

Appendix B-5
Cultural Resources

Section 106 Initiation and Finding Documentation

From: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>
Sent: Friday, June 4, 2021 8:31 AM
To: Christine.delorier@usace.army.mil; Manning, Derek (Volpe)
Cc: Bratcher, Brandon (FRA)
Subject: RE: Livingston Ave Bridge Albany NY - Consulting Party Invitation.
Attachments: LAB Section 106 Draft MOA_CP Review_052821.docx

Good Morning Christine,

I have attached the draft MOA for USACE review and comment.

Project update:

The draft EA is nearing completion. When authorized for release the draft EA will be circulated to consulting parties for review and comment prior to the public information meeting. At this time we are targeting a virtual public information meeting for late summer.

Best Regards,
Mark

Mark Jakubiak, RLA
Project Manager/Environmental Manager
New York State Department of Transportation
Rail Projects Group – Office of Design
50 Wolf Road, Albany, New York 12232
(o) 518-485-9331
(c) 518-414-1665
mark.jakubiak@dot.ny.gov
<https://www.dot.ny.gov>



From: Delorier, Christine CIV USARMY CENAN (USA) <Christine.Delorier@usace.army.mil>
Sent: Wednesday, May 19, 2021 11:31 AM
To: Manning, Derek (Volpe) <Derek.Manning@dot.gov>
Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>
Subject: RE: Livingston Ave Bridge Albany NY - Consulting Party Invitation.

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Good morning Derek,

I hope you are well. Thank you for your invitation to the USACE to serve as a consulting party as part of FRA's efforts, as current lead federal agency, in the resolution of adverse effects to historic properties associated with the replacement of the Livingston Avenue Bridge pursuant to Section 106 of the National Historic Preservation Act.

We accept your invitation to be a consulting party. As we work with you as a consulting party to resolve the effects of the undertaking and gain more information on the project in terms of scope of work requiring USACE authorization, the USACE will decide on whether to sign the MOA as a concurring party or an invited signatory.

I will be your USACE point of contact on this project for the Section 106, NEPA and USACE permitting processes. I will be sure to review the documentation you provided with your invitation in more detail soon, and keep an eye out for other documentation and any draft MOA to help participate in this process.

Please let me know if I can be of further assistance at this time.

Sincerely,

Christine Delorier
Geologist/Sr. Project Manager
New York District, U.S. Army Corps of Engineers
Upstate Regulatory Field Office
1 Buffington St., Bldg. 10, 3rd Floor North
Watervliet, NY 12189
Office: (518) 266-6354
Mobile: (518) 281-3458

From: Manning, Derek (Volpe) <Derek.Manning@dot.gov>

Sent: Tuesday, April 27, 2021 5:31 PM

To: Delorier, Christine CIV USARMY CENAN (USA) <Christine.Delorier@usace.army.mil>

Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Subject: [Non-DoD Source] Livingston Ave Bridge Albany NY - Consulting Party Invitation.

Ms. Delorier,

The Federal Railway Administration (FRA) is working with the New York Department of Transportation (NYSDOT) to complete the NEPA and Section 106 compliance for the replacement of the Livingston Avenue railway bridge which spans the Hudson River between Albany and Rensselaer New York. The project has been selected to receive grant funding from FRA. The project will also require federal permits from the US Army Corps of Engineers (USACE) and the US Coast Guard (USCG).

I am providing support to FRA and NYSDOT for the Section 106 compliance for this action. The Section 106 compliance for this project has been underway, on and off, since 2012. At this point, FRA & NYSDOT have defined, and received concurrence from the New York State Historic Preservation Office (SHPO) on; the project Area of Potential effect, the identification of Historic Properties, and assessment of effects. FRA has determined that the Livingston Ave Bridge is a historic property and that its demolition and replacement constitutes and adverse effect. We are currently in consultation with the SHPO to develop an MOA to mitigate the adverse effects.

At this point FRA is inviting USACE and USCG to serve as consulting parties in the Section 106 compliance process for this project. Additionally, FRA is proposing to serve as the lead federal agency for Section 106 compliance in accordance with 36 CFR 800.2(a)(2).

More details on the project and the Section 106 compliance actions to date are included in the attached letter and supporting documents.

If you have any questions please do not hesitate to contact me.

Very respectfully
Derek

Derek Manning

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

55 Broadway, Cambridge MA 02142 | Web: www.volpe.dot.gov

Office: 617-494-2475 | Fax: 617-494-2789 | Cell: 857-998-1779 | Email: derek.manning@dot.gov

From: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>
Sent: Friday, June 4, 2021 8:28 AM
To: Leoce, Donna D CIV; 'Manning, Derek (Volpe)'
Cc: Bratcher, Brandon (FRA); Fisher, Donna A CIV
Subject: RE: Livingston Ave Bridge Albany NY - Consulting Party Invitation.
Attachments: LAB Section 106 Draft MOA_CP Review_052821.docx

Good Morning Donna,

I have attached the draft MOA for USGC review and comment.

Project update:

The draft EA is nearing completion. When authorized for release the draft EA will be circulated to consulting parties for review and comment prior to the public information meeting. At this time we are targeting a virtual public information meeting for late summer.

Best Regards,
Mark

Mark Jakubiak, RLA

Project Manager/Environmental Manager

New York State Department of Transportation

Rail Projects Group – Office of Design

50 Wolf Road, Albany, New York 12232

(o) 518-485-9331

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<https://www.dot.ny.gov>



From: Leoce, Donna D CIV <Donna.D.Leoce@uscg.mil>
Sent: Wednesday, April 28, 2021 7:59 AM
To: 'Manning, Derek (Volpe)' <Derek.Manning@dot.gov>
Cc: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>; Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; Fisher, Donna A CIV <Donna.A.Fisher@uscg.mil>; Leoce, Donna D CIV <Donna.D.Leoce@uscg.mil>
Subject: RE: Livingston Ave Bridge Albany NY - Consulting Party Invitation.

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Good Morning Derek,

As requested the USCG is responding via email: The USCG will be a consulting party regarding the subject project. As a consulting party we will not be a signatory for the MOA and request to review the draft MOA before finalized.

Thank you for the documentation. I look forward to working with you on this project and moving this project along.

Kindest regards,

Donna Domenica Leoce
US Coast Guard
Bridge Management Program

From: Manning, Derek (Volpe) <Derek.Manning@dot.gov>

Sent: Tuesday, April 27, 2021 5:36 PM

To: Leoce, Donna D CIV <Donna.D.Leoce@uscg.mil>

Cc: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>; Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>

Subject: [Non-DoD Source] Livingston Ave Bridge Albany NY - Consulting Party Invitation.

Ms. Leoce,

The Federal Railway Administration (FRA) is working with the New York Department of Transportation (NYSDOT) to complete the NEPA and Section 106 compliance for the replacement of the Livingston Avenue railway bridge which spans the Hudson River between Albany and Rensselaer New York. The project has been selected to receive grant funding from FRA. The project will also require federal permits from the US Army Corps of Engineers (USACE) and the US Coast Guard (USCG).

I am providing support to FRA and NYSDOT for the Section 106 compliance for this action. The Section 106 compliance for this project has been underway, on and off, since 2012. At this point, FRA & NYSDOT have defined, and received concurrence from the New York State Historic Preservation Office (SHPO) on; the project Area of Potential effect, the identification of Historic Properties, and assessment of effects. FRA has determined that the Livingston Ave Bridge is a historic property and that its demolition and replacement constitutes an adverse effect. We are currently in consultation with the SHPO to develop an MOA to mitigate the adverse effects.

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More details on the project and the Section 106 compliance actions to date are included in the attached letter and supporting documents.

If you have any questions please do not hesitate to contact me.

Very respectfully
Derek

Derek Manning

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326
Volpe, The National Transportation Systems Center | U.S. Department of Transportation
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Department of
Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

PATRICK S. BARNES, P.E.
Regional Director

June 2, 2021

Mr. Michael F. Lynch, P.E. AIA
Division Director
New York State Division for Historic Preservation
New York State Office of Parks,
Recreation and Historic Preservation
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

Re: **DRAFT Programmatic Agreement
PIN 1935.49.171 BIN 7092890
Livingston Avenue Bridge
City of Albany & Rensselaer
Albany & Rensselaer Counties**

Dear Mr. Lynch,

Enclosed is the **DRAFT Memorandum of Agreement (MOA)** prepared for the above referenced Federal Rail Administration (FRA), federal permitted project to replace the Livingston Avenue Bridge over the Hudson River. The FRA, New York State Department of Transportation (NYSDOT), the State Historic Preservation Office (SHPO), and the United States Army Corp of Engineers have coordinated and agreed to the use of this Memorandum of Agreement to resolve adverse effects to historic properties in accordance with the National Historic Preservation Act, 36 CFR part 800.6..

This MOA is based on continued consultation with the FRA, SHPO, NYSDOT and consulting parties while satisfying the stipulations to record the Livingston Avenue Bridge structure, market the bridge, and incorporate interpretive signage on both the Albany and Rensselaer sides. The MOA outlines the agreed upon measures that minimize and mitigate for the adverse effect on the historic Livingston Avenue Bridge, eligible for the National Register of Historic Places, in accordance with 36 CFR 800.6(b)(iv).

The Advisory Council for Historic Preservation has responded to FRA's invitation to participate in this MOA and their response is attached. Additionally, the United States Coast Guard has declined the invitation to sign the MOA and the United States Army Corp of Engineers is undecided.

The NYSDOT respectfully requests that SHPO review this draft MOA and respond with comments by June 16, 2021. Thank you, we appreciate your coordination on this project. If you have any questions or comments, please contact me at 518-457-9937 or by email at Andrea.Becker@dot.ny.gov

Sincerely,



Andrea J. Becker
Regional Cultural Resources Coordinator

Attachments:

- DRAFT Memorandum of Agreement (MOA) dated May 28, 2021
- NYSDOT Procedures in the Event of the Inadvertent Discovery of Human Remains During Construction
- Stockbridge-Munsee Community Band of Mohicans Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities
- ACHP Response to FRA

cc: M. Jakubiak, Project Manager, NYSDOT
B. Bratcher, FRA
D. Manning, FRA

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE THE NEW YORK,
STATE DEPARTMENT OF TRANSPORTATION
REGARDING THE REPLACEMENT OF THE LIVINGSTON AVENUE BRIDGE
CITY OF ALBANY & CITY OF RENSSELAER
ALBANY & RENSSELAER COUNTIES, NEW YORK
PURSUANT to 36 CFR § 800.6(a)(1)
PIN 1935.49
BIN 7092890
NYSOPRHP # 12PR00935
May 28, 2021**

WHEREAS, the Federal Rail Administration (FRA) in coordination with the New York State Department of Transportation (NYSDOT) is progressing a federally funded project to remove and replace the Livingston Avenue Bridge (BIN 7092890) which spans the Hudson River between the Cities of Albany and Rensselaer, in Albany and Rensselaer Counties, to improve reliability and reduce passenger and freight train delays; achieve a long-term state of good repair for the bridge; eliminate existing bridge and track deficiencies; and maintain or improve navigation near the bridge; and

WHEREAS, the Project involves modifications to the approach tracks on the west and east sides of the Hudson River, including rehabilitation of the rail bridges of Water and Centre Streets in Albany and changes to the approach in Rensselaer.

WHEREAS, the Preferred Alternative replaces the Livingston Avenue Bridge with a new multi-span, multi-track, moveable bridge on a new, parallel southern alignment (approximately 50 feet south from the existing bridge location); and

WHEREAS, the Project was selected for federal funding provided by the United States Department of Transportation through the Federal Railroad Administration (FRA) utilizing 2010 High Speed Intercity Passenger Rail grant funds and would be authorized through permits issued by the United States Army Corps of Engineers (USACE) and the United States Coast Guard (USCG); and

WHEREAS, FRA's funding is considered an Undertaking under the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) (NHPA), as amended, and it's implementing regulations at 36 Code of Federal Regulations [C.F.R.] § 800 (hereinafter collectively referred to as Section 106) and FRA is acting as the lead Federal Agency for compliance with Section 106; and

WHEREAS, on April 28, 2021, USCG designated FRA as the lead Federal Agency for compliance with Section 106 and agreed to serve as a Consulting Party; and on May 19, 2021 USACE designated FRA as lead agency and agreed to serve as a Consulting Party [USACE INDICATED THEY MAY REQUEST CONCURRING PARTY STATUS AS THEY GAIN MORE INFO ON THE PROJECT] on the project; and

WHEREAS, FRA's action requires review under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*); and

WHEREAS, FRA and NYSDOT initiated consultation with the New York State Historic Preservation Office (NYSHPO), pursuant to 36 CFR § 800.3(c) via letter dated March 7, 2012; and

WHEREAS, pursuant to 36 CFR § 800.4(b) FRA made a reasonable and good faith effort to identify properties that are listed in or determined eligible for listing in the National Register of Historic Places (NRHP) (Historic Properties) within a preliminary study area through development of a Cultural Resource Reconnaissance Survey Report (CRRSR) completed in two volumes in April and June 2011. The CRRSR identified the Livingston Avenue Bridge and the Albany Railroad Viaduct as eligible for the NRHP. The Livingston Avenue

Bridge (BIN 7092890) (Unique Site Number [USN] 00140.004481), was determined eligible under NRHP Criterion C as an intact example of an early 20th-century swing bridge. The Albany Railroad Viaduct, which includes two bridges within the APE (the Centre Street-Erie Boulevard Bridge [USN 00140.004789; BIN 7709021]), and the Water Street Bridge [USN 00140.004788; BIN 7092900]) were determined eligible under Criterion A for their association with the development of national rail service in the early 20th century. The CRRSR identified no archaeological resources within the APE. NYSHPO concurred with the findings of this report on May 8, 2012; and

WHEREAS, the Livingston Avenue Bridge is a Baltimore-truss bridge constructed in 1901, on cut limestone circa 1866 piers, 1272 feet long, 27.8 feet wide, carrying CSX/Amtrak Rail over the Hudson River, consists of a 260-foot continuous truss swing span, four trusses that span the navigation channel, and four plate girder spans; and

WHEREAS, two bridges in the APE contribute to the Albany Railroad Viaduct: the Centre Street-Erie Boulevard Railroad Bridge, a 1928 through-girder bridge, and the Water Street Railroad Bridge, a 1948 through-girder bridge; and

WHEREAS, pursuant to 36 CFR § 800.4(a)(1), in a Draft Finding Documentation submitted to the NYSHPO on March 10, 2015, FRA defined the Project's Area of Potential Effects (APE) as the area encompassing the railroad right-of-way and spanning the Hudson River from the Montgomery Street Railroad Bridge in the City of Albany on the west to Tracy Street on the north and Pine Street on the south in the City of Rensselaer. The APE is approximately 100 to 200 feet wide along the tracks from Montgomery Street to the west abutment; 900 feet in length, 400 feet wide, and 1,272 feet in length across the river; and 400 feet wide and 1,500 feet long on the east shore from the east abutment to its terminus along the existing track; and

WHEREAS, on April 29, 2015, NYSHPO in response to the Draft Finding Documentation requested that an analysis of alternatives to removing the Livingston Avenue Bridge be conducted, the NYSHPO's response did not include comment on FRA's definition of the APE; and

WHEREAS, in response to the NYSHPO's request for additional information regarding alternatives to removing the Livingston Avenue Bridge, NYSDOT provided additional information on alternatives considered in a revised Finding Document that was submitted to the NYSHPO on June 17, 2015 and in an August 05, 2015 meeting between NYSDOT and h NYSHPO to discuss alternatives presented in the revised Finding Documentation and to discuss additional alternatives; on November 10, 2015 NYSDOT submitted to SHPO an Explanation of Alternatives evaluating that additional alternatives considered and measures to minimized harm; and

WHEREAS, NYSDOT considered alternatives to avoid and minimize the adverse effect on the bridge in accordance with 36 CFR 800.6 (as summarized in the Finding Documentation) and concluded that the adverse effect on the Livingston Avenue Bridge could not be avoided; and

WHEREAS, in a letter dated August 24, 2020, FRA re-initiated consultation with NYSHPO pursuant to 36 CFR § 800.3(c) because several years had elapsed since the previous consultation, providing updated Finding Documentation and information about the Project; including a reiteration of the definition of the APE pursuant to 36 CFR § 800.4(a)(1), a summary of historic properties identification efforts within the APE pursuant to 36 CFR § 800.4(b) and a finding that the Undertaking would result in an adverse effect on the Livingston Avenue Bridge and that the Project would have no adverse effect on the other historic properties in the APE including the Albany Railroad Viaduct pursuant to 36 CFR § 800.5; and

WHEREAS, in a letter dated September 23, 2020, NYSHPO concurred the Project would have an Adverse Effect on the Livingston Avenue Bridge (BIN 7092890), that the Project would have No Adverse Effect on the Albany Railroad Viaduct, and requested that NYSDOT contact the City of Albany to determine if the City was interested in taking possession of the western end of the bridge for use as a pedestrian pier; and

WHEREAS, pursuant to 36 C.F.R § 800.5 and in consultation with SHPO and Consulting Parties, FRA determined that the Project will have an adverse effect on the Livingston Avenue Bridge and that the Project

would have no adverse effect on the other historic properties in the APE including the Albany Railroad Viaduct; and

WHEREAS, the NYSDOT contacted the City of Albany on October 27, 2020 to determine if the City was interested in taking possession of the western end of the bridge, and the City of Albany responded on March 4, 2021 and declined to take possession of the Livingston Avenue Bridge; and

WHEREAS, pursuant to 36 C.F.R. § 800(3)(f)(2), in a letter dated February 2, 2015, NYSDOT, on behalf of FRA, invited the Saint Regis Mohawk Tribe, the Stockbridge Munsee Community Band of Mohican Indians, and the Delaware Tribe to participate in the Section 106 process as Consulting Parties; and

WHEREAS, FRA and NYSDOT met with Bonney Hartley of the Stockbridge-Munsee Community Band of Mohicans on June 26, 2015 to discuss the Project and resolve concerns raised by the tribe. The Saint Regis Mohawk Tribe and the Delaware Tribe responded that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project; and

WHEREAS, in a letter dated August 12, 2020, FRA re-initiated consultation with the Stockbridge-Munsee Community Band of Mohican Indians, the Saint Regis Mohawk Tribe, and the Delaware Tribe; and the Stockbridge Munsee Community Band of Mohican Indians and the Delaware Tribe responded that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project, while the Saint Regis Mohawk did not respond;

WHEREAS, pursuant to 36 CFR § 800.3)(f)), in letters dated May 26, 2017, NYSDOT, 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: the Arbor Hill Neighborhood Association; the Bridge Line Historical Society; the City of Albany Historian; the City of Rensselaer Historian; the Historic Albany Foundation; the Livingston Avenue Bridge Coalition; the National Railway Historical Society, Mohawk and Hudson Chapter; the New York Central Historical Society; and Partners for Albany Stories; and

WHEREAS, the City of Rensselaer Historian; the Historic Albany Foundation; the Livingston Avenue Bridge Coalition; the National Railway Historical Society, Mohawk and Hudson Chapter; and the New York Central Historical Society accepted FRA's invitation; and the Capital District Transportation Committee requested and were granted Consulting Party status; and

WHEREAS, the Arbor Hill Neighborhood Association; the Bridge Line Historical Society; and Partners for Albany Stories did not respond to FRA's invitation, and the City of Albany Historian declined the invitation; and

WHEREAS, FRA sought and considered the views of the public regarding Section 106 for this Project at a public information meeting held on May 24, 2021 [UPDATE FOLLOWING PUBLIC MEETING AS NECESSARY TO STATE IF COMMENTS WERE RECEIVED AND HOW THEY ARE BEING ADDRESSED]. A recording of the event was made available to the public online and information on the Project and public comments were solicited through the Project website at: <https://www.dot.ny.gov/livingstonavebridge>. [description of public involvement efforts to come pending their completion]; and

Commented [MD(1)]: NOTE TO REVIEWERS: FRA and NYSDOT will request public comment under Section 106 in conjunction with the public comment period for the project's Environmental Assessment being completed under NEPA.

WHEREAS, pursuant to 36 CFR § 800.6(a)(1), in a letter dated December 3, 2020, FRA notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination, providing the specified documentation, and FRA's intention to enter into a Memorandum of Agreement, and the ACHP chose not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) (Appendix C); and

WHEREAS, FRA and NYSDOT, along with NYSHPO, have determined that it is appropriate to enter into this Memorandum of Agreement (Agreement) pursuant to 36 CFR § 800.6, which will govern the implementation of the Project and satisfy FRA's, USCG's, and USACE's obligation to comply with Section 106; and

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

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

WHEREAS, USACE, as a permitting agency, has been invited by FRA to sign this MOA as a concurring party; and

WHEREAS, FRA, NYSDOT, USACE, and NYSHPO will collectively be referred to as the Signatories; and

NOW, THEREFORE, FRA, NYSDOT and NYSHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on Historic Properties.

STIPULATIONS

NYSDOT, in coordination with FRA, shall ensure that the following measures are carried out:

I. MITIGATION MEASURES FOR HISTORIC ARCHITECTURAL PROPERTIES

To mitigate the adverse effect of the removal of the NRHP-eligible Livingston Avenue Bridge (BIN 7092890):

- A. NYSDOT shall complete Level II **Historic American Engineering Record (HAER)** documentation (HAER Documentation) through the New York State Museum in accordance with the *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards* (as originally published in the Federal Register, Vol. 48, No. 190, Thursday, September 29, 1983, pp. 44730-34.).
1. All documentation work shall be performed by an individual meeting the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44716, September 1983) for historic architect, architectural historian, or historian.
 2. All photography shall comply with the *National Register Photo Policy Fact Sheet* (http://www.nps.gov/nr/publications/guidance/Photo_Policy_final.pdf).
 3. NYSDOT shall provide FRA and NYSHPO the opportunity to review and comment on the draft HAER documentation. NYSDOT will revise the HAER documentation as necessary based on comments received from FRA and NYSHPO. NYSDOT shall provide the revised Final-Draft HAER documentation to FRA and NYSHPO for review. This review shall be limited to ensuring that NYSDOT addressed all comments provided during initial document review. All reviews will be completed in accordance with Stipulation III Timelines and Communications. Following this review NYSDOT shall finalize the HAER documentation in accordance with Stipulation I.A.4.
 4. NYSDOT shall prepare five (5) copies of the Final HAER documentation. NYSDOT shall retain a copy of the documentation for its permanent records, one copy shall be submitted to each of the following organizations: NYSHPO, Rensselaer Historical Society, Albany County Historical Society, and the City of Albany. Each distribution shall consist of one hard copy and one electronic copy in Adobe pdf format on a CD.
 5. NYSDOT will complete HAER documentation prior to start of construction.
- B. NYSDOT shall develop two Interpretive Signs that addresses the history of this unique Baltimore Truss swing, railroad bridge, the materials used in the bridge's construction, growth of the railroad, and the history of the area.

Commented [MD(2)]: NOTE TO REVEIERS: These next two whereas clauses are placeholders pending USACE review of the MOA and their decision with regards to which signatory status they would prefer.

Commented [MD(3)]: NOTE TO USCG: Based on your 4/28/21 email USCG does not have a signature status in this agreement. If upon review of this MOA you feel that USCG should sign as an invited signatory or concurring party please comment accordingly.

1. NYSDOT shall coordinate with the City of Albany to identify a location of one interpretive sign e.g. along the Mohawk-Hudson Bike-Hike Trail within Corning Riverfront Park and shall coordinate with the City of Rensselaer to identify a location of one interpretive sign on a similar trail or park in the City of Rensselaer.
2. NYSDOT will provide a draft interpretive sign to NYSHPO and the Cities of Albany and Rensselaer for review and comment. NYSDOT will revise the interpretive sign based on NYSHPO and Cities of Albany and Rensselaer comments and will provide a revised Final-Draft to NYSHPO and the Cities of Albany and Rensselaer for a final round of review, as necessary. NYSDOT will revise the sign as necessary and provide a final electronic version of the interpretive sign to NYSHPO and the Cities of Albany and Rensselaer prior to fabrication and installation. All reviews shall be completed in accordance with Stipulation III Timelines and Communications.
3. In the event that the interpretive signs are on City of Albany and/or City of Rensselaer property and the City of Albany and/or City of Rensselaer will not allow installation of the signs and/or accept responsibility to maintain the interpretive signage for reasons beyond the NYSDOT's control, NYSDOT will notify NYSHPO and NYSDOT's responsible party and this stipulation will be considered fulfilled. If one of the two cities approves installation and accepts maintenance responsibility for the sign the interpretive sign will be install in that city.

C. Bridge Design

NYSDOT shall ensure that the design of the proposed new bridge is a truss bridge that incorporates key visual elements relating to the existing Livingston Avenue Bridge: the pulley housing and operator's building, as requested by NYSHPO on April 14, 2021. If any of these elements would be substantially altered, NYSDOT shall request an Amendment to the MOA pursuant to Stipulation VII.

