106 Analysis

The affected properties at 902-932, 901-913, 917-921, and 1001-1021 North Payson Street:

- Are located within the Program’s Area of Potential Effects-Architectural History (APE) and
- Contribute to the significance of the National Register of Historic Places (NRHP)-eligible Midtown Edmondson Historic District (MIHP# B-5118).

Acquiring these houses is not a result of any change in the project plans; therefore, the APE does not need to be revised.

In addition to Amtrak’s mitigation measures to protect the residents of 902-932, 901-913, 917-921, and 1001-1021 North Payson Street from construction impacts, **Amtrak commits to the following steps, overseen and/or reviewed by a professional(s) who meet the relevant Secretary of the Interior Professional Qualifications Standards, to ensure the effect of the Project Change on the NRHP-eligible historic properties is not adverse:**

- Amtrak will rehabilitate the interiors of all the buildings to meet Housing and Urban Development (HUD) physical condition and safety requirements (decent, safe, sanitary and in good repair) in accordance with 24 CFR 5.703. Amtrak will provide PA signatories and other consulting parties with an opportunity to comment on the scope/design of the rehabilitation work.
- During the construction period when Amtrak will own some or all of the vacant rowhouses, Amtrak commits to avoid neglect of properties that would cause their deterioration. Therefore, Amtrak will conduct routine maintenance for the properties in accordance with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOI Standards)*. For any work that is outside routine maintenance and/or cannot be completed in accordance with the *SOI Standards*, Amtrak will provide PA signatories and other consulting parties the opportunity to comment on the scope/design of the proposed work.
- When Amtrak relinquishes any of the subject properties, Amtrak will transfer the property with deed restrictions that provide for the preservation of the property for a minimum of 20 years.
- If Amtrak is unable to transfer any of the properties, Amtrak will consult with FRA to determine the appropriate treatment under Section 106 (and also the Real Property section of the Uniform Guidance [2 CFR 200.311]).

With implementation of these measures, the Project Change will have an effect on the National Register-eligible properties, but the effect will not be adverse.

Request for Comments

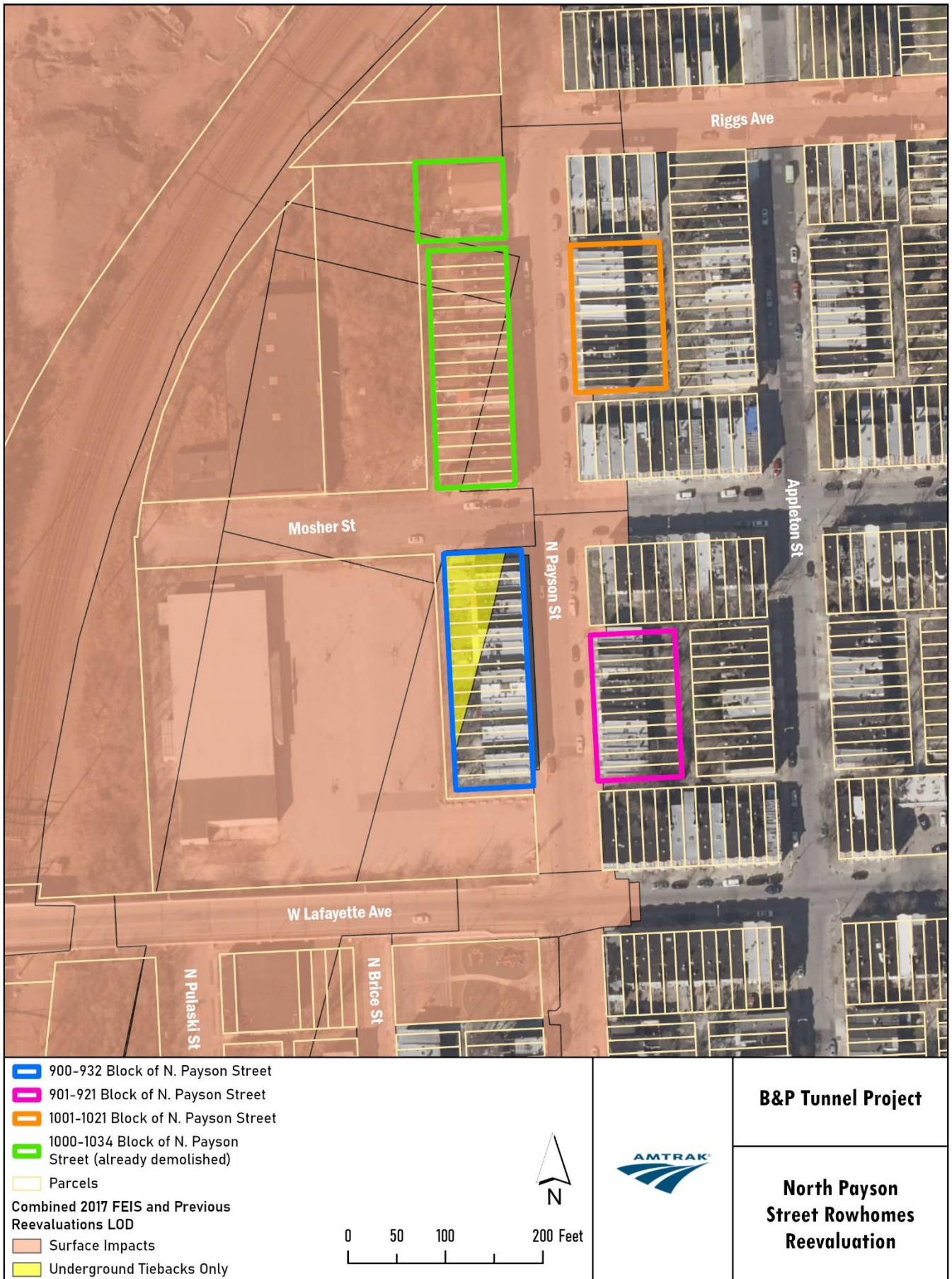
In accordance with Stipulation XI (Document Review) of the PA, Amtrak requests that you submit your written comments within 30 calendar days from the date of your receipt of this transmittal. Amtrak will consider all comments received within the allotted timeframe.