II. BRIDGE MARKETING AND REUSE

A. Marketing

1. NYSDOT shall actively seek new ownership of the existing Livingston Avenue Bridge for adaptive reuse, or, because of its overall size, partial reuse at a new location. Advertising the bridge for transfer will be the responsibility of NYSDOT.
2. Marketing shall consist of a combination of print and web-based ads that will include an advertisement in the local newspaper for a minimum of 14 days and an announcement posted on the internet for a minimum of 2 months. A signed affidavit from the newspaper will be provided to NYSDOT as proof of publication to fulfill this stipulation. All inquiries and offers must be submitted to NYSDOT by the date two months after the start of the advertising window. The advertising window will begin on the date the MOA is executed and filed with the ACHP.
3. NYSDOT will consider viable offers that meet the following criteria: A willing new owner must dismantle and provide a guaranteed future use at a new location. The prospective new owner should demonstrate an understanding of the bridges' condition and explain how it will account for disassembly, transport, reassembly, and reuse of the bridge. The plan must include a timeline demonstrating the disassembly, relocation, and reassembly of the bridge within 12 months of ownership.
4. If after 2 months of marketing, if no party is found to take possession of the existing bridge or a viable offer, as defined in Stipulation II.B, is not received, NYSDOT shall notify all consulting parties, via email, and the bridge will be demolished as part of the construction contract.

B. Reuse

1. If ownership of the bridge is transferred for reuse, 100 % percent of the cost of dismantling the bridge will be provided by NYSDOT. The exact amount of funding is subject to approval by NYSDOT for this Project. Any dismantling, transportation, and storage costs beyond the cost of demolition for the re-used bridge will be the borne responsibility of the future recipient of the Livingston Avenue Bridge.
 2. If ownership of the bridge is transferred for reuse, the transfer deed will include a preservation covenant that requires the new owner to retain the feature intact for a specified period of time. This covenant will remain with the bridge if it is transferred to a third party. Prior to assuming ownership, the potential new owner must provide a proposed plan for the relocation, rehabilitation and reuse of the bridge that will be subject to review and approval by NYSDOT, FRA and NYSHPO. If the plan is not approved, the bridge will not be transferred for reuse. Proposals will be reviewed in accordance with Stipulation III Communications and Timelines.
 3. NYSDOT would give preference to proposed plans that would salvage and reuse a minimum of 1 span of the structure. If no proposed plans are received that would reuse a minimum of 1 span of the structure, proposals that would salvage and preserve components of the bridge (as an educational or interpretive display, for example) would be reviewed by NYSDOT, FRA, and NYSHPO on a case by case basis to determine whether the proposed plan would qualify as appropriate mitigation under this agreement. If NYSDOT, FRA, and NYSHPO agree that the proposed plan qualifies as appropriate mitigation the bridge will be transferred to the applicant. Plans shall be reviewed in accordance with Stipulation III Timelines and Communications.
 4. If solicitation has occurred without a future recipient being identified within the duration of 2 months from the initial advertisement, NYSDOT will proceed with demolition in accordance with Stipulation II.A.4.
- C. NYSDOT will ensure that the HAER documentation is completed and approved prior to the transfer of ownership or demolition.

III. TIMEFRAMES AND COMMUNICATIONS

- 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 extend until the first following business day.
- B. Unless otherwise stipulated in this Agreement, all review periods are thirty (30) calendar days, starting on the day a complete submission is provided by NYSDOT to the relevant parties via the specified notification processes.
- C. NYSDOT will consult with responding parties as appropriate to ensure that all comments received within the 30 calendar-day review period are considered. If NYSDOT does not receive comments within the 30 calendar-day review period, it is understood that the non-responding parties have no comments on the submittal, and NYSDOT may proceed to the next step of the consultation process.
- D. In exigent circumstances (e.g., concerns over construction suspensions or delays), all Signatories agree to expedite their respective document review within seven (7) calendar days.
- E. All official notices, comments, requests for further information, documentation, and other communications will be sent by e-mail or other electronic means.
- F. FRA is responsible for all government-to-government consultation with Tribes.

- G. NYSDOT shall provide an annual letter report to all signatories on the anniversary date of execution of this Agreement. At a minimum the report shall include: a Project status summary to date, list of activities and mitigations completed in the previous year, and a list of activities and mitigations to be completed in the coming year.

IV. PROJECT MODIFICATION AND CHANGES

If NYSDOT proposes changes to the Project that may result in additional or new effects on historic properties, NYSDOT will notify FRA and NYSHPO of such changes within 15 calendar days. Before NYSDOT takes any action that may result in additional or new effects to historic properties, NYSDOT in coordination with FRA and in consultation with NYSHPO and Consulting Parties, will take appropriate steps in compliance with Section 106 to identify historic properties in accordance with 36 CFR 800.4 and assess effects in accordance with 36 CFR 800.5. If new adverse effects on historic properties are identified, NYSDOT in coordination with FRA and in consultation with NYSHPO and the Consulting Parties as appropriate, will consult to determine the appropriate course of action. If FRA determines that an amendment to the MOA is required, it will proceed in accordance with Stipulation VII Amendments.

V. POST-REVIEW DISCOVERIES

A. UNANTICIPATED ARCHEOLOGICAL DISCOVERIES DURING CONSTRUCTION

If during the course of construction, a previously unidentified archeological property is discovered, NYSDOT will immediately halt construction. NYSDOT, in consultation with FRA, NYSHPO, the Saint Regis Mohawk Tribe, the Delaware Tribe, and the Stockbridge Munsee Community Band of Mohican Indians, shall make a reasonable effort to avoid or minimize effects to such properties. If the NYSDOT in coordination with the FRA and in consultation with the SHPO, the Saint Regis Mohawk Tribe, the Delaware Tribe, and the Stockbridge Munsee Community Band of Mohican Indians determines that the Project will affect a previously unknown and unidentified archeological property that may be eligible for the National Register, or will affect a known archeological property in an unanticipated manner, the agency official shall make reasonable efforts to avoid, minimize or mitigate adverse effects to such properties and determine actions that it can take to resolve adverse effects following the procedures in 36 CFR 800.13(b).

B. UNANTICIPATED DISCOVERY OF HUMAN REMAINS

The *NYSDOT Procedures for Inadvertent Discovery of Human Remains during Construction* (Appendix A) shall be implemented if human remains, or potential human remains, are discovered during construction. If a discovery consists of a burial site, human remains, or bones thought to be human remains, the EIC will report the discovery to the State Police. Work will be stopped, and measures will be taken to secure and protect the site from further disturbance. The NYSDOT will notify NYSHPO, the FRA, and the ACHP within 48 hours of the discovery. The NYSDOT Region One Cultural Resources Coordinator will contact the Saint Regis Mohawk Tribe, the Delaware Tribe, and the Stockbridge Munsee Community Band of Mohican Indians to initiate consultation regarding the discovery.

If the human remains are identified as potentially Stockbridge Munsee (Mohican), the NYSDOT in coordination with the Stockbridge-Munsee Tribal Historic Preservation Officer and FRA will carry out procedures outlined in the *Stockbridge-Munsee Community Band of Mohican Indians Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities* (Appendix B).

VI. DISPUTE RESOLUTION

- A. Any Signatory to this MOA or Tribe 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 them 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.
- B. A Consulting Party to this MOA or 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 is 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, participating Tribes, Consulting Parties, and the objecting party with its final decision in writing.

VII. AMENDMENTS

Any Signatory to this Agreement may request in writing to the other Signatories that it be amended. The Signatories will 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 be effective on the date a copy, signed by all of the Signatories, and is filed with the ACHP.

VIII. TERMINATION

If any Signatory to this Agreement determines that the terms of the MOA will not or cannot be carried out, that Signatory will immediately notify the other Signatories in writing and consult with them to seek resolution or amendment pursuant to Stipulation VI and VII of the Agreement. If within sixty (60) days a resolution or amendment cannot be reached, any Signatory may terminate the Agreement upon written notification to the other Signatories.

Once the Agreement is terminated, and prior to work continuing on the Project, FRA must either (a) execute a new Agreement pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FRA will notify the Signatories as to the course of action it will pursue.

Execution of this MOA by the NYSDOT, the FRA, and the SHPO and implementation of its terms evidence that the NYSDOT has considered the effect of this Project on historic properties and afforded the ACHP an opportunity to comment

IX. DURATION

This Agreement will expire when all its stipulations are complete or in five (5) years from the effective date, whichever comes first, unless the Signatories agree in writing to an extension in accordance with

Stipulation VII, Amendments. 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.

X. EFFECTIVE DATE

This Agreement will become effective immediately upon execution by all Signatories.

XI. APPENDICES

- A. *NYSDOT Procedures in the Event of the Inadvertent Discovery of Human Remains During Construction*
- B. *Stockbridge-Munsee Community Band of Mohicans Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities*
- C. *Letter from the Advisory Council on Historic Preservation (ACHP)*

XII. EXECUTION AND IMPLEMENTATION

Execution of this Agreement by the Signatories and its subsequent filing with the ACHP by FRA demonstrates that FRA has considered the effects of this Project on Historic Properties, afforded the ACHP a reasonable opportunity to comment, and satisfied its responsibilities under Section 106 of the NHPA and its implementing regulations.

DRAFT

PIN 1935.79

Livingston Avenue Bridge

**MEMORANDUM OF AGREEMENT
for
PIN 1935.49**

Signatory:
FEDERAL RAILROAD ADMINISTRATION

By: _____ Date: _____
Name: Katherine Zeringue
Title: Federal Preservation Officer

DRAFT

PIN 1935.79

Livingston Avenue Bridge

MEMORANDUM OF AGREEMENT
for
PIN 1935.49

Signatory:
NEW YORK STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____
Name: Roger Daniel Mackay
Title: Deputy Commissioner of the State Historic Preservation Office

DRAFT

PIN 1935.79

Livingston Avenue Bridge

MEMORANDUM OF AGREEMENT
for
PIN 1935.49

Invited Signatory:
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____
Name: Patrick Barnes, P.E.
Title: Regional Director

DRAFT

FW: Livingston Ave Bridge Albany NY - Consulting Party Invitation.

Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Wed 5/19/2021 12:36 PM

To: Andrews, Susan (DOT) <Susan.Andrews@dot.ny.gov>; (qpjohnson@modjeski.com) <qpjohnson@modjeski.com>; (tacole@modjeski.com) <tacole@modjeski.com>; Julia P. Cowing <jcowing@akrf.com>; Jim Finegan <jfinegan@akrf.com>; Becker, Andrea (DOT) <Andrea.Becker@dot.ny.gov>; Molly McDonald <mmcdonald@akrf.com>

FYI

From: Delorier, Christine CIV USARMY CENAN (USA) <Christine.Delorier@usace.army.mil>

Sent: Wednesday, May 19, 2021 11:31 AM

To: Manning, Derek (Volpe) <Derek.Manning@dot.gov>

Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Subject: RE: Livingston Ave Bridge Albany NY - Consulting Party Invitation.

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning Derek,

I hope you are well. Thank you for your invitation to the USACE to serve as a consulting party as part of FRA's efforts, as current lead federal agency, in the resolution of adverse effects to historic properties associated with the replacement of the Livingston Avenue Bridge pursuant to Section 106 of the National Historic Preservation Act.

We accept your invitation to be a consulting party. As we work with you as a consulting party to resolve the effects of the undertaking and gain more information on the project in terms of scope of work requiring USACE authorization, the USACE will decide on whether to sign the MOA as a concurring party or an invited signatory.

I will be your USACE point of contact on this project for the Section 106, NEPA and USACE permitting processes. I will be sure to review the documentation you provided with your invitation in more detail soon, and keep an eye out for other documentation and any draft MOA to help participate in this process.

Please let me know if I can be of further assistance at this time.

Sincerely,

Christine Delorier
Geologist/Sr. Project Manager
New York District, U.S. Army Corps of Engineers
Upstate Regulatory Field Office
1 Buffington St., Bldg. 10, 3rd Floor North
Watervliet, NY 12189
Office: (518) 266-6354
Mobile: (518) 281-3458

From: Manning, Derek (Volpe) <Derek.Manning@dot.gov>

Sent: Tuesday, April 27, 2021 5:31 PM

To: Delorier, Christine CIV USARMY CENAN (USA) <Christine.Delorier@usace.army.mil>

Cc: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Subject: [Non-DoD Source] Livingston Ave Bridge Albany NY - Consulting Party Invitation.

Ms. Delorier,

The Federal Railway Administration (FRA) is working with the New York Department of Transportation (NYSDOT) to complete the NEPA and Section 106 compliance for the replacement of the Livingston Avenue railway bridge which spans the Hudson River between Albany and Rensselaer New York. The project has been selected to receive grant funding from FRA. The project will also require federal permits from the US Army Corps of Engineers (USACE) and the US Coast Guard (USCG).

I am providing support to FRA and NYSDOT for the Section 106 compliance for this action. The Section 106 compliance for this project has been underway, on and off, since 2012. At this point, FRA & NYSDOT have defined, and received concurrence from the New York State Historic Preservation Office (SHPO) on; the project Area of Potential effect, the identification of Historic Properties, and assessment of effects. FRA has determined that the Livingston Ave Bridge is a historic property and that its demolition and replacement constitutes an adverse effect. We are currently in consultation with the SHPO to develop an MOA to mitigate the adverse effects.

At this point FRA is inviting USACE and USCG to serve as consulting parties in the Section 106 compliance process for this project. Additionally, FRA is proposing to serve as the lead federal agency for Section 106 compliance in accordance with 36 CFR 800.2(a)(2).

More details on the project and the Section 106 compliance actions to date are included in the attached letter and supporting documents.

If you have any questions please do not hesitate to contact me.

Very respectfully
Derek

Derek Manning

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326
Volpe, The National Transportation Systems Center | U.S. Department of Transportation
55 Broadway, Cambridge MA 02142 | Web: www.volpe.dot.gov
Office: 617-494-2475 | Fax: 617-494-2789 | Cell: 857-998-1779 | Email: derek.manning@dot.gov

FW: Livingston Ave Bridge Albany NY - Consulting Party Invitation.

Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Wed 4/28/2021 8:01 AM

To: Andrews, Susan (DOT) <Susan.Andrews@dot.ny.gov>; (qpjohnson@modjeski.com) <qpjohnson@modjeski.com>; (tacole@modjeski.com) <tacole@modjeski.com>; Julia P. Cowing <jcowing@akrf.com>; Jim Finegan <jfinegan@akrf.com>; Molly McDonald <mmcdonald@akrf.com>; Becker, Andrea (DOT) <Andrea.Becker@dot.ny.gov>

FYI

From: Leoce, Donna D CIV <Donna.D.Leoce@uscg.mil>

Sent: Wednesday, April 28, 2021 7:59 AM

To: 'Manning, Derek (Volpe)' <Derek.Manning@dot.gov>

Cc: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>; Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>; Fisher, Donna A CIV <Donna.A.Fisher@uscg.mil>; Leoce, Donna D CIV <Donna.D.Leoce@uscg.mil>

Subject: RE: Livingston Ave Bridge Albany NY - Consulting Party Invitation.

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good Morning Derek,

As requested the USCG is responding via email: The USCG will be a consulting party regarding the subject project. As a consulting party we will not be a signatory for the MOA and request to review the draft MOA before finalized.

Thank you for the documentation. I look forward to working with you on this project and moving this project along.

Kindest regards,

Donna Domenica Leoce
US Coast Guard
Bridge Management Program

From: Manning, Derek (Volpe) <Derek.Manning@dot.gov>

Sent: Tuesday, April 27, 2021 5:36 PM

To: Leoce, Donna D CIV <Donna.D.Leoce@uscg.mil>

Cc: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>; Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>

Subject: [Non-DoD Source] Livingston Ave Bridge Albany NY - Consulting Party Invitation.

Ms. Leoce,

The Federal Railway Administration (FRA) is working with the New York Department of Transportation (NYSDOT) to complete the NEPA and Section 106 compliance for the replacement of the Livingston Avenue railway bridge which spans the Hudson River between Albany and Rensselaer New York. The project has been selected to receive grant funding from FRA. The project will also require federal permits from the US Army Corps of Engineers (USACE) and the US Coast Guard (USCG).

I am providing support to FRA and NYSDOT for the Section 106 compliance for this action. The Section 106 compliance for this project has been underway, on and off, since 2012. At this point, FRA & NYSDOT have defined, and received concurrence from the New York State Historic Preservation Office (SHPO) on; the project Area of Potential effect, the identification of Historic Properties, and assessment of effects. FRA has determined that the Livingston Ave Bridge is a historic property and that its demolition and replacement constitutes and adverse effect. We are currently in consultation with the SHPO to develop an MOA to mitigate the adverse effects.

At this point FRA is inviting USACE and USCG to serve as consulting parties in the Section 106 compliance process for this project. Additionally, FRA is proposing to serve as the lead federal agency for Section 106 compliance in accordance with 36 CFR 800.2(a)(2).

More details on the project and the Section 106 compliance actions to date are included in the attached letter and supporting documents.

If you have any questions please do not hesitate to contact me.

Very respectfully

Derek

Derek Manning

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326

Volpe, The National Transportation Systems Center | U.S. Department of Transportation

55 Broadway, Cambridge MA 02142 | Web: www.volpe.dot.gov

Office: 617-494-2475 | Fax: 617-494-2789 | Cell: 857-998-1779 | Email: derek.manning@dot.gov



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 27, 2021

Chief, Regulatory Branch
US Army Corps of Engineers
Upstate Regulatory Field Office
Attn: CENAN-OP-RU, Bldg. 10
3rd Floor North
1 Buffington Street, Watervliet Arsenal
Watervliet, NY 12189-4000

RE: Section 106 Lead Agency Designation
Livingston Avenue Bridge Project
Albany and Rensselaer Counties, New York

Dear Ms. Delorier:

The Federal Railroad Administration (FRA) is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the Cities of Albany and Rensselaer, providing a critical rail link on New York State's Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service.

FRA and New York State Department of Transportation (NYSDOT) are preparing an Environmental Assessment (EA) to comply with the requirements of NEPA as well as the New York State Environmental Quality Review Act (SEQRA). The EA also documents compliance with other applicable Federal, New York State, and local environmental laws and regulations. FRA is the lead Federal agency for review under NEPA and NYSDOT is the lead state agency for review under SEQRA. In 2016 the FRA invited USACE and USCG to be cooperating agencies in the project NEPA process. USCG accepted the invitation and USACE did not respond.

This undertaking will require issuance of a bridge permit from the United State Coast Guard (USCG) and a Section 404 permit from the United States Army Corps of Engineers (USACE). FRA proposes to serve as lead federal agency for compliance with Section 106 of the National Historic Preservation Act in accordance with 36 CFR 800.2(a)(2). As lead federal agency, FRA would fulfill FRA, USCG, and USACE's collective responsibilities under Section 106.

In 2012 NYSDOT, on behalf of FRA, initiated the Section 106 consultation process via a letter to the New York State Historic Preservation Office (NYSHPO) dated March 7, 2012. After five years of sporadic consultation, compliance activities were paused. In August of 2020 FRA formally reinitiated the Section 106 consultation process with the NYSHPO and other consulting parties including three Federally Recognized Indian Tribes and ten other consulting parties. As

part of the reinitiating of Section 106 consultation FRA submitted a Finding Document (enclosed). The Finding document provides: a comprehensive project description, including alternatives considered; a summary of historic property identification efforts; an evaluation of project impacts to historic properties; a discussion of effect findings; and a summary of public involvement.

FRA and NYSDOT, in consultation with SHPO, have determined that the Project would result in an adverse effect on the National Register of Historic Places-eligible Livingston Avenue Bridge, which would be demolished as part of the Project. FRA, in coordination with NYSDOT, is consulting with the New York State Historic Preservation Office on the development of a Memorandum of Agreement (MOA) that identifies measures to avoid, minimize, and/or mitigate the adverse effect on the NR-eligible Livingston Avenue Bridge. FRA is inviting your agency to consult in the development of the MOA and to sign the MOA as a concurring party or invited signatory, depending upon your agency's needs.

We respectfully request that you provide a response in the next 30 days to our proposal for FRA to serve as lead federal agency for Section 106 compliance and our invitation to participate as a consulting party in the Section 106 compliance process. As part of response please indicate what, if any, role your agency would like play in the development of the Section 106 MOA for this action and what, if any, signature status your agency would request on that document (concurring party, Invited Signatory, etc.). If we do not hear from your office, we will assume that your agency will act independently to fulfill its requirements under Section 106. An e-mailed response is preferred to ensure timely receipt of your communications; FRA is working remotely at this time, and has limited access to mailed responses.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EA, please contact Brandon Bratcher at brandon.bratcher@dot.gov or 202-493-0844. The NYSDOT project manager for the EA is Mark Jakubiak, who can be reached via phone at 518-485-9331 or email at mark.jakubiak@dot.ny.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Mark Jakubiak, NYSDOT

Enclosures:
Attachment A – Finding Documentation
Attachment B – Finding Documentation Appendix A
Attachment C – Finding Documentation Appendix B

Attachment D – Cooperating Agency Correspondence 2016



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 27, 2021

Donna Domenica Leoce
US Coast Guard
Battery Park Building
1 South Street
New York, NY 10004-1466

RE: Section 106 Lead Agency Designation
Livingston Avenue Bridge Project
Albany and Rensselaer Counties, New York

Dear Ms. Leoce:

The Federal Railroad Administration (FRA) is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the Cities of Albany and Rensselaer, providing a critical rail link on New York State's Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service.

FRA and New York State Department of Transportation (NYSDOT) are preparing an Environmental Assessment (EA) to comply with the requirements of NEPA as well as the New York State Environmental Quality Review Act (SEQRA). The EA also documents compliance with other applicable Federal, New York State, and local environmental laws and regulations. FRA is the lead Federal agency for review under NEPA and NYSDOT is the lead state agency for review under SEQRA. In 2016 the FRA invited USACE and USCG to be cooperating agencies in the project NEPA process. USCG accepted the invitation and USACE did not respond.

This undertaking will require issuance of a bridge permit from the United State Coast Guard (USCG) and a Section 404 permit from the United States Army Corps of Engineers (USACE). FRA proposes to serve as lead federal agency for compliance with Section 106 of the National Historic Preservation Act in accordance with 36 CFR 800.2(a)(2). As lead federal agency, FRA would fulfill FRA, USCG, and USACE's collective responsibilities under Section 106.

In 2012 NYSDOT, on behalf of FRA, initiated the Section 106 consultation process via a letter to the New York State Historic Preservation Office (NYSHPO) dated March 7, 2012. After five years of sporadic consultation, compliance activities were paused. In August of 2020 FRA formally reinitiated the Section 106 consultation process with the NYSHPO and other consulting parties including three Federally Recognized Indian Tribes and ten other consulting parties. As part of the reinitiating of Section 106 consultation FRA submitted a Finding Document (enclosed). The Finding document provides: a comprehensive project description, including

alternatives considered; a summary of historic property identification efforts; an evaluation of project impacts to historic properties; a discussion of effect findings; and a summary of public involvement.

FRA and NYSDOT, in consultation with SHPO, have determined that the Project would result in an adverse effect on the National Register of Historic Places-eligible Livingston Avenue Bridge, which would be demolished as part of the Project. FRA, in coordination with NYSDOT, is consulting with the New York State Historic Preservation Office on the development of a Memorandum of Agreement (MOA) that identifies measures to avoid, minimize, and/or mitigate the adverse effect on the NR-eligible Livingston Avenue Bridge. FRA is inviting your agency to consult in the development of the MOA and to sign the MOA as a concurring party or invited signatory, depending upon your agency's needs.

We respectfully request that you provide a response in the next 30 days to our proposal for FRA to serve as lead federal agency for Section 106 compliance and our invitation to participate as a consulting party in the Section 106 compliance process. As part of response please indicate what, if any, role your agency would like play in the development of the Section 106 MOA for this action and what, if any, signature status your agency would request on that document (concurring party, Invited Signatory, etc.). If we do not hear from your office, we will assume that your agency will act independently to fulfill its requirements under Section 106. An e-mailed response is preferred to ensure timely receipt of your communications; FRA is working remotely at this time, and has limited access to mailed responses.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EA, please contact Brandon Bratcher at brandon.bratcher@dot.gov or 202-493-0844. The NYSDOT project manager for the EA is Mark Jakubiak, who can be reached via phone at 518-485-9331 or email at mark.jakubiak@dot.ny.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Mark Jakubiak, NYSDOT

Enclosures:
Attachment A – Finding Documentation
Attachment B – Finding Documentation Appendix A
Attachment C – Finding Documentation Appendix B
Attachment D – Cooperating Agency Correspondence 2016



January 6, 2021

Ms. Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref: *Proposed Livingston Avenue Bridge Project*
City and County of Albany; City and County of Rensselaer, New York
(PIN 1935.49, BIN 7092890
ACHP Project Number: 16277

Dear Ms. Zeringue:

On December 3, 2020, 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. Because the ACHP did not respond within 15 days with a decision regarding participation, the ACHP assumes that the Federal Railroad Administration has continued the consultation to resolve adverse effects.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA) developed in consultation with the New York State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require our further assistance, please contact Sarah Stokely at 202-517-0224 or via e-mail at sstokely@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

NYS DOT Procedures in the Event of the Inadvertent Discovery of Human Remains during Construction¹

1. If a burial site, human remains, or bones thought to be human remains, are encountered during construction for a NYS DOT undertaking, the work will be stopped immediately and rescheduled to avoid disturbing the area. The remains will be left in place and protected from further damage.
2. In accordance with the current NYS DOT Standard Specifications, Section 107-01 D. *Archaeological Salvage*², the Engineer-in-Charge (EIC) will, through proper channels, notify appropriate Department personnel and other authorities. The EIC will report the discovery of human remains to the local police, and the county coroner having jurisdiction, or to the medical examiner, and will arrange immediate inspection of the site³.
3. If the site is determined to be part of a criminal investigation, the police will notify the EIC when work in the area may resume.
4. If determined that the remains are not a police issue, the Regional Cultural Resources Coordinator (CRC) will notify the Federal Highway Administration (FHWA), the Office of Parks, Recreation and Historic Preservation/ State Historic Preservation Office (OPRHP/SHPO), appropriate Indian tribal contacts, and archaeologists, and arrange site visits accordingly. Work will be temporarily suspended in the area, and measures will be taken to secure the burial site and protect the remains from disturbance, including the placement of a twenty-five foot protective buffer around the burial site.
5. The NYS DOT Environmental Science Bureau (ESB), in coordination with the Region, will arrange for a qualified physical anthropologist to examine the remains. NYS DOT in coordination with FHWA will invite designated Indian tribal representative(s) to participate in the consultation process. Representatives will be determined on the basis of established Department contacts and identified areas of interest for tribal nations. The remains will not be removed until determined by the qualified physical anthropologist to be non-native.
6. NYS DOT, in consultation with the OPRHP/SHPO, Indian tribes and other identified consulting parties, will arrange for an archeologist to establish horizontal and vertical extent of the burial(s) and assess measures for avoiding the human remains if possible. The avoidance of human remains is the preferred choice.
7. Any new location or alignment developed to avoid the burial(s) will be subject to archaeological investigation, and the results will be provided to the OPRHP/SHPO, Indian tribes, and other consulting parties as appropriate for comment before the project proceeds in this area.
8. If the alignment is unchanged, a plan will be developed in coordination with FHWA, NYSHPO, the Indian tribal representatives, and other consulting parties as appropriate, to preserve the site and protect the burial(s) before the project proceeds in this area.
9. If removal and reburial of the remains is necessary, it will be undertaken in a manner agreed to by all involved parties. Temporary disposition of the remains until reburial will be determined in consultation with the Indian tribes, and other consulting parties as appropriate.
10. Any actions relating to the treatment, disposition, removal, or reburial of human remains will comply with all applicable State and Federal laws and regulations.

¹ Last updated April 21, 2016.

² <https://www.dot.ny.gov/main/business-center/engineering/specifications/updated-standard-specifications-us>

³ In Erie County, the discovery must be reported to the medical director.



**Stockbridge-Munsee Community
Band of Mohican Indians
Policy for
Treatment and Disposition of Human Remains and Cultural Items
That May be Discovered Inadvertently during Planned Activities**

Purpose

The purpose of this policy is to describe the procedures that will be followed by all federal agencies, in the event there is an inadvertent discovery of human remains that are identified as potentially Stockbridge-Munsee (Mohican).

Treatment and Disposition of Human Remains and Cultural Items

- 1) The federal agency shall contact the Stockbridge-Munsee Community immediately, but no later than three days after the discovery of the remains, using the contact information below: *updated Nov. 2020*

Nathan Allison, Tribal Historic Preservation Officer (THPO)	Nathan.Allison@mohican-nsn.gov	413-884-6029 office
--	--------------------------------	---------------------

If unavailable, contact:

Bonney Hartley, Tribal Historic Preservation Manager	Bonney.Hartley@mohican-nsn.gov	413-884-6048 office
Heather Bruegl, Cultural Affairs Director	Heather.Bruegl@mohican-nsn.gov	715-793-4270 office
Linda Mohawk Katchenago, Administrator	Linda.Katchenago@mohican-nsn.gov	715-793-4355 office

- 2) Place tobacco with the remains and funeral objects.
- 3) Cover remains and funeral objects with a natural fiber cloth such as cotton or muslin when possible.
- 4) No photographs to be taken.
- 5) The preferred treatment of inadvertently discovered human remains and cultural items is to leave human remains and cultural items in-situ and protect them from further disturbance.
- 6) Non-destructive "in-field" documentation of the remains and cultural items will be carried out in consultation with the Tribe, who may stipulate the appropriateness of certain methods of documentation.
- 7) If the remains and cultural items are left in-situ, no disposition takes place and the requirements of 43 CFR 10 Section 10.4 – 10.6 will have been fulfilled.
- 8) The specific locations of discovery shall be withheld from disclosure (with the exception of local law officials and tribal officials as described above) and protected to the fullest extent by federal law.
- 9) If remains and funeral objects are to be removed from the site, consideration will begin between the Stockbridge-Munsee Tribe and the federal agency.

From: Yasmine Robinson <yrobinson@albanyny.gov>
Sent: Thursday, March 4, 2021 1:19 PM
To: Jakubiak, Mark (DOT)
Subject: Re: Livingston Avenue Bridge

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Hi Mark,

The City declines to retain the bridge. Let me know if you need any additional information.

Yasmine Robinson

Deputy Director

City of Albany

Department of Planning and Development

200 Henry Johnson Boulevard | Albany, New York 12210

From: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>
Sent: Monday, March 1, 2021 2:15 PM
To: Yasmine Robinson <yrobinson@albanyny.gov>
Subject: RE: Livingston Avenue Bridge

Hello Yasmine- Any word from the Mayor's Office?

Thank you,
Mark

Mark Jakubiak, RLA

Project Manager/Environmental Manager

New York State Department of Transportation

Rail Projects Group – Office of Design

50 Wolf Road • Pod 2-4 | Albany, New York 12232

518-485-9331 | mark.jakubiak@dot.ny.gov

<https://www.dot.ny.gov>



From: Yasmine Robinson <yrobinson@albanyny.gov>
Sent: Wednesday, February 17, 2021 2:49 PM

To: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Subject: Re: Livingston Avenue Bridge

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Thanks Mark, I have a message in to the Mayor's Office about this, hoping to get you an answer soon.

Regards,

Yasmine Robinson

Deputy Director

City of Albany

Department of Planning and Development

200 Henry Johnson Boulevard | Albany, New York 12210

From: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Sent: Tuesday, February 9, 2021 5:39 PM

To: Yasmine Robinson <yrobinson@albanyny.gov>

Subject: RE: Livingston Avenue Bridge

Hi Yasmine,

I have attached an alternative analysis with associated cost that was done in 2016. This was presented to SHPO during our Section 106 coordination. Retaining a portion of the existing bridge is g.) on page 3.

Our records indicate the rail bridge that crosses over Centre St. into the warehouse building is owned by CSX.

Regards,

Mark

Mark Jakubiak, RLA

Project Manager/Environmental Manager

New York State Department of Transportation

Rail Projects Group – Office of Design

50 Wolf Road • Pod 2-4 | Albany, New York 12232

518-485-9331 | mark.jakubiak@dot.ny.gov

<https://www.dot.ny.gov>



From: Yasmine Robinson <yrobinson@albanyny.gov>

Sent: Tuesday, February 9, 2021 8:48 AM

To: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Subject: Re: Livingston Avenue Bridge

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Mark, 11 works for me. I'm available the same times today as well.

Yasmine Robinson

Deputy Director

City of Albany

Department of Planning and Development

200 Henry Johnson Boulevard | Albany, New York 12210

From: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Sent: Tuesday, February 9, 2021 8:42 AM

To: Yasmine Robinson <yrobinson@albanyny.gov>

Subject: RE: Livingston Avenue Bridge

Good Morning Yasmine,

I am available between 11 and 2 today and 10 and 2 tomorrow. If any of those timeframes work let me know what time you would like to have the call and I can send an appointment with a call in number.

Thank you,

Mark

Mark Jakubiak, RLA

Project Manager/Environmental Manager

New York State Department of Transportation

Rail Projects Group – Office of Design

50 Wolf Road • Pod 2-4 | Albany, New York 12232

518-485-9331 | mark.jakubiak@dot.ny.gov

<https://www.dot.ny.gov>



From: Yasmine Robinson <yrobinson@albanyny.gov>

Sent: Monday, February 8, 2021 2:32 PM

To: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>

Subject: Livingston Avenue Bridge

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon Mark,

I am following up on the Livingston Avenue Bridge correspondence you sent to Zach Powell and Chris Spencer from my office. If you have a few minutes this week, would you be available for a quick Zoom or phone call to discuss?

Thank you,

Yasmine Robinson
Deputy Director

City of Albany
Department of Planning and Development
200 Henry Johnson Boulevard | Albany, New York 12210

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From: Jakubiak, Mark (DOT) <Mark.Jakubiak@dot.ny.gov>
Sent: Tuesday, October 27, 2020 12:42 PM
To: 'cspencer@albany.ny.gov'; eglennon@albany.ny.gov
Subject: Livingston Avenue Bridge
Attachments: LAB SHPO response to finding document.pdf

Hello Chris and Erin,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) is progressing an Environmental Assessment for the replacement of the Livingston Avenue Bridge. The project is currently in the preliminary design phase. The FRA is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the cities of Albany and Rensselaer, providing a critical rail link on New York State's Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service.

FRA and NYSDOT are preparing an Environmental Assessment (EA) to comply with the requirements of NEPA as well as the New York State Environmental Quality Review Act (SEQRA). The EA also documents compliance with other applicable Federal, New York State, and local environmental laws and regulations. FRA is the lead Federal agency for review under NEPA and Section 106 of the National Historic Preservation Act and NYSDOT is the lead state agency for review under SEQRA.

The existing Livingston Avenue Bridge is eligible for listing on the National Register of Historic Places (NR-eligible). FRA and NYSDOT, in consultation with SHPO, have determined that the Project would result in an adverse effect on the Livingston Avenue Bridge, which would be demolished as part of the Project. Due to the rarity and significance of the bridge SHPO has requested NYSDOT contact the City of Albany regarding the City's interest in retaining the western section of the bridge. I have attached a letter dated September 23, 2020 from SHPO that documents Section 106 coordination and SHPO's request.

If you would like to have a virtual meeting to discuss the project please provide some dates and times of your availability and I will send a webex appointment. I look forward to hearing from you.

Best Regards,
Mark

Mark Jakubiak, RLA
Project Manager/Environmental Manager
New York State Department of Transportation
Rail Projects Group – Office of Design
50 Wolf Road • Pod 2-4 | Albany, New York 12232
518-485-9331 | mark.jakubiak@dot.ny.gov
<https://www.dot.ny.gov>





**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 23, 2020

Ms. Andrea Becker
Regional Cultural Resources Coordinator
NYS DOT, Region 1
50 Wolf Road, POD 2-3
Albany, NY 12232

Re: FRA
Livingston Avenue Railroad Bridge Replacement
12PR00935

Dear Ms. Becker:

Thank you for continuing to consult with 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.

We have reviewed your recent submission, dated August 24, 2020, for this project. This submission includes a letter from Katherine Zeringue from the Federal Railroad Administration which includes a revised 106 finding document.

As previously noted, the Livingston Avenue Bridge is eligible for listing in the State and National Registers of Historic Places and is one of a few historic swing span bridges remaining in NY State. We also note that the National Register eligible Water Street (BIN 7092900) and Center Street (BIN 7709021) Bridges would be modified as a result of this undertaking.

Our office concurs that demolition of the Livingston Avenue Bridge constitutes an adverse effect to historic resources. We also concur that the proposed Water Street and Center Street bridge work would not significantly impact features that make these bridges eligible for listing in the National Register.

Based on our review of the proposed mitigation plan, we have the following comments:

- Given the rarity and significance of this resource we believe that continued efforts should be made to retain the portions of the bridge. To that end we request that the City of Albany be contacted regarding their interest in retaining the western section of the bridge for use as a pedestrian pier or other use.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,

Division for Historic Preservation

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



Weston Davey
Historic Site Restoration Coordinator
Weston.davey@parks.ny.gov

CC:

Christine Taniguchi, FRA
Mark Jakubiak, NYSDOT
Mary Santangelo, NYSDOT



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 24, 2020

Mr. Michael F. Lynch, P.E. AIA
Division Director
New York State Division for Historic Preservation
New York State Office of Parks,
Recreation and Historic Preservation
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

**RE: FINDING DOCUMENTATION
PIN 1935.49.171
BIN 7092890
Livingston Avenue Bridge over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County
12PR00935**

Dear Mr. Lynch,

The Federal Railroad Administration (FRA), in coordination with the New York State Department of Transportation (NYSDOT), would like to continue consultation with your office for the Livingston Avenue Bridge Project (the Project) in accordance with 36 CFR Part 800. The project is currently in the preliminary design phase. The last formal correspondence with your office on this project was on November 10, 2015, when NYSDOT submitted to SHPO an Explanation of Alternatives evaluating the additional alternatives and measures to minimize harm requested by SHPO. Since that time, FRA has reviewed the environmental documentation for this Project and wishes to move toward concluding Section 106. Therefore, FRA is re-initiating Section 106 with your office and has provided a summary of the Project planning and consultation activities that have occurred to date.

Project Summary

The FRA is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the Cities of Albany and Rensselaer, providing a critical rail link on New York State's Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service.

FRA and NYSDOT are preparing an Environmental Assessment (EA) to comply with the requirements of NEPA as well as the New York State Environmental Quality Review Act (SEQRA). The EA also documents compliance with other applicable Federal, New York State, and local environmental laws and regulations. FRA is the lead Federal agency for review under NEPA and Section 106 of the National Historic Preservation Act and NYSDOT is the lead state agency for review under SEQRA.

The existing Livingston Avenue Bridge is eligible for listing on the National Register of Historic Places (NR-eligible). FRA and NYSDOT, in consultation with SHPO, previously determined that the Project would result in an adverse effect on the Livingston Avenue Bridge, which would be demolished as part of the Project.

Summary Timeline of Section 106 Actions to Date

The following is a summary of the consultation activities under Section 106 undertaken to date. Copies of previous correspondence with your office, Consulting Parties, and Federally Recognized Indian tribes are included herewith as Appendix B of the Finding Document.

- On behalf of FRA, NYSDOT initiated Section 106 consultation for the Project with SHPO, in a letter dated March 7, 2012.
- On behalf of FRA, NYSDOT submitted the Cultural Resources Survey of a Preliminary Study Area to SHPO on March 7, 2012 and SHPO concurred with the findings in a May 2012 response. In the May 2012 letter, SHPO indicated that replacement of the bridge would be unlikely to result in indirect adverse effects to historic properties near the bridge.
- On behalf of FRA, NYSDOT sent information about the Project, including a copy of the Cultural Resources Survey, to Federally Recognized Indian tribes including the Saint Regis Mohawk Tribe, the Stockbridge-Munsee Community Band of Mohicans, and the Delaware Tribe on February 2, 2015. Two of the three tribes responded and identified that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project.
- NYSDOT sent Finding Documentation for the Project to SHPO on March 10, 2015. This documentation presented the Project APE and a determination that the Project would have an adverse effect due to the proposed removal of the NR-eligible Livingston Avenue Bridge.
- SHPO responded to the recommended effect determination and requested additional information regarding the consideration of alternatives to the demolition of the Livingston Avenue Bridge on April 29, 2015.
- The Finding Documentation was modified to include more information on alternatives considered and was submitted to SHPO on June 17, 2015.
- FRA and NYSDOT met with Bonney Hartley of the Stockbridge-Munsee Community Band of Mohicans to discuss the project and resolve Tribal concerns on June 26, 2015. On November 10, 2015, the Tribe responded that there were no significant cultural concerns with the project and that no further information was necessary.

- NYSDOT and their consulting engineers met with SHPO on August 5, 2015 to review the alternatives and discuss additional alternatives. SHPO requested that additional consideration be given to measures to minimize harm to the Livingston Avenue Bridge, such as retaining or rebuilding components of the bridge.
- On November 10, 2015, NYSDOT submitted to SHPO an Explanation of Alternatives evaluating the additional alternatives and measures to minimize harm requested by SHPO.
- December 2015: SHPO responded via telephone that they would issue comments on the effect determination after a public information session and additional outreach to Consulting Parties. Also, in December 2015, NYSDOT coordinated with the City officials to inquire whether they would like to acquire the structure as a recreational structure.
- May 26, 2017: The FRA invited nine organizations to serve as Section 106 Consulting Parties and six accepted the invitation and expressed interest in attending a public informational meeting. One additional entity subsequently requested Consulting Party status and was approved by FRA.

Area of Potential Effect

At the outset of the environmental review process, a Preliminary Study Area for Cultural Resources was delineated based on the Project design at that stage. A cultural resources reconnaissance-level survey of the Preliminary Study Area was prepared by the New York State Museum (NYSM) in June 2011. The survey report was submitted to SHPO for review and comment and SHPO concurred with the findings of the NYSM survey in a May 2012 response letter.

Based on the comments provided in this letter, NYSDOT concluded that the Project did not have the potential to result in adverse indirect effects on historic properties. Therefore, the APE was delineated to account for potential direct effects resulting from the construction and operation of the Project Alternatives. The APE for the Project was delineated to span the Hudson River between the City of Albany and the City of Rensselaer. It includes all areas that could be directly impacted by the Project Alternatives. In the City of Albany, its western terminus is formed by the Montgomery Street Railroad Bridge. In the City of Rensselaer, the APE extends along the railroad north to Tracy Street and south to Pine Street.

The APE remains the same as it was shown in the Finding Documentation previously sent to SHPO and has been included again for reference.

Identification of Historic Properties and Determinations of Eligibility

As described above, a cultural resources reconnaissance-level survey of the Preliminary Study Area was prepared by the New York State Museum (NYSM) in June 2011. The APE for the project was delineated in 2015 to include a smaller area within the Preliminary Study Area.

Based on the identification of historic properties presented in the Cultural Resources Survey, five historic architectural properties are located in the APE, including (1) the

Livingston Avenue Bridge; (2) the Albany Railroad Viaduct (which includes two bridges in the APE, the Centre Street-Erie Boulevard railroad bridge and the Water Street railroad bridge, and one bridge that is not within the APE, the Montgomery Street railroad bridge); and (3) the Central Warehouse at 143 Montgomery Street and the associated Central Warehouse Spur Bridge.

The Cultural Resources Survey included an archaeological study. The Cultural Resources Survey, which included documentary research and field testing, identified four potentially eligible sites recommended for additional testing if they could not be avoided. These sites are all located outside of the current APE for the Project. Therefore, the APE is not considered sensitive for archaeological resources and no further archaeological study is recommended.

Since the NYSDOT coordinated last with the SHPO in 2015, no additional properties in the APE have become potentially NR-eligible as a result of meeting the National Register age criterion. None of the previously identified historic properties in the APE appear to have changed status since 2015. One property in the original Preliminary Study Area (but outside of the APE) was determined eligible for the State and National Registers of Historic Places (S/NR) by SHPO on March 24, 2020. This property, 102 Colonie Street in Albany, which had been recommended not eligible on the basis of diminished historic integrity in the 2011 cultural resources reconnaissance-level survey, was determined S/NR-eligible under National Register Criterion C as an example of Italianate-style rowhouse architecture, built in the mid-nineteenth century. The property at 102 Colonie Street has now been included in the cultural resources documentation as a historic property.

Summary of Alternatives Considered

FRA and NYSDOT considered a range of different alternatives for repairing, rehabilitating, or replacing the Livingston Avenue Bridge to identify alternatives that would meet the purpose and need and be feasible and reasonable. FRA and NYSDOT considered a number of different alternatives, including a permanent detour using an alternate route, rehabilitation of the bridge, and replacement of the bridge on various alignments. FRA and NYSDOT also considered several different bridge types in the evaluation. In the alternative's evaluation, FRA and NYSDOT determined that discontinuation of a rail crossing between Albany and Rensselaer, repair and rehabilitation of the existing bridge, and replacement of the bridge within the existing bridge footprint would not be reasonable alternatives. FRA and NYSDOT concluded that two Build Alternatives that replace the existing bridge with a new lift bridge either just south or just north of the existing alignment would meet the purpose and need and be feasible and reasonable. The No Action Alternative was also retained for analysis in the EA to serve as a benchmark against which to compare the effects of the two Build Alternatives.

Build Alternative 1 involves the complete replacement of the existing two-track Livingston Avenue Bridge with a new two-track movable bridge on a skewed alignment north of the existing bridge. **Build Alternative 2** involves the complete replacement of

the existing two-track Livingston Avenue Bridge with a new two-track movable bridge located parallel to, and approximately 50 feet south of, the existing bridge. Both of the Build Alternatives would replace the NR-eligible Livingston Avenue Bridge. FRA, in coordination with NYSDOT, has concluded that removal of this resource would constitute an adverse effect under Section 106. Additionally, both Build Alternatives would physically alter the NR-eligible Albany Railroad Viaduct; however, based on FRA and NYSDOT's evaluation, this would not constitute an adverse effect because the alterations would not change the characteristics that make it eligible as a NR property. Additional information regarding proposed changes to the Albany Railroad Viaduct are included in the attached Finding Documentation. Additional information regarding the alternatives considered and minimization measures incorporated into the Project planning are also described in more detail in the Finding Documentation.

Consulting Parties

On behalf of FRA, NYSDOT sent information about the Project, including a copy of the Cultural Resources Survey, to Federally Recognized Indian tribes including the Saint Regis Mohawk Tribe, the Stockbridge Munsee Community Band of Mohicans, and the Delaware Tribe. In 2015, each of the tribes responded and identified that they had no concerns. FRA is concurrently reaching out to the Tribes to reconfirm these responses.

FRA invited organizations to participate in consultation pursuant to Section 106. In May 2017, FRA sent nine organizations invitations to serve as Consulting Parties for the Project's review and five accepted the invitation. An additional organization, the Capital District Transportation Committee, requested and was granted Consulting Party status:

- Arbor Hill Neighborhood Association
- Bridge Line Historical Society
- Capital District Transportation Committee (accepted invitation)
- City of Albany Historian
- City of Rensselaer Historian (accepted invitation)
- Historic Albany Foundation (accepted invitation)
- Livingston Avenue Bridge Coalition (accepted invitation)
- National Railway Historical Society Mohawk and Hudson Chapter (accepted invitation)
- New York Central Historical Society (accepted invitation)
- Partners for Albany Stories.

FRA believes that the list of tribes and Consulting Parties is still relevant to the Project and are not aware of additional parties that should be invited to participate in ongoing Section 106 consultation for the Project.

Concluding Statements

The attached revised Finding Documentation, prepared in accordance with the requirements of 36 CFR Part 800.11, summarizes the Project and its effect on historic properties. This Project proposes to replace the Livingston Avenue Bridge on an

adjacent alignment. **Currently FRA is working with NYSDOT to progress two feasible alternatives.** Based upon previous Section 106 documentation submitted to your office on March 10, 2015 and current documentation, the FRA has applied the Criteria of Effect for this Project, and determined that this undertaking will continue to have an **adverse effect** on the NR-eligible Livingston Avenue Bridge and a **no adverse effect** on the Albany Railroad Viaduct and the Central Warehouse and Central Warehouse Spur Bridge. FRA requests SHPO's concurrence on this determination.

FRA, in coordination with NYSDOT, will develop a draft Memorandum of Agreement (MOA) that identifies measures to avoid, minimize, and/or mitigate the adverse effect on the NR-eligible Livingston Avenue Bridge. FRA will develop the MOA in consultation with SHPO, the ACHP (if participating), tribes (if participating), and other previously identified Consulting Parties.

This correspondence also notifies the SHPO that this Project will comply with Section 4(f) of the United States Department of Transportation Act. If your office concurs with FRA's no adverse effect determination for the Albany Railroad Viaduct, FRA intends to make a *de minimis* impact finding for that historic site in order to comply with Section 4(f) of the U.S. Department of Transportation Act of 1966.