If you have any questions, please contact me at nzerbe@arch2inc.com or (908) 208-1288.

Enclosures:

- Attachment A: Site Map
- Attachment B: Photographs, North Payson Street Rowhouses
- Attachment C: Rendering

Attachment A: Site Map



Attachment B: Photographs, North Payson Street Rowhouses



Above: View looking northwest at the 902-932 North Payson Street rowhouses (via Google Earth)



902-932
N. Payson
Street

Left: View looking north at the location of 902-932 North Payson Street rowhouses in the general area (via Google Earth)

Attachment B (cont'd): Photographs, North Payson Street Rowhouses



Above: View looking northeast at the 901-921 North Payson Street rowhouses (via Google Earth)



Left: View looking north at the location of 901-921 North Payson Street rowhouses in the general area (via Google Earth)

Attachment B (cont'd): Photographs, North Payson Street Rowhouses

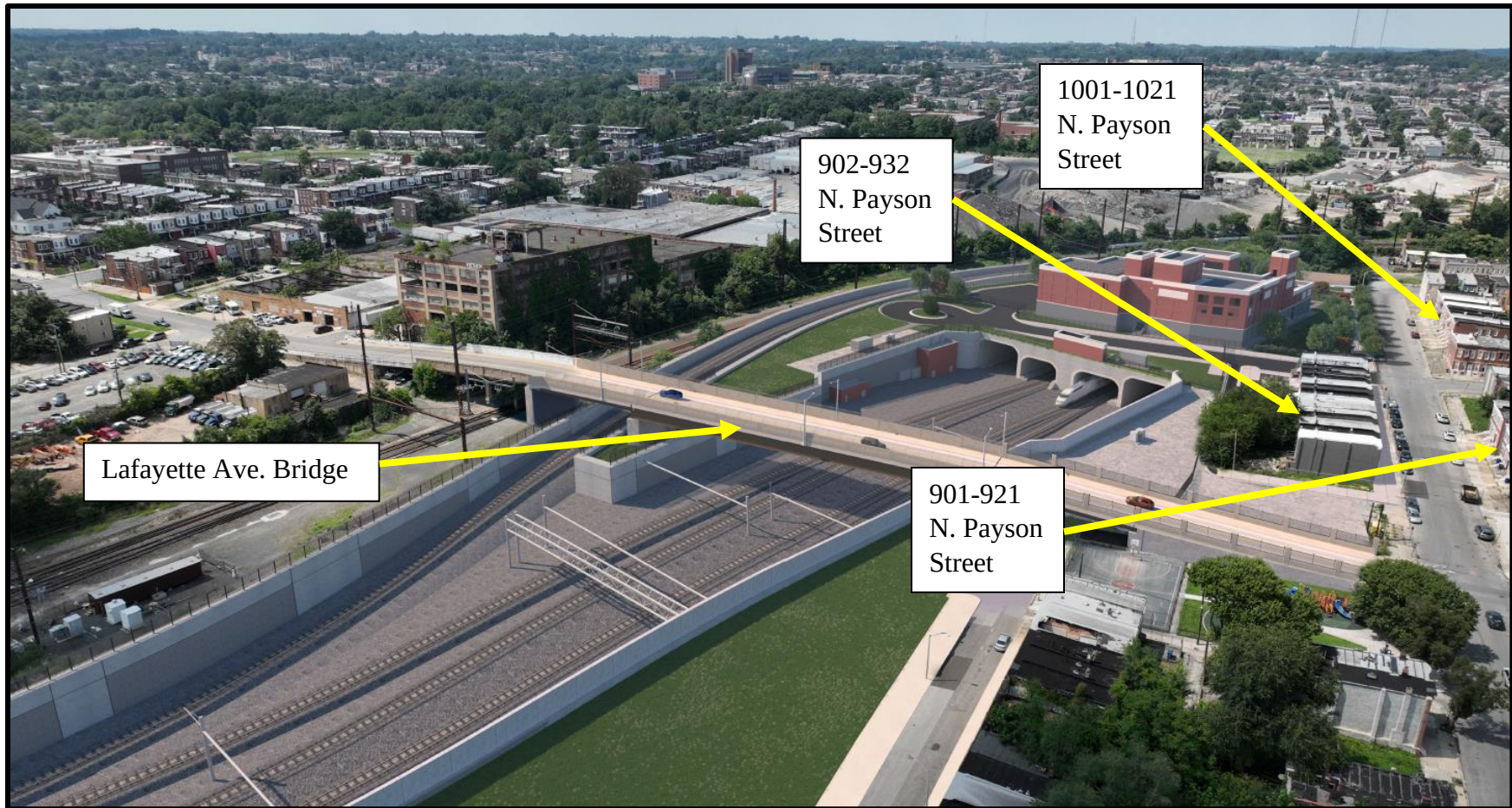


Above: View looking northeast at the 1001-1021 North Payson Street rowhouses (via Google Earth)



Left: View looking north at the location of 1001-1021 North Payson Street rowhouses in the general area (via Google Earth)

Attachment C: View looking northwest at the new Northeast Corridor alignment and South Portal to the Frederick Douglass Tunnel, showing proximity to the 900 and 1000 block N. Payson Street rowhouses



Rendering prepared by Parsons Brinckerhoff, Inc. / Parsons Transportation Group, Inc., a Joint Venture