Please note that FRA has authorized NYSDOT to further coordinate with your office on behalf of FRA with respect to this Project. We request that you please copy NYSDOT on your response; a mailing address and email address are provided below. If you have questions or wish to discuss this project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist at (202) 493-0564 or christeen.taniguchi@dot.gov or Mark Jakubiak, NYSDOT Project Manager at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

Sincerely,

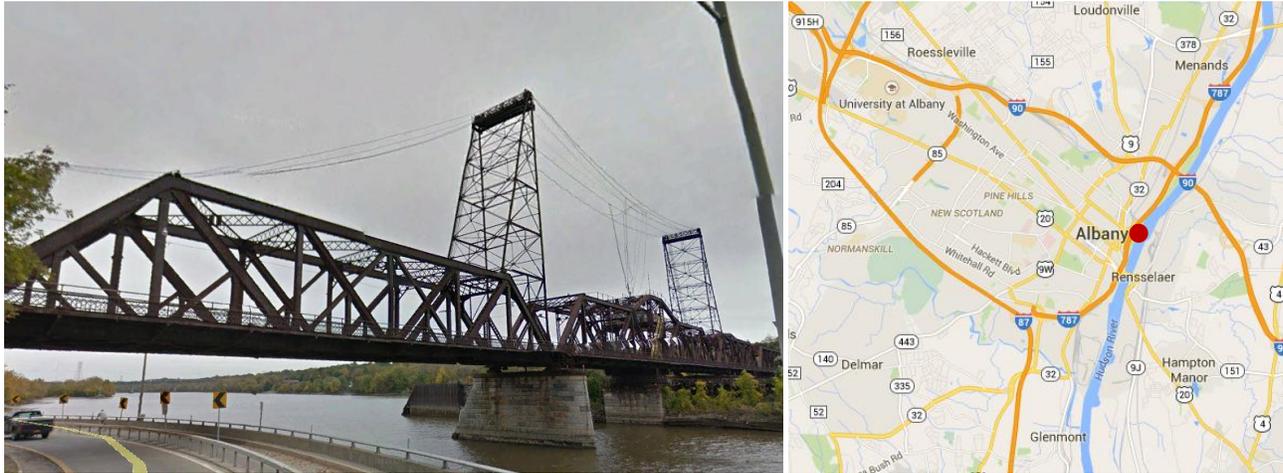


Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development

cc: C. Taniguchi, FRA, EPS
M. Jakubiak, NYSDOT, MO Design
A. Becker, NYSDOT, Region One CRC
M. Santangelo, MO, OOE

Enc: Finding Document (dated August 2020)

FINDING DOCUMENTATION
PIN 1935.49
BIN 7092890
Livingston Avenue Bridge (CSX) over the Hudson River
Bridge Replacement Project
Cities of Albany & Rensselaer
Albany & Rensselaer Counties
August 2020



1. PROJECT DESCRIPTION

a. General Project Description

This **federally funded and federally permitted** project (the Project) proposes to **replace** the 1901, Baltimore Truss, 1272 feet long and 27.8 feet wide, carrying CSX/Amtrak Rail over the Hudson River. This bridge, which has been determined eligible for the National Register of Historic Places (NR), was built for the New York Central Railroad in 1901–1903 by the American Bridge Company. It is the third successive bridge in this location, preceded by an iron truss bridge in 1872-1875 and the original wood truss bridge of 1864–1866. The current bridge was built on the abutments and piers of the original bridge constructed in the 1860s. It consists of a 260-foot-long continuous truss swing span (spans 8-9) and four trusses (spans 5-7, 10) that span the navigable portion of the river, and four plate girder spans (spans 1-4) that connect the bridge to Rensselaer County. The bridge has two sets of tracks. The piers are mortared cut limestone with continuous timber piles. The swing span pivots 90 degrees clockwise to open the navigation channel on each side. The span is operated by electric motors from a control booth positioned in the raised center structure of the truss. Electricity is provided to the booth by wires suspended from steel frame towers at the ends of the adjacent fixed spans.

The bridge is located at Milepost QC 143.1 on the CSX Transportation, Inc. (CSX) Subdivision of the Empire Corridor, which is the principal passenger and freight route in New York State. The U.S. Department of Transportation (USDOT) designated the Empire Corridor as a High Speed Intercity Passenger Rail (HSIPR) corridor in 1998, based on its utility and its potential for future development. The 463-mile Empire Corridor traverses 24 counties from New York City to Niagara Falls and provides for the rail transport of both freight and passengers throughout New York State.

The Livingston Avenue Bridge is located along a navigable portion of the Hudson River. The average number of bridge openings from 2002 to 2009 was 421 per year. The maximum number of openings during this eight-year period was 474 in 2005. The number of openings during the 2008 to 2010 period dropped to 380 or lower per year. The existing vertical clearance underneath the bridge is 25 to 30 feet (depending on the tide). The moveable swing span pivots open to allow for approximately 135-foot vertical clearance from Mean High Water (to overhead cables) for river traffic. Although there are two channels when the bridge is in the open position, only the east channel has a fender system and is used for navigation. When the bridge is in the open position, the east channel provides 100 feet horizontal clearance and the west channel provides 110 feet. The east channel is narrower as a result of the fender system.

The existing Livingston Avenue Bridge has been identified as a contributing factor to rail delays in the movement of freight and passengers throughout New York State. The Project is essential to implementing future rail plans and improving state-wide transport.

The New York State Department of Transportation (NYSDOT) is proposing to replace the existing Livingston Avenue Bridge with a new two-track moveable bridge parallel to the current bridge location and tying in to the existing Empire Corridor tracks in Albany and Rensselaer. Two replacement alternatives are being evaluated, one on a skewed alignment north of the existing bridge (Replacement Alternative 1) and one parallel to and just south of the existing bridge (Replacement Alternative 2). For both replacement alternatives, the new replacement bridge would be constructed alongside the existing bridge and when it is complete and connecting tracks have been tied in to the existing tracks on the east and west sides of the river, train traffic would be shifted to the new bridge and the old bridge and its connecting tracks would be removed. These replacement alternatives are described in more detail below in **“Discussion of Alternatives.”**

b. Area of Potential Effects

A preliminary Area of Potential Effects (APE) was used for the Cultural Resources Survey. The APE has since been considerably reduced by refining the Project alternatives to avoid identified historic properties. The cultural resources APE now reflects the two replacement alternatives under consideration and spans the Hudson River between the City of Albany and the City of Rensselaer. The cultural resources APE includes all areas that could be directly impacted by the Project Alternatives. In the City of Albany, its western terminus is formed by the Montgomery Street Railroad Bridge. The APE encompasses parts of Livingston Avenue, Centre Street, Water Street, and Quay Street under the ramp for Interstate 787 to the Hudson River. In the City of Rensselaer, the APE extends along the railroad north to Tracy Street and south to Pine Street. Please reference the APE mapping attached. Proposed vertical disturbance will be limited to the areas surrounding the new abutments (on either shore) and piers (within the Hudson River) for the replacement alternatives.

c. Project Purpose and Goals and Objectives

The purpose of the Project is to improve reliability and reduce passenger and freight train delays along this segment of the Empire Corridor; achieve (at a minimum) a long-term state-of-good-repair for the bridge; eliminate existing bridge and track deficiencies; and maintain or improve navigation near the bridge. This will ensure that the Livingston Avenue Bridge meets modern passenger and freight rail capacity and load (weight) standards, maintains acceptable levels of safety, and supports the long-term utility and vitality of the Empire Corridor.

NYSDOT has established three Project goals to guide consideration and evaluation of alternatives for the Livingston Avenue Bridge Project. The Project goals, and related objectives that illustrate how those goals can be achieved, are as follows:

Goal 1 – Improve passenger rail operations, service reliability, and operational flexibility.

- Improve the bridge such that it can support simultaneous two-track operation, thereby removing delays to rail traffic.
- Increase operational speeds along the bridge to a minimum of 30 mph.
- Correct all identified track deficiencies to meet current design standards.
- Improve operations by providing a signal system that meets current standards and is consistent with the signal systems recently completed on the two adjacent rail projects (Albany to Schenectady Double Track and Albany-Rensselaer 4th Track projects).
- Ensure consistency with plans for the Empire Corridor and HSIPR program.
- Accomplish Goal 1 in a cost-effective manner.

Goal 2 – Improve the load capacity of the corridor and remove existing structural operational limitations.

- Maintain or improve freight movement across the bridge.
- Provide a river crossing capable of meeting current AREMA live-load standards (Cooper E-80).
- Provide a river crossing with a design life of a minimum of 100 years.
- Provide a river crossing that meets AREMA structural design criteria.
- Provide a river crossing with a track vertical clearance of 23 feet and 14-foot track centers, which will comply with Amtrak standards.
- Provide the geometric clearances required by AREMA, CSX, and Amtrak for dual-track operation.
- Accomplish Goal 2 in a cost-effective manner.

Goal 3 – Minimize conflicts with navigational traffic.

- Provide a river crossing that meets or exceeds existing horizontal navigational clearances.

- Avoid or minimize disruptions to river traffic during bridge construction.
- Avoid or minimize delays to trains or river traffic during bridge operation.
- Accomplish Goal 3 in a cost-effective manner.

d. Existing Condition

The superstructure of the existing bridge was erected in 1901-1903 on a substructure that dates to the 1860s, and the bridge is near the end of its serviceable life. In sum, the superstructure and substructure are in fair to poor condition, including some components with substantial corrosion and several piers that are in critical condition, including piers that have substantial undermining of the timber foundations that support the stone piers. The bridge was not designed for and does not meet modern seismic codes. The mechanical portions of the swing span are significantly worn and require near constant maintenance to remain operable. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and boat traffic.

In addition, the bridge does not meet current design standards related to load, speed, and vertical clearance, and therefore passenger and freight trains operating over the bridge are subject to loading and speed restrictions. The bridge has non-standard vertical and horizontal clearances, which limit the types of carriages and freight that can traverse the span. In addition, the existing track geometry and curves throughout the Project limits are also substandard and do not meet current standards of Amtrak or CSX. The bridge's current deteriorated state further limits train weight and speed on the crossing. As a result, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity.

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition, including some components with substantial corrosion and several piers that are in critical condition, including piers that have substantial undermining of the timber foundations that support the stone piers. As previously stated, the bridge was not designed for and does not meet modern seismic codes.

The mechanical portions of the swing span are significantly worn and require near constant maintenance to remain operable. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable, and long-term reliability of the mechanical and electrical systems is a serious concern. The existing signal and bridge control system dates from the 1960s and is in generally poor condition. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and boat traffic. In recent years, Amtrak has kept a maintenance team on site to address issues with the swing span which has reduced delays associated with malfunctions. Failure of any component of the existing system would cause delays to trains or, if the bridge was stuck or indicated as unable to open, to river traffic.

The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The existing signal and bridge control system dates from the 1960s and is in a generally poor condition. As previously stated, failure of any component of the existing system would cause delays to trains or, if the bridge was stuck or indicated as unable to open, to marine traffic.

In addition, the wye track ("Y" intersection) on the east approach (Rensselaer side) of the Livingston Avenue Bridge further limits rail operations on the bridge. The existing turnout for the north leg of the wye has a sharp curve that does not meet current American Railway Engineering and Maintenance of Way Association (AREMA) standards, and limits speeds across the bridge to 15 mph. The wye tracks operate at a permanent slow condition because they are not signalized. Also, both the north leg and the east leg of the wye track operate at restricted speed due to their poor condition, including areas of wide gauge.

e. Discussion of Alternatives

In the No Action Alternative, the Livingston Avenue Bridge would remain in service as is, with continued routine maintenance and repairs. No major improvements to or replacement of the Livingston Avenue Bridge would be undertaken with the No Action Alternative. The No Action Alternative would not include any changes to the existing track configuration, including the track configuration of the wye to the east of the bridge. The bridge's live load capacity would not be improved, existing geometric deficiencies and vertical and horizontal clearance deficiencies would not be corrected, and the wye at the east approach to the bridge would not be realigned. With these substandard conditions, operations across the bridge would remain limited to single-track operation at 15 mph.

The No Action Alternative would result in the continued deterioration of the structure, resulting in increased maintenance, and eventually could require the structure to be closed to rail traffic. If the bridge were to close in the future, trains would have to cross the Hudson River via an inefficient, longer route. In this case, routes would be longer and trains would either have to bypass the Albany-Rensselaer and Schenectady Stations completely or make circuitous routes to reach them that would add to the required detour. In that situation, passenger trains could be diverted to lower class track and across another Hudson River crossing, the Alfred H. Smith Memorial Bridge, on the CSX Castleton Subdivision, which spans the river between Castleton-on-Hudson and Selkirk. However, this routing would bypass Amtrak's Schenectady and Albany-Rensselaer Stations, which are important station stops for Amtrak (the Albany-Rensselaer Station is the ninth busiest Amtrak station in the country and serves the New York State capital at Albany). To route passenger trains in this manner would likely require new bypass track around the Selkirk Yard to avoid potential conflicts between passenger and freight train traffic. The diversion would increase travel times by roughly 2.5 hours for through passengers on the Empire Corridor due to restricted speeds through the yard and over the Alfred H. Smith Memorial Bridge, and would negatively impact ridership and Amtrak crew availability while requiring additional train sets. The cost of upgrading and placing new track within the existing rail right-of-way would be extensive. This routing would also make connections to CP's Canadian Mainline more difficult, thereby increasing travel times between New York City and points north of Albany, including Montreal and Vermont. For freight rail, this routing does not serve Schenectady, Rensselaer, and other communities currently served by CSX tracks crossing the Livingston Avenue Bridge.

In addition to operational limitations, the No Action Alternative would adversely impact river traffic. Existing horizontal clearance limitations would not be improved. The mechanical features of the swing span would continue to be subject to failure due to age and deterioration, limiting the reliability of the navigational channel.

The No Action Alternative would not meet the purpose and need for the Project or satisfy any of the Project goals and objectives or the programming goals of improving service reliability and operational flexibility, improving the load capacity and reducing the operational limitations, and minimizing conflicts with navigational traffic. While the No Action Alternative would be feasible, it would not be reasonable, as it would not meet the Project's purpose and need and could result in adverse social, economic, and environmental impacts.

Rehabilitation Alternatives

The Rehabilitation Alternative would include improvements to the existing Livingston Avenue Bridge to remove structural and seismic deficiencies. Several levels of rehabilitation were considered, as discussed below:

Rehabilitation of the Existing Bridge (Substructure and Superstructure)

The most extensive form of rehabilitation, providing the greatest structural enhancement, would involve rehabilitation of both the existing bridge's substructure and its superstructure. This alternative would increase load capacity to allow double track operation at 30 mph, as compared to the existing single track at 15 mph, and remove existing structural and seismic deficiencies. However, the horizontal and vertical clearance deficiencies of the existing structure would remain. This extensive rehabilitation would likely extend the design life of the structure by 50 years and would not avoid the need to replace or alter some prominent components of the bridge.

To correct the existing substandard track geometries (i.e., sharp curve) and structural deficiencies, the bridge's four through girder spans on the east side of the structure near Rensselaer could be replaced on a new alignment instead of rehabilitated. In that case, the existing piers supporting the girder spans would be removed and replaced with new substructures as part of this realignment; otherwise, the existing piers would be encapsulated and new steel girders set on top. Retaining the existing deficient geometry would not meet the goal of achieving 30 mph service throughout the Project area.

The existing steel truss superstructure would be repaired and strengthened with the existing stringers (beams on which the track bed is laid), railroad ties, and track replaced. Existing truss gusset plates (the metal plates that connect

the beams and girders to columns in the truss superstructure) may also need to be replaced to provide the strength needed for an increased load capacity. However, because of the design of the bridge's truss sections, strengthening the gusset plates may not be possible. The existing bridge piers (comprising masonry block and timber piles) would be encapsulated with concrete to address rotting and erosion in order to provide adequate structural and seismic capacity. Encapsulation of the piers would narrow an already limited navigational channel.

The bridge abutments would also require reinforced concrete encapsulation or replacement. Replacement of the west abutment would require installation of a temporary support structure, which would result in temporary, or potentially permanent, closure of Quay Street. The existing mechanical and electrical equipment used to operate the swing span are either worn or outdated and would be rehabilitated or replaced to ensure reliable operation for the foreseeable future.

Construction would occur overnight to minimize interruptions to rail and river traffic during rehabilitation of the truss spans and replacement of the girder spans, but short-term closures to traffic would nonetheless be required. Complex and lengthy staging would be required to rehabilitate the bridge while maintaining rail service across the bridge. The truss superstructure repair would have to occur in sections, with the stringers, ties, and track replaced one panel at a time while single-track service continued across the bridge. The existing steel girder spans would be replaced with ballasted deck girder spans constructed off-line and floated or rolled into place as the existing spans are removed. In addition, staged construction of the through-girder spans would be required, with extensive temporary support installed under the existing girder spans to facilitate removal of one track and through girder while the second track and girder remain in service.

This alternative would also include realigning the wye spur line on the east approach to connect to the realigned through girder spans. To correct the non-standard connection to the wye that begins on the bridge, this portion of the alignment would have to be widened, with the wye turnout on a separate bridge structure adjacent to the mainline structure.

Construction of this rehabilitation alternative would have a longer duration than the construction period for the replacement alternative, largely due to the complication of maintaining an active railway while replacing and rehabilitating important structural members of the bridge. This alternative would require more overnight closures, which would have minimal impact on passenger rail service but would require greater coordination with and potential disruption to freight rail services.

While this alternative would allow the existing bridge to remain in place, the need to replace the girder spans, encapsulate the bridge piers, and replace truss components would compromise its historic integrity. In addition, this alternative would not meet the Project goals of removing existing structural operational limitations, minimizing conflicts with river traffic, eliminating track deficiencies, or providing a river crossing with a design life of a minimum of 100 years. Further, the cost to rehabilitate the existing structure would be similar to the cost of replacing the structure. Therefore, although this rehabilitation alternative would be feasible, it would not be reasonable.

Rehabilitation for Passenger Train Service Only

A less extensive rehabilitation alternative that would reduce costs and construction duration in comparison to the full rehabilitation was evaluated. This alternative would increase the load rating of the structure to allow Amtrak service in single-track operation at 30 mph, as compared to 10 mph today. However, the existing vertical and horizontal navigational clearance deficiencies would remain. This rehabilitation would likely extend the design life of the structure by 50 years.

In this rehabilitation alternative, which would address the requirements for passenger trains but not the heavier freight trains, less steel rehabilitation would occur. In addition, this alternative would not replace the through girder spans on the east side of the structure near Rensselaer, but instead would rehabilitate them by encapsulating them and replacing the steel girders on top. While this would allow passenger trains to operate at 30 mph across the bridge, retaining the existing deficient geometry and structural deficiencies in the through girder portion of the bridge and rehabilitating other steel components to meet the demands of passenger trains would not remove the speed and weight limits for freight trains that cross the bridge.

This alternative would allow the existing bridge to remain in place, but the need to replace the girder spans, encapsulate the bridge piers, and replace truss components would compromise its historic integrity. Encapsulation of the piers would also narrow an already limited navigational channel.

In addition, the bridge would no longer support heavy freight rail traffic or simultaneous two track operation. As a result, freight traffic would need to be rerouted, potentially impacting freight routes, impacting established cargo distribution operations, and requiring upgrades to other rail lines and rail crossings.

The cost to rehabilitate the structure under this alternative would be about 95 percent the cost of rehabilitating the bridge for mixed rail traffic, thereby resulting in minimal cost savings. While this alternative would be feasible, it would not be reasonable. It would not meet the Project purpose and need, since it would not improve reliability and reduce freight train delays along this segment of the Empire Corridor or eliminate existing track deficiencies. It would also not meet the Project objectives of maintaining or improving freight movement across the bridge; improving the load rating of the structure to Cooper E-80 freight traffic, supporting simultaneous two-track operation, or providing a river crossing with a design life of a minimum of 100 years. This alternative would also not meet the goal of minimizing conflicts with river traffic. Therefore, although this rehabilitation alternative would be feasible, it would not be reasonable.

Rehabilitation – Superstructure Replacement

This rehabilitation alternative would completely replace the existing deficient superstructure, rather than rehabilitating it, and retain the existing substructure. However, this alternative would require similar substructure retrofits, which, in combination with the superstructure replacement, would cost more than one and a half times greater than the alternative to rehabilitate the bridge completely. Similar to all the rehabilitation alternatives, this alternative would narrow the navigation channel as it passes by the bridge, since the existing bridge piers (comprising masonry block and timber piles) would be encapsulated with concrete to address rotting and erosion in order to provide adequate structural and seismic capacity. This alternative would also completely alter the appearance of the superstructure, which would compromise the historic integrity of the bridge. Superstructure replacement would likely extend the design life of the structure by 50 years.

While this alternative would be feasible, it would not be reasonable, as it would not meet the goal of minimizing conflicts with river traffic or the objectives of eliminating track deficiencies and providing a 100-year design life. The goals and objectives it would meet would not be met in a cost-effective manner.

Rehabilitation – Bridge Repairs

The bridge repairs alternative would repair existing deficiencies and restore the bridge to an as-built condition. The repair would include miscellaneous superstructure repairs, floor system repairs, bridge painting, pier repairs, new steel sheeting around piers for scour prevention, new fenders for pier protection, upgrading electrical, mechanical, and track systems, and safety improvements. However, the bridge's live load capacity would not be improved, existing geometric deficiencies and vertical and horizontal clearance deficiencies would not be corrected, and the wye at the east approach to the bridge would not be realigned. With these substandard conditions, operations across the bridge would remain limited to single-track operation at 15 mph. In addition, the design life of this alternative would be only 15 years.

This alternative would not meet the purpose and need for the Project and would not satisfy the Project goal of improving service reliability and operational flexibility, upgrading the load capacity of the bridge, or the objectives of providing a river crossing with a design life of a minimum of 100 years and eliminating the existing geometric deficiencies. Therefore, although this rehabilitation alternative would be feasible, it would not be reasonable.

Reserve the Bridge for Other Use - Build at a New Location Alternative

Construction of a new crossing on another alignment and retaining the existing bridge in a manner that would preserve its historic integrity would avoid an adverse effect on the Livingston Avenue Bridge. Any replacement alternatives that would tie into existing bridge approaches (i.e., Build Alternatives 1 and 2) would not allow the existing bridge to remain in place, as the existing swing span would not have enough clearance to remain open for river traffic; therefore, a replacement alternative farther away on an alignment with Colonie Street was evaluated. Under this alternative, a new rail crossing and approaches would be constructed approximately 500 feet north of the existing Livingston Avenue Bridge, aligned with Colonie Street in Albany. West of the Hudson River in Albany, the rail line would continue along present-day Colonie Street and tie in with the existing rail line between Montgomery Street and Broadway. On the east side of the Hudson River in Rensselaer, a new wye would be developed about 500 feet north of the existing wye to tie in with the existing north-south rail tracks.

In Albany, this alternative would require new rail right-of-way through a developed urban area, displacing the existing Colonie Street right-of-way, requiring realignment of surrounding streets, and impacting access to properties. The existing street right-of-way would need to be widened to accommodate the dual-track rail right-of-way and adequate safety standards, thereby requiring extensive property acquisition. This alternative would also impact access to publicly accessible recreational facilities such as the existing Mohawk-Hudson Bike-Hike Trail and an existing boat ramp. The Broadway-Colonie Street Railroad Bridge (NR-listed) would be affected, likely resulting in an adverse effect to this historic property. In Rensselaer, the new alignment would require acquisition of vacant forested land, similar to the replacement alternatives.

A similarly removed alignment to the south of the existing bridge would have comparable challenges. West of the Hudson River, this alignment would require the crossing to pass over or through Corning Riverfront Park, potentially impacting the character and access to this park. Similar to the Colonie Street alignment discussed above, this alignment would require displacement of properties and structures within a densely developed urban environment and would be further constrained by piers of the existing Interstate 787-US Route 9 interchange, which limit the ability to tie the new rail alignment to existing rail tracks. East of the Hudson River, this alignment would require realignment of numerous rail tracks in Amtrak's existing rail yard and would complicate tie-in with existing north-south rail tracks and the Albany-Rensselaer Station.

More remote realignments would have potentially extensive environmental impacts. These alignments would not be practical as they would not take advantage of the already established east-west rail right-of-way that serves this heavily traveled freight and passenger rail corridor, thereby requiring substantial property acquisition and substantial additional expenditures. In addition, maintaining the existing bridge would perpetuate existing horizontal and vertical navigational clearance limitations.

In addition, this alternative would not necessarily avoid adverse effects on the historic Livingston Avenue Bridge. Whether the bridge would remain for some other use, such as a pedestrian crossing, or remain as an unused historic monument, it has a number of deteriorated components that would require replacement or rehabilitation to remain in sufficient state of repair. As such, its historic integrity would be compromised. Further, the bridge would need to be transferred to a new owner who would be responsible for maintaining the structure. The U.S. Coast Guard would likely require the swing span to remain in the open position to accommodate boats. This would also limit the practicality of maintaining the bridge for some alternative functional use to cross the Hudson River.

Preservation of the existing Livingston Avenue Bridge would fail to meet the Project objective of improving freight and passenger rail capacity in a cost-effective manner; or the goal of minimizing conflicts with river traffic through improved clearances. It would have greater cost, require substantially more property acquisition, and would have greater environmental, social, and construction impacts. Therefore, although this alternative would be feasible, it would not be reasonable.

Reuse of the Existing Bridge at a New Location

In this alternative, the existing bridge would be deconstructed for re-use at another location. Spans would be removed in their entirety and transportation to a new location and reinstalled. Construction of a new crossing adjacent to the existing alignment as described in the two build alternatives would require the existing bridge to be at least partially removed. The spans would likely be removed in their entirety rather than be demolished, which would allow for any or all of the spans to be transported to a new location and reinstalled. The bridge would be under new ownership, and that new owner would assume the preservation, maintenance, and safety and security costs and responsibilities for the bridge in its new location. NYSDOT has begun an outreach process to determine if there are any parties interested in reusing this bridge at a new location.

Retain a Portion of the Existing Bridge Adjacent to Replacement Bridge

At the request of the State Historic Preservation Office (SHPO), additional measures were considered that would retain a portion of the Livingston Avenue Bridge while constructing a new bridge on an adjacent alignment. In this scenario, the truss spans and piers of the eastern two-thirds of the bridge would be removed and the remaining section of the bridge extending from the Albany shoreline, including the swing span, would be retained in a closed position and could be used as a "wharf" type structure that could be accessible for pedestrian use. The preservation, maintenance, and safety and security costs and responsibilities would need to be assumed by a new bridge owner.

While this alternative would retain the swing span, it could not retain both of the steel frame towers that currently abut the swing span. In this alternative, the east tower of the existing bridge would need to be removed since it is supported by a span with two piers, but the eastern of those piers would need to be removed in this alternative. An eastern pier could not be retained because it would interfere with the new bridge's navigation channel and conflict with the proposed location of a pier for the new bridge. Even if pier locations were modified, the distance between the existing and new piers may cause hydraulic and scour problems for both structures.

In addition, this alternative is not feasible with a replacement alternative that places the new bridge north of the existing bridge (see "**Replacement Alternative 1,**" below) due to the overlap of the existing structure envelope and the proposed structure envelope. If the northern alignment were shifted farther north for to avoid the overlap, this would require additional property acquisition and require replacement of the NR-listed bridges that comprise the Albany Railroad Viaduct.

With a replacement alternative that places the new bridge south of the existing bridge (see "Replacement Alternative 2," below), retention of the western portion of the bridge may be possible, but would complicate maintenance and inspection activities for the new bridge because of its proximity to the old bridge. Further, the existing bridge would need to be modified to prevent pedestrians using the existing bridge from accessing the new bridge or impacting its operations. If retained, the existing bridge would remain within the railroad right-of-way and the owner of the new bridge would need to grant easements to the new owner of the existing bridge to allow access to the bridge and its approaches.

Retention of the western portion of the existing bridge would also be possible under an offline alignment such as the Colonie Street alignment; however, this alternative was found not to be reasonable (see "**Reserve the Bridge for Other Use—Build at a New Location Alternative**").

Overall, retaining a portion of the existing bridge is feasible if a new owner is identified that is willing to take on the responsibility for the bridge. However, given that it would involve removal of two-thirds of the existing bridge and one of its steel-frame towers (or two, to avoid an asymmetrical appearance) and would require modifications to the remaining portion of the bridge for security reasons, this alternative would not avoid an adverse effect on the historic bridge. This alternative would introduce complications related to right-of-way, maintenance, and inspection.

New Bridge on Existing Alignment with Reconstructed Piers Finished in Cut Stone

Also at the request of SHPO, NYSDOT evaluated an alternative in which a replacement bridge is constructed on the existing alignment, with the existing bridge and piers being removed as the replacement bridge is constructed. The piers for the replacement bridge would be constructed beneath the existing bridge and between existing pier locations to facilitate maintenance of rail and boat traffic at all times. The piers for the replacement bridge would reuse stone from the existing piers as a facing. The existing abutments would be replaced in sections and faced with stone from the abutments as they are removed. It would be necessary to modify/ section the existing truss spans prior to removal to facilitate construction, which would in turn reduce their usefulness if the structure were to be relocated and reused (see "**Reuse of the Existing Bridge at a New Location**").

This alternative would not eliminate the adverse effect to the historic property, since it would still remove the existing bridge. It would retain the existing alignment, matching the historic location of the bridge, but the structure in this location would be new. Retaining the existing alignment would not meet the Project objective of increasing operational speeds along the bridge to a minimum of 30 mph, since it would not modify the tight curves at the wye on the Rensselaer approach to the bridge.

Construction under and around the existing bridge and modification of the existing bridge would need to be done in a manner that would maintain rail and boat traffic. This would result in major increases to the construction cost and timeline in comparison to construction of a new bridge on an adjacent alignment. Therefore, although this alternative would be feasible, it would not be reasonable.

Replacement Alternatives

Two replacement alternatives were evaluated, which would replace the existing Livingston Avenue Bridge with a new two-track moveable bridge. Two replacement alternatives are being evaluated, as follows:

- 1. Replacement Alternative 1: Replacement of Existing Bridge with Low-Level Moveable Bridge on a New Northern Alignment**
- 2. Replacement Alternative 2: Replacement of Existing Bridge with Low-Level Moveable Bridge on a New Southern Alignment**

In both replacement alternatives, a new moveable bridge would be constructed adjacent to the existing bridge and when it is complete and connecting tracks have been tied into the existing tracks on the east and west sides of the river, train traffic would be shifted to the new bridge and the old bridge and its connecting tracks would be removed. The new bridge would have two tracks and could accommodate two trains operating across the bridge at the same time, with speeds up to 30 mph.

For both replacement alternatives, it is anticipated that the proposed bridge would consist of a vertical lift span with through-truss and girder approach spans. The specific truss design would be different from the existing bridge, and therefore the new bridge would have a different appearance than the existing bridge. The top of rail elevation would be 2 feet higher than with the existing bridge, to accommodate a deeper floor system while maintaining the same clearance above the water when the bridge is closed. The two towers supporting the lift span would be approximately 145 feet tall above Mean High Water, slightly less than the towers on the existing bridge, with a height of 151.5 feet.

The substructure of the new bridge would consist of piles installed in the river bottom. The piers would be solid reinforced concrete plinths with a steel reinforced pointed edge upstream and downstream to protect the pier against ice and debris. The new piers could be faced with granite similar to the existing stone masonry blocks, to maintain a similar appearance to the existing bridge.

The replacement bridge would have a fully functional shared use path for pedestrians and cyclists that would connect to shared use paths on either side of the bridge. Both replacement alternatives would have a retaining wall along the south side of the railroad embankment in Albany between the river and Water Street to support the sloping shared use path. The retaining wall would be designed to harmonize with the existing landscape.

The new bridge cross section would provide 14-foot track centers and meet both horizontal and vertical clearance standards. The 14-foot track centers across the bridge would also extend west of the new bridge over the Water and Centre Street rail bridges, and would match the track centers on either end of the bridge, where recent rail improvement projects have updated track spacing. The new bridge would correct the existing substandard conditions and meet the standards established by AREMA and Amtrak, CSX, and NYSDOT, with limited exceptions.

With either replacement alternative, the bridges over Water and Centre Streets in Albany would be rehabilitated and reconfigured to accommodate the shift in the track alignment. Both those bridges are NR-eligible as part of the Albany Railroad Viaduct. At each of those bridges, at the bridge abutments the support system for the bridge girders (i.e., the beam seats and girder bearings) would be modified or replaced and several pairs of deck girders (i.e., bridge beams) would be repositioned to support the new alignment. At the Water Street bridge, a set of existing deck girders would be removed to accommodate this shift.

Both bridges have four trackbeds, each supported by a separate pair of girders that spans the street. The two center trackbeds are in use and the two outer trackbeds are not. In addition, a separate viaduct spur just to the north of the Centre Street bridge once provided access into a nearby warehouse building, the Central Warehouse. Under either Build Alternative, the beam seats and girder bearings would be modified or replaced. This would be accomplished by building a temporary support frame in front of the bridge abutments and then replacing the beam seat concrete. Once that is complete, modifications to deck girders would be made, including removing one girder pair from the Water Street bridge and shifting girder pairs on both bridges to shift the track locations. The proposed changes to the deck girders would differ for the two replacement alternatives, since the new track alignment would be different. **Table 1** provides information on the changes at each bridge with the two replacement alternatives.

The proposed modifications are designed to minimize the change in appearance of the bridges. At the Water Street bridge, an interior pair of girders would be removed and an exterior pair would be shifted inward so that the appearance from the street would be maintained. This would leave an exposed portion of the bridge seats on the outside of the bridge abutments but would not otherwise change the appearance of the structure. At the Centre Street bridge, an interior pair of girders would be shifted and the exterior girders would remain unchanged. No alterations to the other three bridges on the west approach would be required.

Table 1. Replacement Alternatives, Modifications to Water and Centre Street Bridges

Location (From North to South)	Description	Modification: Alternative 1 (North Alignment)	Modification: Alternative 2 (South Alignment)
Water Street Bridge			
<i>Northern trackbed (exterior)</i>	<i>Not in use – formerly led to Centre Street spur to Central Warehouse (adjacent to Centre Street bridge)</i>	<i>Shift southward approximately 7 feet to serve main line westbound track</i>	<i>No change</i>
<i>Second trackbed (interior)</i>	<i>Main line westbound track</i>	<i>Remove</i>	<i>Move southward approximately 4 feet</i>
<i>Third trackbed (interior)</i>	<i>Main line eastbound track</i>	<i>Shift tracks slightly on existing structure to serve as main line eastbound track</i>	<i>Remove</i>
<i>Southern trackbed (exterior)</i>	<i>Not in use</i>	<i>No change</i>	<i>Move northward approximately 11 feet to serve main line eastbound track</i>
Centre Street Bridge			
<i>Northern trackbed (exterior)</i>	<i>Not in use – two tracks (spur diverging at this point)</i>	<i>No change</i>	<i>No change</i>
<i>Second trackbed (interior)</i>	<i>Main line westbound track</i>	<i>Shift northward approximately 2 feet</i>	<i>Shift northward approximately 2 feet</i>
<i>Third trackbed (interior)</i>	<i>Main line eastbound track</i>	<i>Shift tracks slightly on existing structure</i>	<i>Shift tracks slightly on existing structure</i>
<i>Southern trackbed (exterior)</i>	<i>Not in use</i>	<i>No change</i>	<i>No change</i>

2. **STEPS TAKEN TO IDENTIFY HISTORIC PROPERTIES**

a. **2011 – PIN 1735.49.171, Cultural Resources Survey Report, Archeological (Volume I, completed April 2011) & Architectural Reconnaissance Survey (Volume II, completed June 2011) by the New York State Museum**

The architectural survey evaluated 145 properties in Cultural Resources Survey limits, including: 17 properties already listed on or determined eligible for listing on the National Register of Historic Places, 10 properties that were newly identified as NR-eligible. Finally, one property, 102 Colonie Street in Albany, which was recommended Not Eligible in the Cultural Resources Survey, was subsequently determined eligible by SHPO on March 24, 2020 (the SHPO eligibility statement is included in **Appendix B**). A list of architectural resources located within the boundaries of the original Cultural Resources Survey study area and the 2015 APE is provided in **Table 2**. Note that the survey limits were greater than needed to construct any of the alternatives. The 2015 APE is a considerable reduction from the survey limits completed in 2011.

As shown in the table and corresponding map, the updated APE includes four historic properties:

- The Livingston Avenue Bridge, a NR-eligible resource. The Baltimore Truss bridge was built in 1901 on the previous Livingston Avenue Bridge piers from 1866. There are 18 cut limestone piers.
- The Albany Railroad Viaduct, a NR-eligible resource. The viaduct includes three bridges, of which two fall within the APE.
- The Central Warehouse and Central Warehouse Spur Bridge, both NR-eligible.

The archeological survey identified four sites recommended for additional testing if not avoided by the proposed alternatives or options. No precontact sites were identified. The four sites, which are not within the updated APE, are shown in **Table 3**.

3. EVALUATION OF PROJECT EFFECT ON IDENTIFIED HISTORIC PROPERTIES

(Please see the attached mapping)

Table 2. Architectural Properties (shaded properties have an effect)

Label	Name	NR-Listed	NR-Eligible	Associated Impacts Alt. 1 North	Associated Impacts Alt. 2 South
1	<i>Boardman & Gray Piano Factory 833 Broadway</i>		X	<i>outside APE</i>	<i>outside APE</i>
2	<i>Church of the Holy Innocents</i>	x		<i>outside APE</i>	<i>outside APE</i>
3	<i>St. Vincent's Orphan Asylum Building 261 N. Pearl St.</i>		x	<i>outside APE</i>	<i>outside APE</i>
4	<i>Broadway-Livingston Avenue Historic District 798-800 Broadway 802-810 Broadway 68-70 Livingston Avenue</i>	x		<i>outside APE</i>	<i>outside APE</i>
5	<i>Broadway-Colonie Street Railroad Bridge Over Broadway and Colonie St.</i>	x		<i>outside APE</i>	<i>outside APE</i>
6	<i>Clinton Avenue Historic District 221-243 Pearl St.</i>	x		<i>outside APE</i>	<i>outside APE</i>
7	<i>Albany Perforated Wrapping Paper Co. Warehouse 37 N. Lansing Street</i>		x	<i>outside APE</i>	<i>outside APE</i>
8	<i>Albany Perforated Wrapping Paper Co. 150 Montgomery St.</i>		x	<i>outside APE</i>	<i>outside APE</i>
9	<i>Montgomery St. Bridge* (Albany Railroad Viaduct)</i>		x	<i>outside APE</i>	<i>outside APE</i>
10	<i>Central Warehouse 143 Montgomery St.</i>		x	<i>avoidance</i>	<i>avoidance</i>
11	<i>Central Warehouse Spur Bridge Adjacent to 143 Montgomery St.</i>		x	<i>avoidance</i>	<i>avoidance</i>
12	<i>Centre St. – Erie Blvd Bridge* (Albany Railroad Viaduct)</i>		x	<i>no adverse effect</i>	<i>no adverse effect</i>
13	<i>Water St. Bridge* (Albany Railroad Viaduct)</i>		x	<i>no adverse effect</i>	<i>no adverse effect</i>
14	<i>Livingston Avenue Bridge Circa 1901-1903, BIN 7092890</i>		x	<i>adverse effect</i>	<i>adverse effect</i>
15	<i>Former Rensselaer County Bank building 810 Broadway</i>		x	<i>outside APE</i>	<i>outside APE</i>
16	<i>Christopher Riley Store -842 Broadway</i>		x	<i>outside APE</i>	<i>outside APE</i>
17	<i>920 Broadway</i>		x	<i>outside APE</i>	<i>outside APE</i>
18	<i>926 Broadway</i>		x	<i>outside APE</i>	<i>outside APE</i>
19	<i>927 Broadway</i>		x	<i>outside APE</i>	<i>outside APE</i>
20	<i>939 Broadway</i>		x	<i>outside APE</i>	<i>outside APE</i>

Label	Name	NR-Listed	NR-Eligible	Associated Impacts Alt. 1 North	Associated Impacts Alt. 2 South
21	943 Broadway		x	outside APE	outside APE
22	1019 Broadway		x	outside APE	outside APE
23	1227 & 1229 Broadway		x	outside APE	outside APE
24	1233 Broadway		x	outside APE	outside APE
25	1237 Broadway		x	outside APE	outside APE
26	1483-1485 Broadway		x	outside APE	outside APE
27	John W. Woods House – 1551 Broadway		x	outside APE	outside APE
28	102 Colonie Street**		x	outside APE	outside APE
* This bridge is a component of the Albany Railroad Viaduct (NR-eligible)					
** This property had been recommended Not Eligible in the 2011 Cultural Resources Survey but was subsequently determined NR-eligible on March 24, 2020 (see Appendix B).					

Table 3. Archeological Sites (see coordinating CRRSR map attached)

Label	Archeological Site	National Register Criteria	Associated Impacts Alt. 1	Associated Impacts Alt. 2
1	Livingston Avenue (Site #1) Albany Co.	Undetermined; Recommended for additional study	outside APE	outside APE
2	Livingston Avenue (Site #2) Rensselaer Co.	Undetermined; Recommended for additional study	outside APE	outside APE
3	Livingston Avenue (Site #3) Rensselaer Co.	Undetermined; Recommended for additional study	outside APE	outside APE
4	Livingston Avenue (Site #4) Rensselaer Co.	Undetermined; Recommended for additional study	outside APE	outside APE

4. BASIS FOR RECOMMENDED PROJECT FINDING

The Livingston Avenue Bridge, **BIN 7092890**, will be removed as part of this Project. FRA, in coordination with NYSDOT, has determined that the proposed bridge replacement alternatives (Alternatives 1 and 2) **will have an adverse effect on the NR-eligible Livingston Avenue Bridge.**

In addition, Alternatives 1 and 2 both include alterations to the Water Street bridge, and the Centre Street bridge, which are both part of the NR-eligible Albany Railroad Viaduct. This work would involve repairing or reconstructing the bridge seat and shifting the bridge girders and rail to accommodate the new bridge alignment merging with the existing alignment on the Water and Centre Street bridges. The Albany Railroad Viaduct was determined eligible under NR Criterion A, important to history, due to the fact that “its various construction episodes [ranging from ca. 1866 to ca. 1947] are associated with the development of early national freight travel and the consolidation and modernization of passenger and freight rail service in the early years of the twentieth century.” Although the proposed changes with Alternatives 1 and 2 would directly affect the Water Street and Centre Street bridges and therefore the Albany Railroad Viaduct as a whole, the change would not constitute an adverse effect. In both alternatives, the

existing fascia girders would be retained (though sometimes shifted along the bridge seat). No new steel would be used. The existing reinforced concrete bridge seats and girder bearing pedestals would be repaired and/or reconstructed to conform to the new alignment of the girders above. The existing reinforced concrete abutments would be retained in their entirety. Some partial depth or surface repairs to the abutments may be necessary based on a full condition inspection of the abutments during final design. Overall, the changes in the appearance of the component bridges and the larger Albany Railroad Viaduct that would result from the proposed alterations would be relatively minor and would not change the characteristics of the viaduct that qualify it for inclusion in the National Register in a manner that would substantially diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

The maximum height of the proposed new bridge (145 feet) would be lower than the maximum height of the existing structure (151.5 feet). Although the design of the new bridge would differ to some extent from that of the existing bridge, the Project would not introduce a new visual, audible, or atmospheric element in the setting of the historic properties in the APE that would be inconsistent with existing conditions. The replacement of the Livingston Avenue Bridge would not result in indirect effects on the other historic properties in the APE (the Albany Railroad Viaduct and the Central Warehouse and Central Warehouse spur bridge).

The archaeological survey identified no archaeologically sensitive areas within the APE. Therefore, no adverse effects on archaeological resources are anticipated.

There are permanent right of way acquisitions proposed for this Project. With the exception of the Livingston Avenue Bridge, the temporary right of way easements proposed for this Project will not adversely affect any NR-eligible or NR-listed properties.

a. Minimization & Mitigation

To reduce and minimize effects on architectural resources, a Construction Protection Plan will identify resources to avoid accidental damage as a result of construction activities and access during the construction stage.

To reduce and minimize effects on the Albany Railroad Viaduct, the modification to the steel girders would reuse the existing girders.

A **Memorandum of Agreement (MOA)** between FRA, NYSDOT, and SHPO will be prepared to capture the measures agreed upon to minimize and mitigate the adverse effect of the Project on the Livingston Avenue Bridge. A draft will be provided following the established adverse effect concurrence in accordance with Protection of Historic Properties, 36 CFR Part 800.6, of the National Historic Preservation Act. As mitigation for this Project's adverse effect, NYSDOT proposes to document the existing (BIN 7092890) structure by means of a **Historic American Engineering Record (HAER)** documentation, together with the creation of educational materials interpreting the history and significance of the Livingston Avenue Bridge for use by local libraries, historical societies, and educational institutions; and interpretive signage along the public walkway or in the Corning Riverfront Park.

Continued coordination between the Federal Railroad Administration (FRA), NYSDOT and SHPO is anticipated through the design phase of the Project.

5. PUBLIC INVOLVEMENT

To date, NYSDOT has made information available to the public and solicited the input of the general public concerning the Project's effect on historic properties as follows:

- On September 30, 2010 a discussion of the Project took place at the offices of the Capital District Transportation Committee (CDTC) that included representatives of the CDTC, Albany County, the City of Rensselaer, the New York Bicycling Coalition, the Capital District Transportation Authority, the City of Albany Engineering and select members of the outreach team. All present were encouraged to provide input into the process.
- On June 22, 2011 representatives of the City of Rensselaer and the City of Albany planning departments met with members of the design team to receive a briefing on the status of the Livingston Avenue Bridge Project and to solicit input.
- On July 6, 2011 the NYSDOT, Director, Office of Major Projects and the NYSDOT, Director, Rail Projects Group briefed the CDTC Planning Committee of the status of projects associated with the High Speed Intercity Passenger Rail Service Development on the Empire Corridor including the Livingston Avenue Bridge Project.
- An Open House was held in Albany, New York on Tuesday, March 4, 2014, from 4-8pm at the Nanofab South Building at the SUNY College of Nanoscale Science and Engineering, 255 Fuller Road, Albany, NY 12203.

- Information is available to the public via the Project Website: <https://www.dot.ny.gov/display/projects/livingstonavebridge>
- NYSDOT and FRA have engaged the Section 106 Consulting Parties to date in the following ways:
 - On behalf of FRA, NYSDOT sent information about the Project, including a copy of the Cultural Resources Survey, to Tribal Historic Preservation Officers (THPOs) for the Saint Regis Mohawk Tribe, the Stockbridge Munsee Community Band of Mohicans, and the Delaware Tribe on February 2, 2015. FRA and NYSDOT met with Bonney Hartley of the Stockbridge-Munsee Community Band of Mohicans to discuss the Project and resolve concerns on June 26, 2015. Each of the THPOs responded and identified that they had no concerns, but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project.
 - FRA invited organizations to participate in consultation pursuant to Section 106. In May 2017, FRA sent nine organizations invitations to serve as Consulting Parties for the Project's review and five accepted the invitation. An additional organization, the CDTC, requested and was granted Consulting Party status. The organizations that were invited and their responses were as follows:
 - Arbor Hill Neighborhood Association (invited, did not respond)
 - Bridge Line Historical Society (invited, did not respond)
 - Capital District Transportation Committee (requested Consulting Party status, approved by FRA)
 - City of Albany Historian (invited, did not respond)
 - City of Rensselaer Historian (invited, accepted invitation)
 - Historic Albany Foundation (invited, accepted invitation)
 - Livingston Avenue Bridge Coalition (invited, accepted invitation)
 - National Railway Historical Society Mohawk and Hudson Chapter (invited, accepted invitation)
 - New York Central Historical Society (invited, accepted invitation)
 - Partners for Albany Stories (invited, did not respond).

Public outreach activities for the Livingston Avenue Bridge Project will continue during the upcoming design phase.

6. ATTACHMENTS

Photos and Photo Key

Location Map & Area of Potential Effect Maps identifying Historic Properties

Preliminary Plans

Correspondence

National Register of Historic Places Resource Evaluation

Location Map

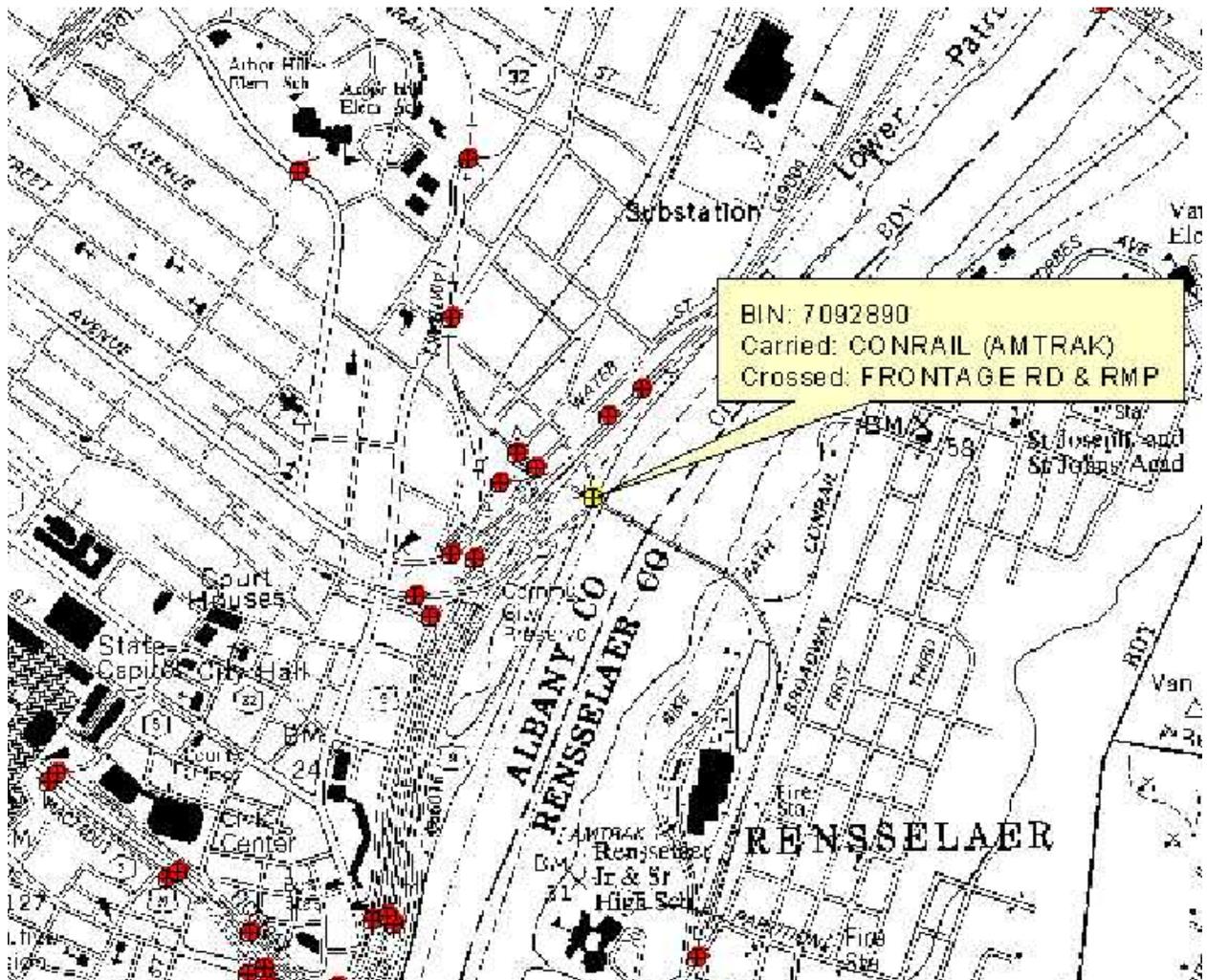




Photo 1 Livingston Avenue Bridge (looking east)



Photo 2 Livingston Avenue Bridge (looking north)

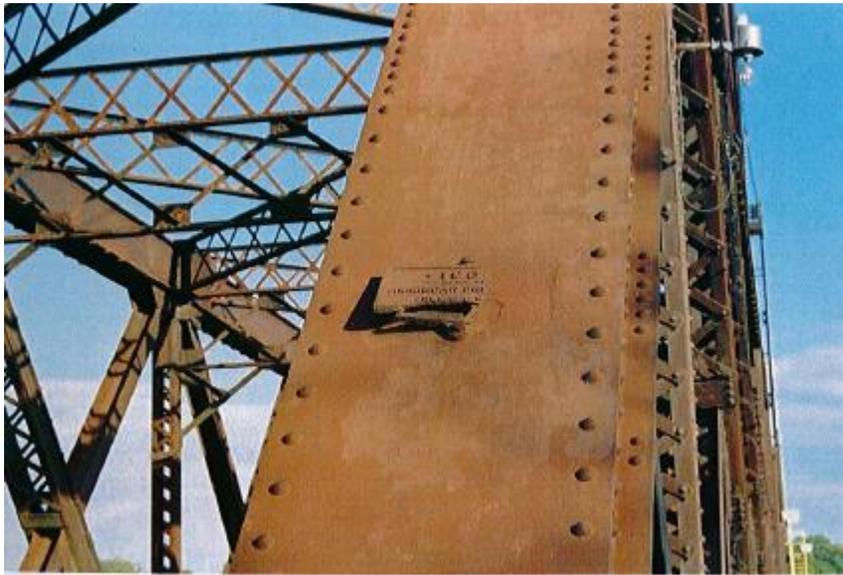


Photo 3 Livingston Avenue Bridge (Southwest end post)



**Photo 4 Livingston Avenue Bridge (Extended pier and cribbing)
Looking south**

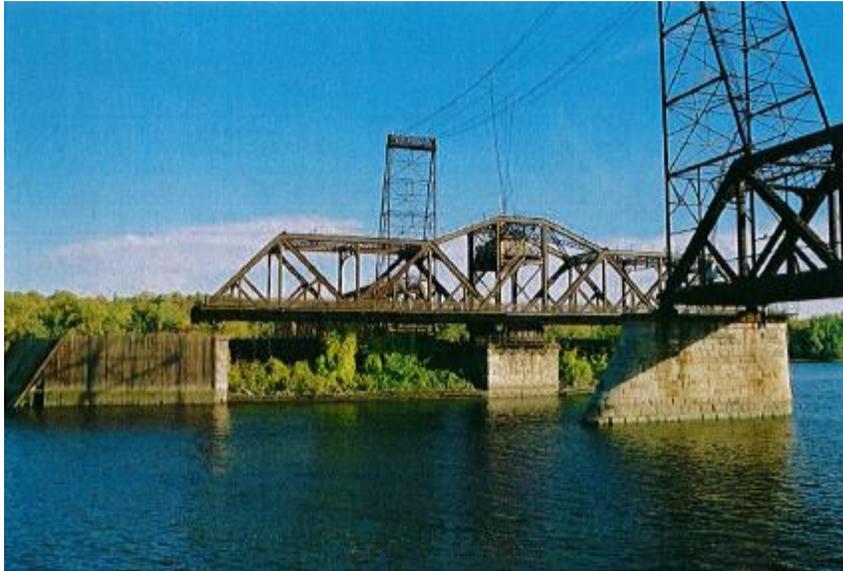


Photo 5 Livingston Avenue Bridge (in swing)

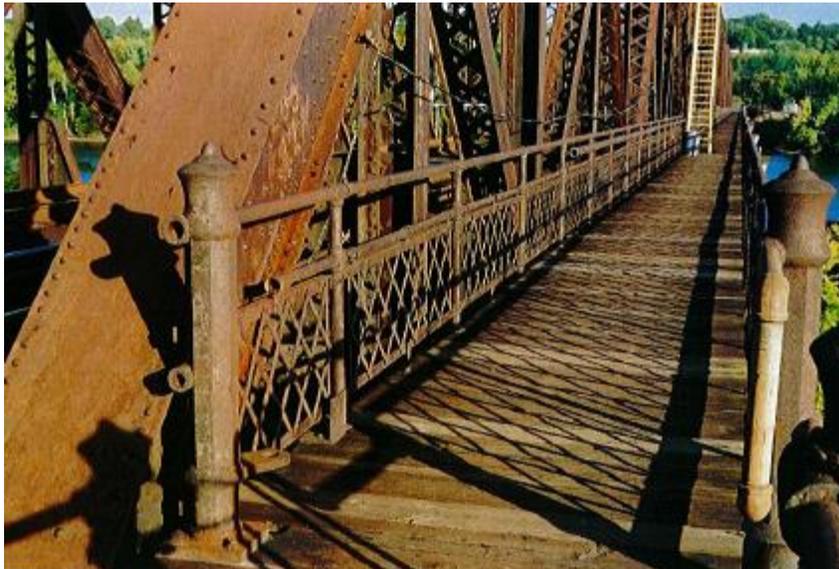


Photo 6 Livingston Avenue Bridge (sidewalk with cast iron railings)



Photo 7 Water Street Bridge (looking south)



Photo 8 Centre Street Bridge (looking north)



**Photo 9 Montgomery Street, Centre Street, and Water Street Bridges
(looking north)**



Photo 10 Livingston Avenue Bridge (looking north)



November 10, 2015

Ms. Ruth L. Pierpont
Director, Historic Preservation
New York State Office of Parks,
Recreation and Historic Preservation
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

**RE: RESPONSE TO ADDITIONAL INFORMATION
REQUESTED FOR THE FINDING
DOCUMENTATION
PIN 1935.49.171
BIN 7092890
Livingston Avenue Bridge over the
Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County
12PR00935**

Dear Ms. Pierpont:

The New York State Department of Transportation (NYSDOT) is in the preliminary design phase for the above referenced federally funded and permitted project. This project proposes to replace the Livingston Avenue Bridge on an adjacent alignment. Attached you will find the additional information requested from SHPO pertaining to the Finding Documentation and prepared in accordance with the requirements of Section 800.11 of 36 CFR Part 800 (Section 106) of the National Historic Preservation Act. This additional information summarizes the project alternatives, costs and the effects on historic properties.

The NYSDOT met with the State Historic Preservation Office (SHPO) on August 5, 2015 to discuss in further detail the alternatives represented in the Finding Document. The details of these alternatives (a. thru g.) are attached for your additional review including a new alternative that examines retaining the existing bridge as a "wharf" as requested by Sloane Bullough of SHPO.

The NYSDOT has carefully considered all of the alternatives and finds the replacement Alternatives 1 & 2 (listed in the attachment as "f") the most prudent and feasible with

the least amount of associative effects to adjacent cultural resources. The NYSDOT has applied the Criteria of Effect for this project and still finds that this undertaking will have an **adverse effect** on the National Register Eligible Livingston Avenue Bridge. The NYSDOT respectfully requests that the SHPO review and respond in within 45 days of receipt of this additional information.

If there are any questions please contact Andrea Becker by telephone at (518) 457-9937 or by email at Andrea.Becker@dot.ny.gov. This document was sent using the CRIS (Cultural Resources Information System). Attached for your review is the Explanation of Alternatives, 8/5/15 Meeting Minutes, and Sloane Bullough's email request.

Sincerely,



Andrea J. Becker
NYSDOT – Region One
Regional Cultural Resources Coordinator

Enclosures: Explanation of Alternatives, 8/5/15 Meeting Minutes, Sloane Bullough's email request

cc: M. Fishburne, Federal Rail A (email)
C. Delorier, Army Corp of Engineers (mail)
C. Bisignano, United States Coast Guard, (mail)
S. Delano, OOE- NYSDOT (email)
M. Jakubiak, Project Manager, MO (email)
📁 Regional Cultural File

Explanation of Alternatives
PIN 173549

a.) Rehabilitation

- ≠ The existing bridge superstructure is 110+ years old and in fair to poor condition based on the last inspection report
- ≠ The existing bridge substructure is 145 years old and in fair to poor condition with areas of critical condition based on 2004 underwater inspection
- ≠ To return the bridge to a fully operable condition, the following work items are required:
 - Replace the majority or completely replace the movable span mechanism
 - Extensive steel repairs and member replacement of the truss spans
 - Replacement of the truss span floor system
 - Strengthening of the existing truss gusset plates if possible
 - Replacement of the east girder span superstructures
 - Current spans are structurally deficient
 - Current track geometry is sub-standard
 - Replacement of existing truss bearings
 - Encapsulation of existing stone masonry piers with reinforced concrete
- ≠ The resulting bridge will have new steel through girders, new wider reinforced concrete piers, the existing truss spans will contain extensive areas of new steel
- ≠ The resulting pier and abutment widening will further reduce sub-standard navigational clearance and stopping site distance on Quay St.
- ≠ Mitigation could include addition of new stone masonry outside of reinforced concrete piers with additional cost.
- ≠ Rehabilitation of the bridge would preclude a full shared use path and only allow for a pedestrian only sidewalk.
- ≠ Rehabilitation would not meet the stated project goals.

COST: REHABILITATION w/ encapsulation of existing piers \$237M
REHABILITATION w/ replacement of existing piers \$269M

b.) Rehab for Passenger train service

- ≠ Similar impacts as the complete rehabilitation except as noted
- ≠ Lighter passenger trains would require a less extensive structural rehabilitation
- ≠ Reduction in the required live load capacity would prohibit freight traffic across the bridge and up the Troy Industrial track and negatively impact Troy/Rensselaer business that rely on the existing industrial track for deliveries.
- ≠ Mitigation efforts would be similar to a full rehabilitation
- ≠ Rehab for Passenger train service would not meet the stated project goals

COST: No cost was calculated because this alternative would not meet the project goal

c.) Rehabilitation of the Superstructure

- ≠ The entire existing superstructure would be replaced
- ≠ The existing substructures would require total encasement with reinforced concrete similar to the rehabilitation alternatives

- ≠ Replacement of the superstructure would significantly alter the appearance of the bridge and likely constitute a use of the bridge

COST: Rehabilitation of Superstructure and replace piers \$307M

d.) Reuse of Existing Bridge, Construction of New RR Bridge on New Alignment at Colonie Street

- ≠ The existing bridge could be reused if the new bridge was constructed on a new alignment offset enough to allow for the existing swing span to remain in the open position
- ≠ This alignment would most feasibly be along Colonie Street
- ≠ The Colonie Street alignment would require a substantial ROW acquisition from multiple property owners. Three National Register Listed (NRL) properties would be affected. Additional Archeological testing would be required.
- ≠ This alignment would also abandon the National Register Listed Albany Railroad Viaduct (Water, and Center Streets, and the NRL bridge over Broadway)
- ≠ Abandoning the original alignment would have an adverse effect on the Albany Railroad Viaduct
- ≠ The existing bridge could remain in place but an owner would have to be found to maintain the bridge including modifications to allow for pedestrian access
 - The cost of preserving the existing bridge to allow for future conversion to a functional pedestrian bridge has been included in the cost
 - The maintenance and security of the existing bridge is estimated to be \$0.75M/Annually
 - The operation cost of the existing bridge under a new owner is estimated to be \$2.0M/Annually
- ≠ The existing swing span would have to remain operational at all times requiring 24 hour staffing and on-going maintenance with additional costs
- ≠ The USCG requires that navigation be maintained at all times so one of the following scenarios is required:
 - The new bridge's navigational opening would have to line up with the existing swing span requiring approval for more dredging and navigational channel alteration from USACE and US Congress
 - The existing bridge would have a span(s) removed to allow for navigation through the proposed replacement alternative opening

COST: Reuse of the Existing Bridge and Construction of New RR Bridge \$405M plus \$0.75M/Year cost to maintain and provide security the bridge and \$2.0M/Year cost to operate the bridge

e.) Relocate Existing Bridge

- ≠ A portion of or the entire bridge could be moved to another location if a suitable location and owner is found
- ≠ The existing piers and abutments could be disassembled and the stacked stone be reused in the same location as the relocated bridge
- ≠ The remainder of the Livingston Avenue Viaduct to the west of the bridge would remain intact
- ≠ The remaining eastern portion of trusses would be removed

- ≠ The cost of relocating the bridge to another location could be borne by the Contractor as a float out/in operation of whole spans is a likely method of construction

COST: The cost to relocate the existing bridge would be upon the new owners

f.) Replacement Alternatives 1 & 2

- ≠ The existing bridge and piers would be entirely removed as both alternatives would require portions of the existing being to be removed to construct and the remaining portions would be a hazard to navigation
- ≠ The existing bridge could be relocated under these replacement alternatives
- ≠ A portion of the bridge could be retained as part of a historical display, showing the different bridges that have used the existing masonry piers and the original Albany Basin that is now the area underneath the viaduct west of the bridge
- ≠ The replacement alternatives along with the Colonie St avoidance alternative are the only alternatives that meet the project objectives to provide a reliable river crossing that allows all types of trains to use the bridge.
- ≠ The southern alternative closely follows the path of the existing viaduct (40' south) and has a no adverse effects to the Albany Railroad Viaduct and would look similar to the existing structure including the center truss

COST: New bridge on North Alignment \$306M

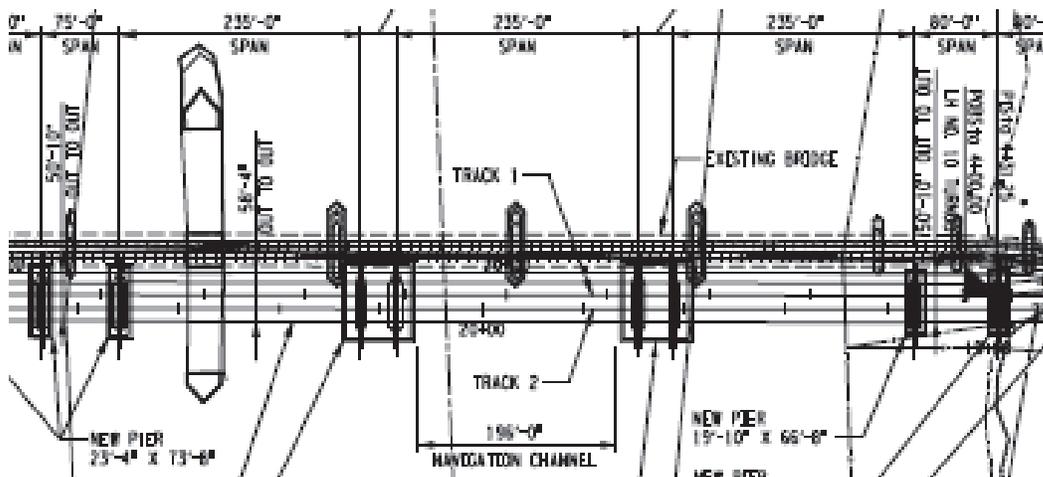
New bridge on South Alignment \$259M

g.) Retain a portion of the existing bridge adjacent to a replacement bridge as a “Wharf”

- ≠ Retain the existing structure in the “closed” position and remove all truss spans and piers on the east two thirds of bridge.
- ≠ All retention options will require a new bridge owner to take responsibility for maintenance, safety and security of the retained portion of the bridge
 - The cost of preserving the existing bridge to allow for future installation of a pedestrian walkway has been included in the cost provided.
 - Associated maintenance, safety and security costs associated with the retaining a portion of the existing bridge is estimated to be \$0.3M/Annually
- ≠ Retention of the western truss span and abutment is not possible under the current North alignment due to the overlap of the existing structure envelope and the proposed structure envelope. The western most existing truss span and half of the abutment have to be removed to construct the new RR bridge abutment.
- ≠ A revised North alignment may be feasible to allow the existing abutment to be retained but would have significant impacts to the Department of State parking lot north of the existing ROW and the Albany Railroad Viaduct (NRL). These bridges would require replacement rather than modification due to the revised alignment. An Additional Cultural Resources Survey would be warranted.
- ≠ Retention of the western portion of the existing bridge may be possible under the current South alignment
 - This retention would receive significant resistance from the replacement bridge owner (CSX/Amtrak) regarding the proximity of the existing span to the new span.
- The proximity of the two structures would make access for maintenance and inspection of both spans very difficult

- An additional pier would need to be built to support the east tower, between pier N and M. The towers are not original but added in the 1940's. The towers are not a standard feature on a typical swing bridge. A new support pier and proposed new pier location would overlap. The east tower would need to be removed to retain the existing bridge as a "wharf" to retain the proposed navigational channel. The plan view below shows the existing piers and proposed pier locations.
- Even if pier locations are modified the distance between the existing piers and new piers may cause hydraulic and scour problems for both structures
- The owner of the new RR bridge will require modifications to the existing bridge to prevent users of the retained bridge to access the new RR bridge or impact RR operations. (This may be a condition of sale of the existing bridge from the RR to the new owner)
- For the existing bridge to remain in place the owner of the new RR bridge would have to grant ROW easements to the new owner of the existing bridge both for the bridge itself and for approach access to the bridge which would be within the existing RR ROW. These easements would be required for all retention scenarios
- ≠ Retention of the western portion of the existing bridge would be possible under an offline alignment such as the Colonie Street alignment. The impacts resulting from this offline alignment are included earlier in this document.

COST: Retain a portion of the existing bridge adjacent to a replacement bridge as a "Wharf" \$291M plus \$0.3M/Year Cost to maintain and provide security for the Wharf.



Southern Alignment (Replacement)

- h.) Reconstructing bridge on existing alignment with reconstructed piers finished in cut stone
- ≠ The existing bridge and piers would be entirely removed as the replacement bridge is constructed
 - ≠ The piers for the replacement bridge would reuse the stone from the existing piers as a facing.
 - ≠ The piers for the replacement bridge would be constructed underneath the existing bridge and between existing pier locations to facilitate maintenance of rail and marine traffic at all times.

- ≠ The existing truss spans would be modified/sectioned prior to removal to facilitate construction reducing their usefulness if the existing structure were to be relocated and reused.
- ≠ The existing abutments would be replaced in sections and faced with stone from the abutments as they are removed.
- ≠ Construction underneath and around the existing bridge and making required modifications to the existing bridge during construction to maintain rail and marine traffic increases the construction cost and timeline over construction along an adjacent alignment.

Cost: Replacement of bridge on existing alignment \$319M

Activities	Alternative Costs (In Millions of Dollars)							
	Rehabilitation - Encapsulation of Existing Piers	Rehabilitation - Replacement of Existing Piers	Rehabilitation of the Superstructure - Replacement of Existing Piers	Replacement of Bridge on Existing Alignment	Replacement of Bridge on Adjacent Alignment to the North	Replacement of Bridge on Adjacent Alignment to the South	Retain a portion of the existing bridge adjacent to a replacement bridge as a "Wharf"	Reuse of the Existing Bridge, Construction of New RR Bridge on New Alignment at Colonie Street
Final Design (10% of Construction)	\$10.18	\$11.65	\$13.39	\$13.97	\$13.36	\$11.17	\$12.67	\$17.76
Construction	\$101.78	\$116.46	\$133.93	\$139.74	\$133.56	\$111.71	\$126.71	\$177.62
Wetland Mitigation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Storm Pollution Discharge Elimination System	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Incidentals (25%)	\$25.45	\$29.12	\$33.48	\$34.94	\$33.39	\$27.93	\$31.68	\$44.40
Subtotal (2015)	\$142.41	\$162.23	\$185.81	\$193.65	\$185.31	\$155.80	\$176.05	\$244.78
Contingencies (15%)	\$21.36	\$24.33	\$27.87	\$29.05	\$27.80	\$23.37	\$26.41	\$36.72
Subtotal (2015)	\$163.77	\$186.56	\$213.68	\$222.70	\$213.11	\$179.17	\$202.46	\$281.50
Potential Field Change Order	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50
Subtotal (2015)	\$167.27	\$190.06	\$217.18	\$226.20	\$216.61	\$182.67	\$205.96	\$285.00
Railroad Force Accounts	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50
Subtotal (2015)	\$170.77	\$193.56	\$220.68	\$229.70	\$220.11	\$186.17	\$209.46	\$288.50
Mobilization (4%)	\$6.83	\$7.74	\$8.83	\$9.19	\$8.80	\$7.45	\$8.38	\$11.54
Subtotal (2015)	\$177.60	\$201.30	\$229.50	\$238.89	\$228.91	\$193.62	\$217.84	\$300.04
Expected Award Amount - Inflated @5%/yr to midpoint of Construction (2019)	\$38.27	\$43.38	\$49.46	\$51.48	\$49.33	\$41.73	\$46.95	\$64.66
Subtotal (2015)	\$215.87	\$244.69	\$278.96	\$290.37	\$278.24	\$235.35	\$264.78	\$364.70
Construction Inspection (10%)	\$21.59	\$24.47	\$27.90	\$29.04	\$27.82	\$23.53	\$26.48	\$36.47
ROW Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.05	\$0.04	\$0.04	\$3.88 *
Total Project Cost	\$237.46	\$269.15	\$306.86	\$319.41	\$306.12	\$258.92	\$291.30	\$405.05

* - ROW Cost Estimated using City of Albany Final Assessment Roll

From: Becker, Andrea (DOT)
To: [Jakubiak, Mark \(DOT\)](#)
Subject: 193549 From Sloane
Date: Monday, August 17, 2015 11:28:00 AM

Please Read what Sloane Requested through the CRIS system. It is asking us to add an additional alternative to the finding doc. Please forward to the consultant. I believe I understand why this alternative would not be feasible but have them email me their reasoning. Thank you

FROM SLOANE on the CRIS system:

Andrea, Thank you for meeting with me and Beth Cumming today regarding the Livingston Avenue Bridge in Albany. We appreciate the explanation of the alternatives analysis that NYSDOT has developed to date. We agree that there are many challenges to saving the bridge, which is one of only two known surviving swing bridges in upstate New York State. As noted during our meeting, the bridge is engineering and visual landmark in the Albany waterfront and we strongly encourage your agency to develop alternative that might preserve the historic resources insitu. After our meeting, Beth and I met with John Bonafide, the Director of Technical Preservation Services to discuss the undertaking. As a result of the meeting we developed another alternative that we would hope that NYS DOT would explore. The idea we discussed was to fix the bridge in the closed position, demolishing the spans from the east end of the swing portion of the bridge to the Rensselaer shore and connect the western end of the bridge to the Corning Preserve. This alternative may solve the issue of having existing Pier M obstruct navigation after the new bridge is built. Because a large portion of the bridge would be demolished, the project would have an adverse effect on the eligible bridge. However, mitigation for the adverse effect would be retaining and making accessible for public use the portion of the bridge described above. We expect that the City of Albany would be asked to take ownership. Hopefully they would agree because they would gain a new pedestrian feature at the Corning Preserve and retain a significant portion of an iconic historic structure that helps residents and visitors understand the industrial region's history. Please contact me at 518-268-2158 or sloane.bullough@parks.ny.gov if you have questions. Sloane Bullough

Andrea J. Becker
Regional Cultural Resources Coordinator

NYSDOT - Region One - Design
50 Wolf Road, Albany, NY 12232
518.457.9937 Andrea.Becker@dot.ny.gov
www.dot.ny.gov

Meeting Minutes

PIN 193549.171

Date of Meeting: August 5, 2015 @ PEEBLES ISLAND

Attendees:

Quentin Johnson, MODJESKI and MASTERS, Inc.

Mark Jakubiak, NYSDOT

Thomas Cole, MODJESKI and MASTERS, Inc.

Andrea Becker, NYSDOT

Sloane Bullough, NYS OPRHP (SHPO)

Beth Cummings, NYS OPRHP (SHPO)

Topics Addressed

a.) Rehabilitation

- The existing bridge superstructure is 110+ years old and in fair to poor condition based on the last inspection report (Load Rated for single track of Cooper E-40 at 15 MPH)
- The existing bridge substructure is 145 years old and in fair to poor condition with areas of critical condition based on 2004 underwater inspection
- To return the bridge to a fully operable condition, the following work items are required:
 - Replace the majority or completely replace the movable span mechanism
 - Extensive steel repairs and member replacement of the truss spans
 - Replacement of the truss span floor system
 - Strengthening of the existing truss gusset plates if possible
 - Replacement of the east girder span superstructures
 - Current spans are structurally deficient
 - Current track geometry is sub-standard
 - Replacement of existing truss bearings
 - Encapsulation of existing stone masonry piers with reinforced concrete
- The resulting bridge will have new steel through girders, new wider reinforced concrete piers, the existing truss spans will contain extensive areas of new steel
- The resulting pier and abutment widening will further reduce sub-standard navigational clearance and stopping site distance on Quay St.
- Mitigation could include addition of new stone masonry outside of reinforced concrete piers.
- Rehabilitation of the bridge would preclude a full shared use path and only allow for a pedestrian only sidewalk.
- Rehabilitation would not meet the stated project goals.

b.) Rehab for Passenger train service

- Similar impacts as the complete rehabilitation except as noted
- Lighter passenger trains would require a less extensive structural rehabilitation
- Reduction in the required live load capacity would prohibit freight traffic across the bridge and up the Troy Industrial track and negatively impact Troy/Rensselaer business that rely on the existing industrial track for deliveries.
- Mitigation efforts would be similar to a full rehabilitation
- Rehab for Passenger train service would not meet the stated project goals

c.) Rehabilitation of the Superstructure

- The entire existing superstructure would be replaced

- The existing substructures would require total encasement with reinforced concrete similar to the rehabilitation alternatives
- Replacement of the superstructure would significantly alter the appearance of the bridge and likely constitute a use of the bridge

d.) Reuse of Existing Bridge

- The existing bridge could be reused if the new bridge was constructed on a new alignment offset enough to allow for the existing swing span to remain in the open position
- This alignment would most feasibly be along Colonie Street
- The Colonie Street alignment would require a substantial ROW acquisition from multiple property owners
- This alignment would also bypass the register eligible bridges over Water and Center Streets, the register eligible bridge over CP Rail and the already listed bridge over Broadway
- The existing bridge could remain in place but an owner would have to be found to maintain the bridge including modifications to allow for pedestrian access
- The existing bridge would continue to deteriorate and likely be deemed a hazard to navigation without substantial repairs
- If left as a historical monument the bridge would require security measures to prevent trespassing
- The USCG and USACE would object to closely spaced bridges with non-aligning piers
- The non-aligning and closely spaced piers can exacerbate hydraulic and scour problems
- The existing swing span would have to remain operational at all times requiring 24 hour staffing and on-going maintenance
- The USCG requires that navigation be maintained at all times so one of the following scenarios is required:
 - The new bridge's navigational opening would have to line up with the existing swing span requiring approval for more dredging and navigational channel alteration from USACE and US Congress
 - The existing bridge would have two spans and a pier removed to allow for navigation through the proposed replacement alternative opening

e.) Relocate Existing Bridge

- A portion of or the entire bridge could be moved to another location if a suitable location is determined
- The existing piers and abutments could be disassembled and the stacked stone be reused in the same location as the relocated bridge
- The remainder of the Livingston Avenue Viaduct to the west of the bridge would remain intact
- The cost of relocating the bridge to another location could be borne by the Contractor as a float out/in operation of whole spans is a likely method of construction

f.) Replacement Alternatives 1 & 2

- The existing bridge and piers would be entirely removed as both alternatives would require portions of the existing being to be removed to construct and the remaining portions would be a hazard to navigation
- The existing bridge could be relocated under these replacement alternatives
- A portion of the bridge could be retained as part of a historical display, showing the different bridges that have used the existing masonry piers and the original Albany Basin that is now the area underneath the viaduct west of the bridge
- The replacement alternatives along with the Colonie St avoidance alternative are the only alternatives that meet the project objectives to provide a reliable river crossing that allows all types of trains to use the bridge

- The North alignment overlaps the existing bridge alignment at the Albany abutment. The existing truss span at the Albany abutment would have to be removed to construct the north alignment
- The South alignment overlaps the existing bridge alignment at the Rensselaer abutment. The existing girder spans nearest the Rensselaer abutment would have to be removed to construct the south alignment
- Having the existing bridge in close proximity to the new bridge, particularly for the South alignment, would impede inspection of the new bridge either with bucket boats or Hi-Rail Under Bridge Inspection Units (UBIU)

General Discussion

Quentin – Summarized the history of the project and objectives completed so far. The draft Environmental Assessment is currently under review by FRA.

Beth – Asks if we have a preferred alternative and states their objective is to keep the bridge.

Andrea – Discusses the past Cultural Resource Surveys completed and the how the boundary of the survey was greater than the now area of potential effect.

Quentin - Responds that we do not have a preferred alternative. Summarizes the capacity deficiencies and what would work to replace to complete a rehabilitation. A rehab would require strengthening and replacing members on the entire floor system and main members, and enlarging upper lateral members for greater clearances. Piers would require encapsulating and would reduce navigation channel. The current hardware (swing mechanics) is out-dated, and hard to find replacement parts. Currently the bridge is locked in the closed position because of a malfunction. A rehab of the existing bridge would not allow for a shared use path because of capacity restrictions but a pedestrian path could remain.

Quentin – Asks if the existing bridge were to remain in place, who would maintain it and keep it operational? The US Coast Guard would have requirements to allow navigation. Quentin discusses the alternative to rehab the existing bridge for passenger use only to compare and evaluate if there was a cost savings. The rehab for passenger only did not show a cost savings. Quentin discusses the relocation of the bridge.

Andrea – Section 4 (f) Evaluation is when we generally advertise the bridge for adoption to an appropriate owner that will keep the integrity of the bridge intact. This would be after the Memorandum of Agreement.

Quentin – Discusses the Colonie Street Alternative (in gold) and although it avoids the existing bridge and to avoid the swing rotation the new bridge would have to be built to the north and would effect 3 historic structures, would require additional archeology, extensive real estate purchases, and abandon 3 other historic bridges on the Albany Railroad Viaduct (NRL)

Beth – States that the new alignment for the Colonie Street Alternative (gold) would be too far away from the original rail alignment and would be a adverse effect on the Albany Railroad Viaduct. Beth suggests comparing the rehabilitation alternative (list alterations) verses the new bridge on a new alignment.

Quentin – Currently the bridge navigational channel is to the west and the replacement alternatives realign the navigational channel to the center of the river. Quentin states that a replacement alternative could be revised to match the existing pier layout and navigational opening if the existing bridge were to remain in service under a different owner. The plan as it stands would not allow boats to travel in a continuous direction with both the existing bridge in the open position and the new navigational channel.

Beth – With all the constraints of the alternatives this will be a case of “minimizing harm”. Beth would like more time to review the history of the corridor and significance of the swing bridge.

Sloane – Reviews questions from a prior phone conversation. How is the construction staging allow for use of the existing bridge to remain during construction of alternatives 1 & 2 (blue and purple) but not after construction?

Quentin – Discusses the construction staging and how the sequencing will require structures floated in over night and set in place for next day use and immediate removal of the existing. Quentin provides sequencing plan sheets.

Beth – Would like additional information on an alternative that reconstructs the existing bridge on the same alignment including the costs to reconstruct the piers (finish with cut stone) rather than encapsulating them. Beth would like more information discussing how to avoid the removal of the existing bridge. If removal is the last resort than how can we minimize harm and retain components of the bridge for reuse or display? Beth asks that we contact the list of concerned parties and ask the counties if they would like to own and maintain the existing bridge.

Quentin – States that the south alternative is only 40' south of the existing and would be very similar to the existing structure. States that reconstructing the bridge in the same location was reviewed several years ago and was found to be cost prohibitive, longer time to construct, and harder to sequence.

Tom - States that the center truss of the proposed south alternative can be made to look like the existing bridge.

Sloane – Suggests contacting the Hudson Mohawk Industrial Gateway group and request if they have additional information about the significance of the railroad and existing bridge.

Mark & Quentin – Both express their concern for requesting the county's interest in owning the bridge since this alternative would require a new bridge in a new location (gold) having a great amount of impacts to 3 historic properties, additional archeology, real estate purchases, environmental justice areas, etc.

Mark – States that NYSDOT has obtained a grant from the FRA to complete preliminary engineering and environmental studies. The avoidance alternatives are estimated at \$250 million dollars and funding has not been identified.

Andrea – Asks for the SHPO “Adverse Effect” concurrence letter from Sloane. Andrea asks if any written information is being requested as an Addendum to the “Finding Document”.

Sloane - States that all alternatives have an outcome of adverse effect and that she will issue the concurrence letter.

Beth – States that no additional information is required and that she will work with Sloane to go over the alternatives and that Andrea should send out an inquiry letter to community groups.

Next Steps:

1. Sloan to write “Adverse Effect” concurrence letter
2. Beth and Sloane to discuss project and review history of the railroad
3. Andrea to contact community groups
4. Mark to contact counties about taking over ownership of the bridge

Please see the follow-up email from Sloane that adds additional information to these minutes.



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

April 29, 2015

Ms. Andrea Becker
Regional Cultural Resources Coordinator
NYS DOT, Region 1
50 Wolf Road
POD 2-3
Albany, NY 12232

Re: FRA
Livingston Avenue Railroad Bridge Replacement
Over Hudson between Albany & Rensselaer
Albany and Rensselaer Counties
12PR00935

Dear Ms. Becker:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials 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 (New York Environmental Conservation Law Article 8).

The report adequately documents that the historic bridge is not able to provide what is needed to support the needs of the high speed train that is planned. However, as you know from our phone discussion today, we are interested in what alternatives to demolition are being explored. The following alternatives, along with any others your office can identify, need to be explored in order for us to continue our review.

1. Can the bridge be physically altered to meet the needs of the program?
2. Can a new use be found for the bridge if the bridge cannot be altered?

Please submit an alternatives analysis report for our review.

If I can be of further assistance, please contact me at 518-268-2158. This is a new phone number.

Sincerely,

Sloane Bullough
Historic Sites Restoration Coordinator

via e-mail only

Division for Historic Preservation



Department of Transportation

ANDREW M. CUOMO
Governor

JOAN McDONALD
Commissioner

SAM ZHOU, P.E.
Regional Director

March 10, 2015

Ms. Ruth L. Pierpont
Director, Historic Preservation
New York State Office of Parks,
Recreation and Historic Preservation
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

RE: **FINDING DOCUMENTATION**
PIN 1935.49.171
BIN 7092890
Livingston Avenue Bridge over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County
12PR00935

Dear Ms. Pierpont:

The New York State Department of Transportation (NYSDOT) is in the preliminary design phase for the above referenced federally funded and permitted project. The attached Finding Documentation, prepared in accordance with the requirements of Section 800.11 of 36 CFR Part 800 (Section 106) of the National Historic Preservation Act, summarizes the project and its effect on historic properties. This project proposes to replace the Livingston Avenue Bridge on an adjacent alignment. Currently NYSDOT is progressing two feasible alternatives.

The NYSDOT has applied the Criteria of Effect for this project and finds that this undertaking will have an **adverse effect** on the National Register Eligible Livingston Avenue Bridge. The NYSDOT respectfully requests that the State Historic Preservation Officer (SHPO) review and respond in within 45 days of receipt of this finding.

If there are any questions or additional information required please contact Andrea Becker by telephone at (518) 457-9937 or by email at Andrea.Becker@dot.ny.gov. This document was sent using the CRIS (Cultural Resources Information System). Attached for your review are the finding documentation, mapping, project photos, and preliminary project plan sheets.

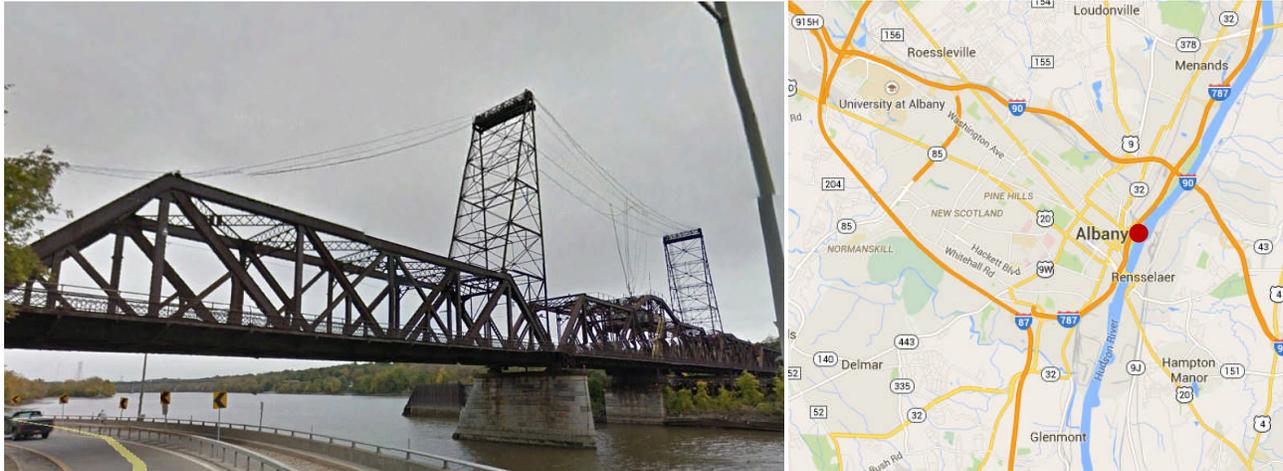
Sincerely,

Andrea J. Becker
NYSDOT - Region One
Regional Cultural Resources Coordinator

Enclosures: Finding Documentation, Attachments, & Concurrence from the St. Regis Mohawk and Delaware Tribe

cc: M. Fishburne, FRA (email)
C. Delorier, Army Corp of Engineers (mail)
S. Delano, OOE- NYSDOT (email)
M. Jakubiak, Project Manager, MO (email)
 Regional Cultural File

FINDING DOCUMENTATION
PIN 1935.49.171
BIN 7092890
Livingston Avenue Bridge (CSX) over the Hudson River
Bridge Replacement Project
City of Albany & Rensselaer
Albany & Rensselaer County



1. PROJECT DESCRIPTION

a. General Project Description

This **federally funded and federally permitted** project designed to **replace** the 1901, Baltimore Truss, 1272 feet long and 27.8 feet wide, carrying CSX/Amtrak Rail over the Hudson River. This bridge consists of a 260 foot continuous truss swing span (spans 8-9) and four trusses (spans 5-7, 10) that span the navigable portion of the river, and four plate girder spans (spans 1-4) that connect the bridge to Rensselaer county. The bridge has two sets of track.

The bridge is located at Milepost QC 143.1 on the CSX Transportation, Inc. (CSX) Subdivision of the Empire Corridor, which is the principal passenger and freight route in New York State. USDOT designated the Empire Corridor as a High Speed Intercity Passenger Rail (HSIPR) corridor in 1998, based on its utility and its potential for future development. The 463-mile Empire Corridor traverses 24 counties from New York City to Niagara Falls and provides for the rail transport of both freight and passengers throughout New York State.

The Livingston Avenue Bridge is located along a navigable portion of the Hudson River. The average number of bridge openings from 2002 to 2009 was 421 per year. The maximum number of openings during this eight-year period was 474 in 2005. The number of openings during the 2008 to 2010 period dropped to 380 or lower per year. The existing vertical clearance underneath the bridge is 25 to 30 feet (depending on the tide). The moveable swing span pivots open to allow for approximately 135-foot vertical clearance from Mean High Water (to overhead cables) for maritime traffic. Although there are two channels when the bridge is in the open position, only the east channel has a fender system and is used for navigation. When the bridge is in the open position, the east channel provides 100 feet horizontal clearance and the west channel provides 110 feet. The east channel is narrower as a result of the fender system.

The existing Livingston Avenue Bridge has been identified as a contributing factor to rail delays in the movement of freight and passengers throughout New York State. The project is essential to implementing future rail plans and improving state-wide transport.

b. Area of Potential Effect

The Cultural Resources Survey limit included a broad area in order to be inclusive of the (area of potential effect) APE. The project APE has since been developed by refining the project alternatives and avoidance of identified

historic properties. The APE includes Alternative 1A, 1B, 2A, and 2B and spans the Hudson River between the City of Albany and the City of Rensselaer. In the City of Albany, the APE extends approximately 500 feet from the centerline of the railroad tracks at the shoreline and reduces to the rail width approximately 900' west. In the City of Rensselaer, the APE extends from Tracy Street south to Pine Street, a distance of approximately 2,300 feet with Broadway as the approximate eastern boundary and the 800' of Hudson River shore as the western boundary. The APE in Rensselaer is approximately 200 feet from the centerline of the railroad tracks. Please reference the APE mapping attached. Proposed vertical disturbance will be limited to the areas surrounding the new abutments (on either shore) and piers (within the Hudson River) for this proposed bridge.

c. Project Objectives

Three goals have been established for the Livingston Avenue Bridge project. As the project progresses, the project will develop specific objectives to further define the goals and provide specific and measurable means by which to evaluate project alternatives. The project goals are as follows:

Goal 1 – Improve passenger rail operations, service reliability, and operational flexibility.

- Improve the bridge such that it can support simultaneous two-track operation, thereby removing delays to rail traffic.
- Increase operational speeds along the bridge to a minimum of 30 mph.
- Correct all identified track deficiencies to meet current design standards.
- Improve operations by providing a signal system that meets current standards and is consistent with the signal systems proposed on the two adjacent rail projects (Double Track and Albany-Rensselaer Amtrak Station).
- Accomplish this goal in a cost-effective manner.
- Ensure consistency with plans for the Empire Corridor and HSIPR program.

Goal 2 – Improve the load capacity of the corridor and remove existing structural operational limitations.

- Maintain or improve freight movement across the bridge.
- Provide a river crossing capable of carrying AREMA-recommended E-80 freight loading.
- Provide a river crossing with a design life of a minimum of 75 years.
- Provide a river crossing that meets AREMA structural design criteria.
- Provide the geometric clearances required by AREMA, CSX, and Amtrak for dual track operation.
- Accomplish this goal in a cost-effective manner.

Goal 3 – Minimize conflicts with navigational traffic.

- Provide a river crossing that meets or exceeds existing horizontal navigational clearances.
- Avoid or minimize disruptions to marine traffic during bridge construction.
- Avoid or minimize delays to trains or marine vessels during bridge operation.
- Accomplish this goal in a cost-effective manner.

d. Existing Condition

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is near the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Since the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components are operating, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in

the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

Two separate rail projects that are currently in the design phase are located adjacent to the Livingston Avenue Bridge: (1) the Albany to Schenectady Double Track project and (2) the Albany-Rensselaer Station 4th Track project. Both projects are being progressed by NYSDOT with USDOT funding. The signal system throughout the corridor will be replaced under these two projects with the exception of the bridge signals and controls. The existing signal and bridge control system dates from the 1960's and is in a generally poor condition. While the control panel in the bridge operator's house will be replaced as part of the adjacent rail projects, the portion of the existing panel that controls the bridge operation will have to remain until the Livingston Avenue Bridge project is completed and the bridge controls are replaced. Failure of any component of the existing system would cause delays to trains or, if the bridge was stuck or indicated as unable to open, to marine traffic.

The wye track ("Y" intersection) on the east approach (Rensselaer side) of the Livingston Avenue Bridge serves two functions. The first is to provide access for eastbound freight trains to the spur line track that heads north to Troy (via the north leg of the wye). A second function of the wye is to provide Amtrak the ability to turn around northbound trains arriving at the Albany-Rensselaer Amtrak Station from the south. The existing turnout for the north leg of the wye does not meet current AREMA standards, and limits speeds across the bridge to 15 mph. The wye switch will be addressed as a part of the Livingston Avenue Bridge project to provide standard track speed and alignment as well as electronic control of the switch.

e. Discussion of Alternatives

Null or No-Build (no-action): The No Action Alternative assumes the existing structure would remain in its unimproved state and only minimal maintenance would be performed. The "No Action Alternative" serves as a basis to compare the build alternatives. It is anticipated that this scenario would result in the eventual closure of the bridge.

Rehabilitation

Since the bridge is near the end of its serviceable life, the rehabilitation alternative was deemed infeasible. Rehabilitation of the existing structure would require significant strengthening and alterations in order to meet the project goals and objectives, and would not be cost-effective.

Alternative 1: Replacement of existing bridge with low-level moveable bridge on a new northern alignment.

Option A: Tapering Track to Center

Under this option, the track centerline spacing would match the proposed 14-foot track center spacing at the east project limit, carry 14 foot rail across the new bridge, and then taper to match the existing track spacing as rapidly as possible. On the Water Street Bridge, which is a component of the Albany Railroad Viaduct, the northern interior set of steel members would be shifted by north to approximately 1 foot 7 inches. No alterations to the National Register eligible Centre Street Bridge or the other bridges that comprise the Albany Railroad Viaduct would be required. The proposed changes would directly affect the Water Street Bridge and therefore the Albany Railroad Viaduct as a whole. The changes would not constitute an adverse effect because no character-defining features would be altered or removed from the component bridge and the physical changes to the structure would be minor. No noticeable changes in the appearance of the component bridge or the larger Viaduct would result from the proposed alterations. The alterations would not change the characteristics of the Viaduct that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Option B: Fourteen-Foot Track Center

Under this option, the 14-foot track center spacing would be carried to the west project limit. On the Water Street Bridge, which is a contributing component of the viaduct, the north interior set of steel members would be removed

and the north exterior set of steel members would be shifted south by south to approximately 7 feet and 3 inches. The following alterations to the Centre Street Bridge, which is also a component of the National Register eligible Albany Railroad Viaduct, would be required: the north interior set of steel members would be shifted by north to 1 foot and 4 inches. The bridge seats and the bearings of the bridges would be modified or replaced. To minimize the change in appearance of the bridges, each of which currently contains four sets of steel members, an interior set would be removed and an exterior set would be shifted inward. This would leave an exposed portion of the bridge seats on the outside of the bridges but would not otherwise change the appearance of the structures. Although the proposed changes would directly affect the Water Street Bridge and the Centre Street Bridge, and therefore the Albany Railroad Viaduct as a whole the proposed changes under the fourteen foot track center option would be more extensive than those proposed under the tapering track center option. Although a set of steel members would be removed from the Centre Street Bridge and steel members would be shifted on both the Water Street and Centre Street bridges, the changes in the overall appearance of the component bridges and the larger Viaduct that would result from the proposed alterations would be minimal. The changes would not constitute an adverse effect because no character-defining features would be altered or removed from the component bridge and the physical changes to the structure would be minor.

Alternative 2: Replacement of existing bridge with low-level moveable bridge on a new southern alignment.

Option A: Tapering Track Center

Under this option, the track centerline spacing would match the proposed 14-foot track center spacing at the east project limit, carry 14 feet across the new bridge, and then taper to match the existing track spacing as rapidly as possible. Under the tapering track center option for Alternative 2, the following alterations to the National Register eligible Albany Railroad Viaduct would be required. On the Water Street Bridge, which is a component of the viaduct, the south interior set of steel members would be eliminated, the south exterior set of members would be shifted approximately 6 foot and 6 inches north, and the north interior set of steel member would be shifted approximately 4 feet and 5 inches south. No alterations to the National Register eligible Centre Street Bridge or the other bridges that comprise the National Register eligible viaduct would be required. The proposed changes would directly affect the Water Street Bridge and therefore the Albany Railroad Viaduct as a whole. The changes would not constitute an adverse effect because no character-defining features would be altered or removed from the component bridge and the physical changes to the structure would be minor. The physical changes to the structure would be relatively minor. Changes in the appearance of the component bridge and the larger Viaduct that would result from the proposed alterations would be minimal.

Option B: Fourteen-Foot Track Center

Under this option, the 14-foot track center spacing would be carried to the west project limit upstream of the bridge. Under the fourteen-foot track center option for Alternative 2, the following alterations to the National Register eligible Albany Railroad Viaduct would be required. On the Water Street Bridge, which is a component of the Viaduct, the southern interior girder pair would be eliminated, the south exterior girder pair would be shifted approximately 6 feet and 6 inches north, and the north interior girder pair would be shifted approximately 3 feet and 7 inches south. The following alterations to the Centre Street Bridge, which is also a component of the Viaduct, would be required: the north interior girder pair would be shifted by approximately 1 foot 5 inches north. The beam seats and the girder bearings of the bridges would be modified or replaced. To minimize the change in appearance of the bridges, each of which currently contains four girder pairs, an interior pair would be removed and an exterior pair would be shifted inward. This would leave an exposed portion of the bridge seats on the outside of the bridges but would not otherwise change the appearance of the structures. Although the proposed changes would directly affect the Water Street and Centre Street bridges and therefore the Albany Railroad Viaduct as a whole, the change would not constitute an adverse effect. Changes in the appearance of the component bridges and the larger Viaduct that would result from the proposed alterations would be relatively minor and would not change the characteristics of the Viaduct that qualify it for inclusion in the National Register in a manner that would substantially diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

Summary of girder changes to Water and Centre Street Bridges - Albany Railroad Viaduct

Bridge, year built	Alternative 1 Option A	Alternative 1 Option B	Alternative 2 Option A	Alternative 2 Option B
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<i>Water Street 1948</i>	<i>North 1'-7"</i>	<i>South 7'-3"</i>	<i>North 6'-6"</i>	<i>North 6'-6"/ South 3'-7"</i>
<i>Centre Street 1928</i>	<i>No shifting</i>	<i>North 1'-4"</i>	<i>South 4'-5"</i>	<i>North 1'-5"</i>

The replacement alternatives involve the complete replacement of the existing bridge using barges to float-in/float-out or other roll-in/roll-out span replacement sequence where the proposed structure interferes with the existing structure. For both replacement alternatives, it is anticipated that the proposed bridge would consist of a vertical lift span with through-truss and girder approach spans. Consideration has been given to relocating the moveable span from its current position within the navigation channel. Careful consideration is also being given to fully functional pedestrian walkway that would connect to shared use paths on either side of the bridge.

2. STEPS TAKEN TO IDENTIFY HISTORIC PROPERTIES

2011 – PIN 1735.49.171, Cultural Resources Survey Report, Archeological (Volume I, completed April 2011) & Architectural Reconnaissance Survey (Volume II, completed June 2011) by the New York State Museum.

The archeological survey identified 4 sites recommended for additional testing if not avoided by the proposed alternatives or options. No prehistoric sites were identified.

The architectural survey identified 145 properties in survey limits, including: 35 properties already on the National Register of Historic Places, 10 properties that were newly identified as National Register eligible, and 1 National Register eligible property directly impacted by the project, the Livingston Avenue Bridge. The bridge was built in 1901, as a Baltimore Truss, built on the previous Livingston Ave Bridge piers from 1866. There are 18 cut limestone piers.

Note that the survey limits were greater than needed to construct any of the alternatives. The new updated APE is a considerable reduction from the survey limits.

3. EVALUATION OF PROJECT IMPACT ON IDENTIFIED HISTORIC PROPERTIES

(Please see the attached mapping)

Table 1. Architectural Properties (shaded properties have an effect)

label	Name	NRL	NRE	Associated Impacts Alt. 1 North	Associated Impacts Alt. 2 South
1	<i>Boardman & Gray Piano Factory 833 Broadway</i>		x	<i>outside APE</i>	<i>outside APE</i>
2	<i>Church of the Holy Innocents</i>	x		<i>outside APE</i>	<i>outside APE</i>
3	<i>St. Vincent's Orphan Asylum Building 261 N. Pearl St.</i>		x	<i>outside APE</i>	<i>outside APE</i>
4	<i>Broadway-Livingston Avenue Historic District 798-800 Broadway 802-810 Broadway 68-70 Livingston Avenue</i>	x		<i>outside APE</i>	<i>outside APE</i>
5	<i>Broadway-Colonie Street Railroad Bridge Over Broadway and Colonie St.</i>	x		<i>no adverse effect</i>	<i>no adverse effect</i>
6	<i>Clinton Avenue Historic District 221-243 Pearl St.</i>	x		<i>outside APE</i>	<i>outside APE</i>
7	<i>Albany Perforated Wrapping Paper Co. Warehouse 37 N. Lansing Street</i>		x	<i>outside APE</i>	<i>outside APE</i>
8	<i>Albany Perforated Wrapping Paper Co. 150 Montgomery St.</i>		x	<i>outside APE</i>	<i>outside APE</i>

9	Montgomery St. Bridge Albany Railroad Viaduct		x	no adverse effect	no adverse effect
10	Central Warehouse 143 Montgomery St.		x	avoidance	avoidance
11	Central Warehouse Spur Bridge Adjacent to 143 Montgomery St.		x	avoidance	avoidance
12	Centre St. - Erie Blvd Bridge Albany Railroad Viaduct		x	no adverse effect	no adverse effect
13	Water St. Albany Railroad Viaduct		x	no adverse effect	no adverse effect
14	Livingston Avenue Bridge Circa 1901-1903, BIN 7092890		x	adverse effect	adverse effect
15	Former Rensselaer County Bank building 810 Broadway		x	outside APE	outside APE
16	Christopher Riley Store -842 Broadway		x	outside APE	outside APE
17	920 Broadway		x	outside APE	outside APE
18	926 Broadway		x	outside APE	outside APE
19	927 Broadway		x	outside APE	outside APE
20	939 Broadway		x	outside APE	outside APE
21	943 Broadway		x	outside APE	outside APE
22	1019 Broadway		x	outside APE	outside APE
23	1227 & 1229 Broadway		x	outside APE	outside APE
24	1233 Broadway		x	outside APE	outside APE
25	1237 Broadway		x	outside APE	outside APE
26	1483-1485 Broadway		x	outside APE	outside APE
27	John W. Woods House - 1551 Broadway		x	outside APE	outside APE

Table 2 Archeological Sites (see coordinating CRRSR map attached)

label	Archeological Site	National Register Criteria	Associated Impacts Alt. 1	Associated Impacts Alt. 2
1	Livingston Avenue (Site #1) Albany Co.	Undetermined; Recommended for additional study	outside APE	outside APE
2	Livingston Avenue (Site #2) Rensselaer Co.	Undetermined; Recommended for additional study	outside APE	outside APE
3	Livingston Avenue (Site #3) Rensselaer Co.	Undetermined; Recommended for	outside APE	outside APE

		<i>additional study</i>		
4	<i>Livingston Avenue (Site #4) Rensselaer Co.</i>	<i>Undetermined; Recommended for additional study</i>	<i>outside APE</i>	<i>outside APE</i>

4. BASIS FOR RECOMMENDED PROJECT FINDING

The Livingston Avenue Bridge, BIN 7092890, will be removed as part of this project. NYSDOT has determined Alternatives 1A, 1B, 2A, and 2B all propose bridge replacement alternatives **that will have an adverse effect on the historic bridge Livingston Avenue Bridge**. Alterations to the Water Street Bridge, 1948 thru girder bridge, and the Centre Street Bridge, a 1928 thru truss bridge, are proposed in Alternatives 1A, 1B, 2A, and 2B. This work would involve shifting the bridge seat, steel members and rail to accommodate the new bridge alignment merging with the existing alignment on the Water & Centre Street Bridges. The Water Street & Centre Street bridges are part of the National Register Eligible Albany Railroad Viaduct. The Albany Railroad Viaduct was determined eligible under NR Criterion A, important to history, due to the fact that “its various construction episodes [ranging from ca. 1866 to ca. 1947] are associated with the development of early national freight travel and the consolidation and modernization of passenger and freight rail service in the early years of the twentieth century.” Alternatives 1A, 1B, 2A, and 2B each include small alterations to the Water Street and/or Centre Street bridges to accommodate track placement. Although the proposed changes would directly affect the Water Street and Centre Street bridges and therefore the Albany Railroad Viaduct as a whole, the change would not constitute an adverse effect. The existing fascia girders will always be retained (though sometimes shifted along the bridge seat). No new steel will be used. The existing reinforced concrete bridge seats and girder bearing pedestals will be repaired and/or reconstructed to conform to the new alignment of the steel members above. The existing reinforced concrete abutments will be retained in their entirety. Some partial depth or surface repairs to the abutments may be necessary based on a full condition inspection of the abutments during final design. Overall the changes in the appearance of the component bridges and the larger Albany Railroad Viaduct that would result from the proposed alterations would be relatively minor and would not change the characteristics of the Viaduct that qualify it for inclusion in the National Register in a manner that would substantially diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

The maximum height of the proposed new Livingston Ave bridge (145 feet) would be lower than the maximum height of the existing structure (151.5 feet). Although the design of the new bridge would differ to some extent from that of the existing bridge, the proposed project would not introduce a new visual, audible, or atmospheric element in the setting of the historic properties in the APE that would be inconsistent with existing conditions. In terms of the potential for indirect effects on other architectural resources in the APE, NYSDOT recommends that the replacement of the National Register Eligible Livingston Avenue Bridge would not affect the character-defining features of other architectural resources in Albany or Rensselaer and therefore the proposed project would have no adverse indirect effects on architectural resources (excluding the Livingston Avenue Bridge).

A pedestrian walkway on the bridge is proposed and would connect to a shared use path (SUP). The SUP alternatives can be found in the attached plan sheets. None of the SUP alternatives will affect archeology or historic properties either listed or eligible for the National Register.

NYSDOT anticipates that none of the four archeological sites identified will be impacted by either alternative proposed to replace the bridge. To protect and minimize impacts on historic properties archeological sites within the project APE NYSDOT will clearly mark the plan sheets, including fencing and protected areas the contractor adhering to conditions in the field to best avoid historic properties inside or adjacent to the project boundary. (Please note that the location of the Livingston Ave Site #1 is incorrectly located in CRIS).

There are permanent right of way acquisitions proposed for this project. With the exception of the Livingston Avenue Bridge, the temporary right of way easements proposed for this project will not adversely impact any national register eligible or listed properties.

Minimization & Mitigation

To reduce and minimize effects on architectural and archeological resources, a Construction Protection Plan would identify resources to avoid accidental damage as a result of construction activities and access during the construction stage. This will include marking the plan sheets with the sensitive areas and using protective fencing during construction to delineate area not to be disturbed. NYSDOT shall include in the Contract Documents the proposed location of the temporary plastic barrier fence. Signage on fencing shall read "Protected Area Keep Out". Archeological sites shall not be used for construction staging or contractors vehicles.

To reduce and minimize effects on the Albany Railroad Viaduct, the modification to the steel girders will reuse the existing girders.

As mitigation for this project's adverse effect, NYSDOT proposes to document the existing (BIN 7092890) structure by means of a **Historic American Engineering Record (HAER)** documentation that will be requested by NYSDOT after the concurrence of this adverse effect determination by the SHPO. The creation of educational materials interpreting the history and significance of the Livingston Avenue Bridge for use by local libraries, historical societies, and educational institutions; and interpretive signage along the public walkway or in the Corning Preserve is also warranted.

Continued coordination between FRA, NYSDOT and SHPO is anticipated through the design phase of the project.

Furthermore, a **Memorandum of Agreement (MOA)** between Federal Rail Administration, NYSDOT, and SHPO-OPRHP is required to outline the mitigation measures and will be provided following the established adverse effect concurrence in accordance with Protection of Historic Properties 36 CFR Part 800.6 of the National Historic Preservation Act.

A **Section 4(f) Evaluation** for the historic bridge will be written in accordance with the USDOT Act for the project's adverse effects on cultural resources and coordinated with the Federal Rail Administration.

5. PUBLIC INVOLVEMENT

Outreach to several interested groups has already taken place:

- On September 30, 2010 a discussion of the project took place at the offices of the Capital District Transportation Committee (CDTC) that included representatives of the CDTC, Albany County, the City of Rensselaer, the New York Bicycling Coalition, the Capital District Transportation Authority, the City of Albany Engineering and select members of the outreach team. All present were encouraged to provide input into the process.
- On June 22, 2011 representatives of the City of Rensselaer and the City of Albany planning departments met with members of the design team to receive a briefing on the status of the Livingston Avenue Bridge project and to solicit input.
- On July 6, 2011 the NYSDOT, Director, Office of Major Projects and the NYSDOT, Director, Rail Projects Group briefed the CDTC Planning Committee of the status of projects associated with the High Speed Intercity Passenger Rail Service Development on the Empire Corridor including the Livingston Avenue Bridge project.
- An Open House was held in Albany, New York on Tuesday, March 4, 2014, from 4-8pm at the Nanofab South Building at the SUNY College of Nanoscale Science and Engineering, 255 Fuller Road, Albany, NY 12203.

Project Website: <https://www.dot.ny.gov/display/projects/livingstonavebridge>

Public outreach activities for the Livingston Avenue Bridge will continue during the upcoming design phase.

6. ATTACHMENTS

Photos and Photo Key

Location Map & Area of Potential Effect Maps

Preliminary Plans

Location Map



Photo 1 Livingston Avenue Bridge (looking east)



Photo 2 Livingston Avenue Bridge (looking north)



Photo 3 Livingston Avenue Bridge (Southwest end post)



**Photo 4 Livingston Avenue Bridge (Extended pier and cribbing)
Looking south**



Photo 5 Livingston Avenue Bridge (in swing)

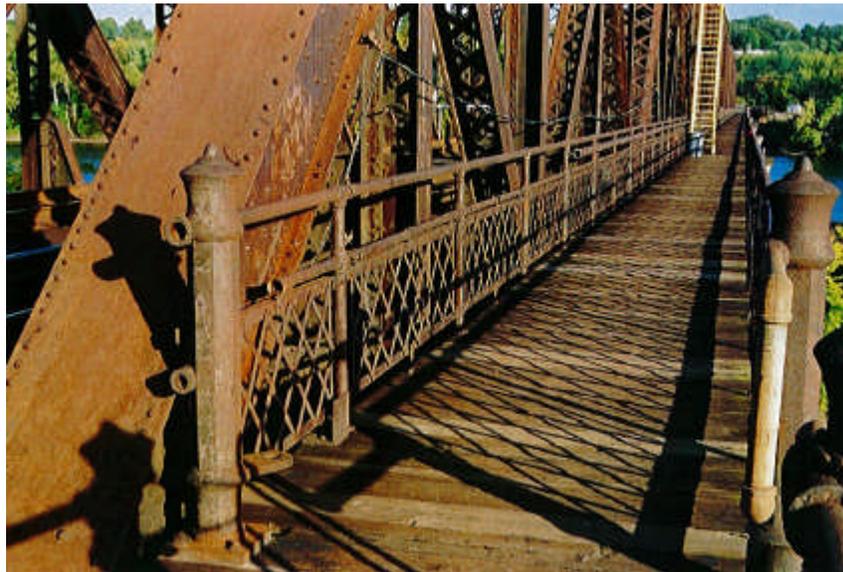


Photo 6 Livingston Avenue Bridge (sidewalk with cast iron railings)



Photo 7 Water Street Bridge (looking south)



Photo 8 Centre Street Bridge (looking north)



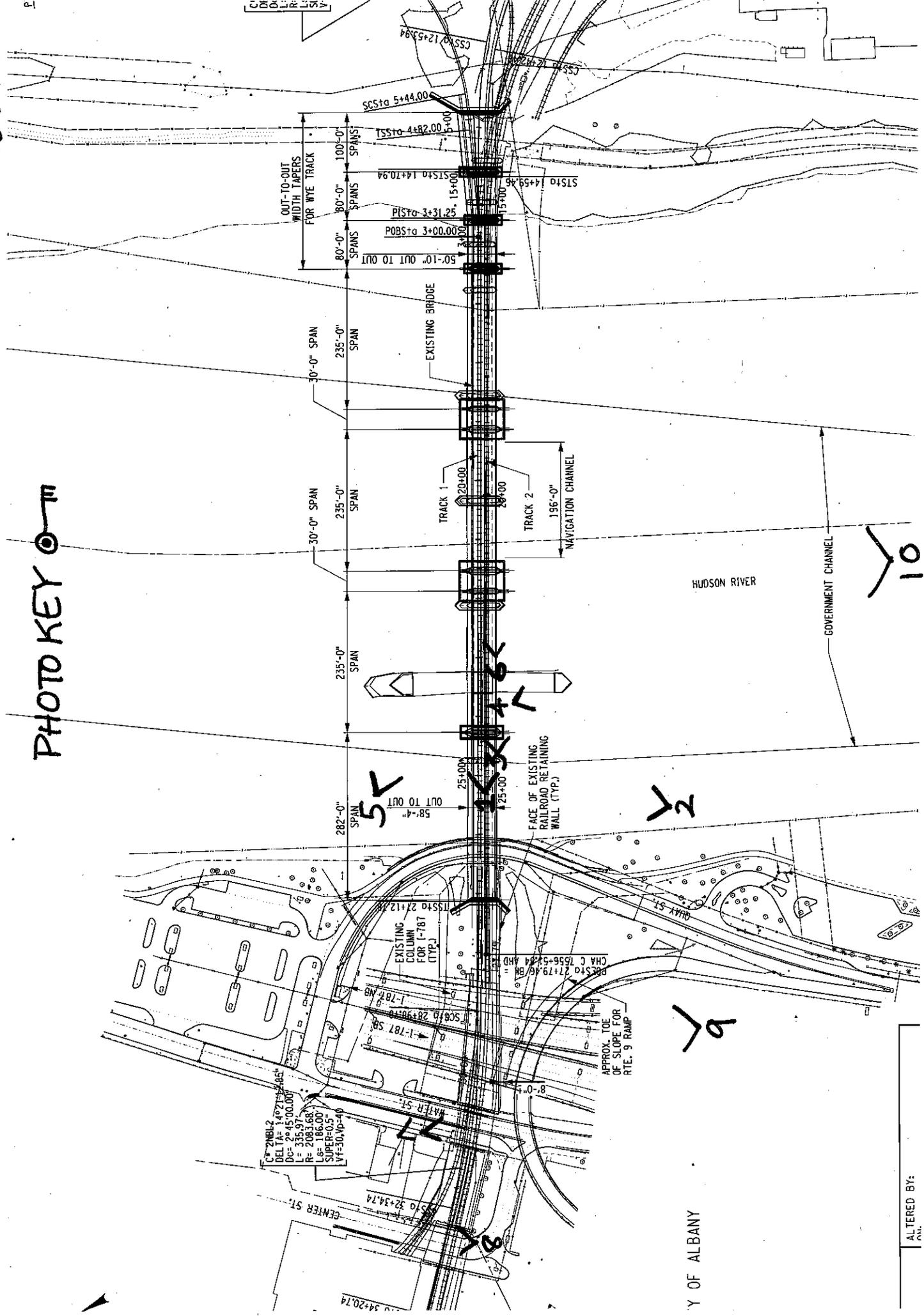
Photo 9 West side



Photo 10 Bridge

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PHOTO KEY



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 $R = 2083.68$
 $Ls = 186.00$
 $SUPER = 0.5$
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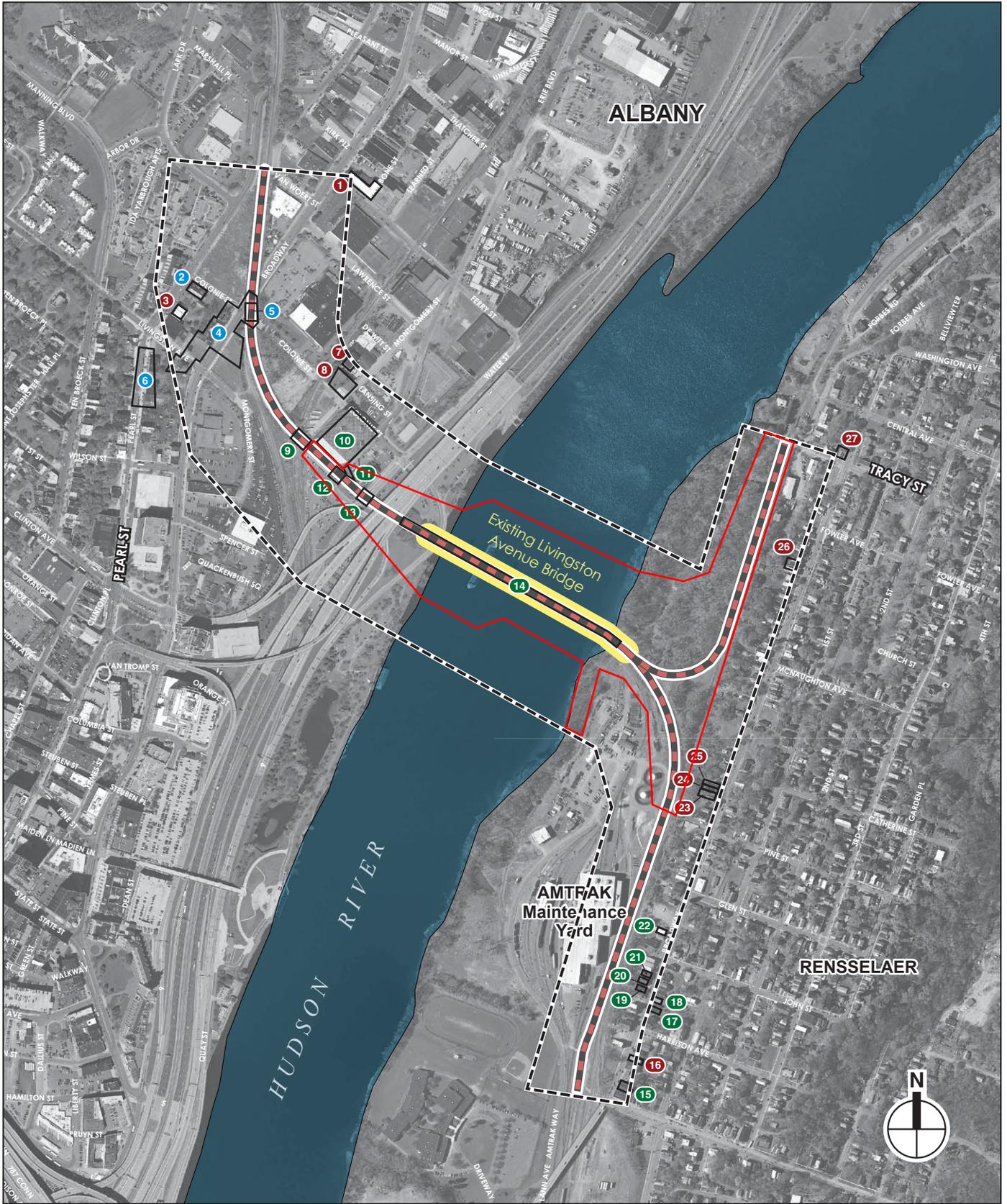
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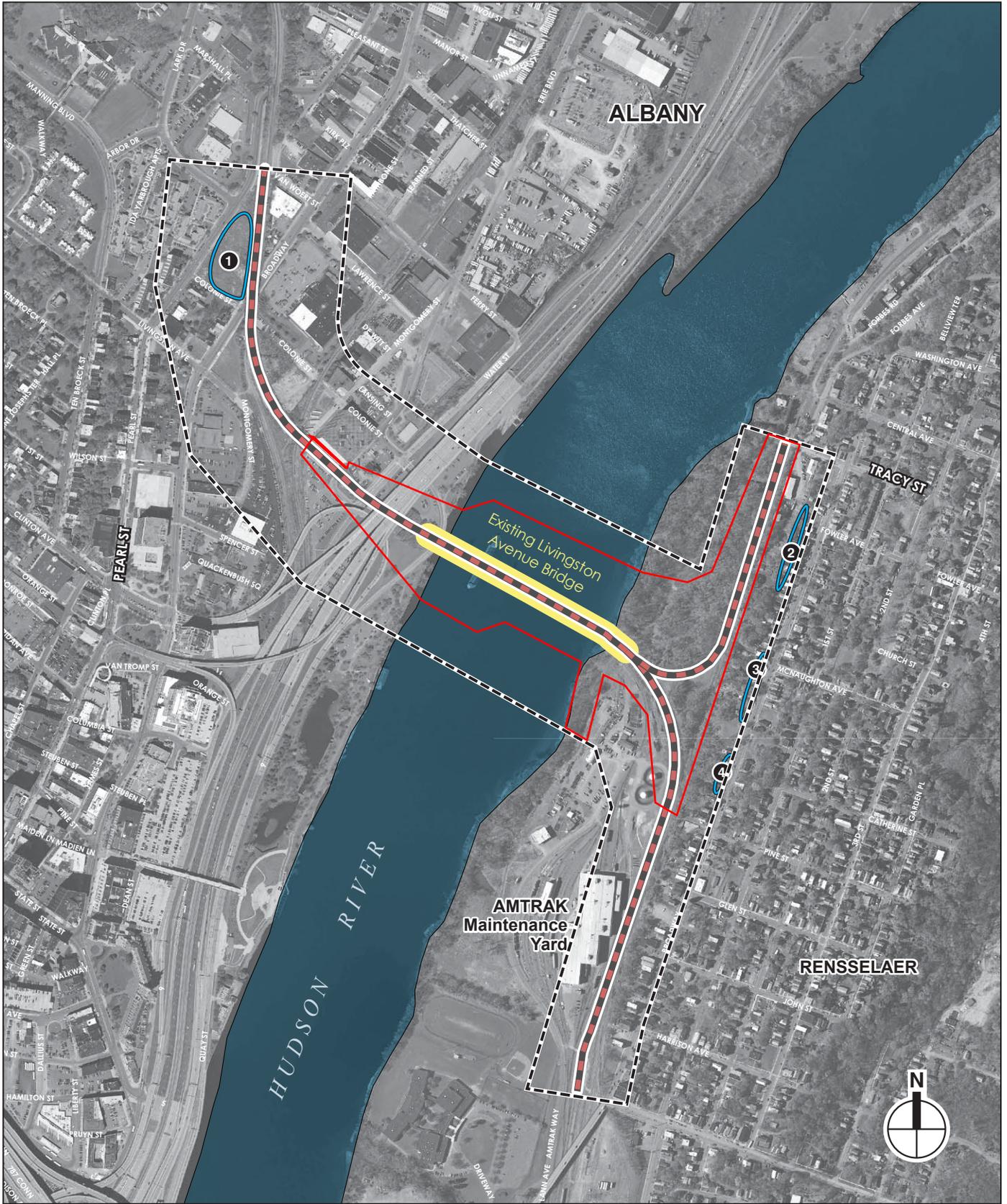
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- Project Site
- APE CRS
- updated APE
- 1 Potentially Eligible
- 4 S/NR Listed
- 9 S/NR Eligible

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SCALE



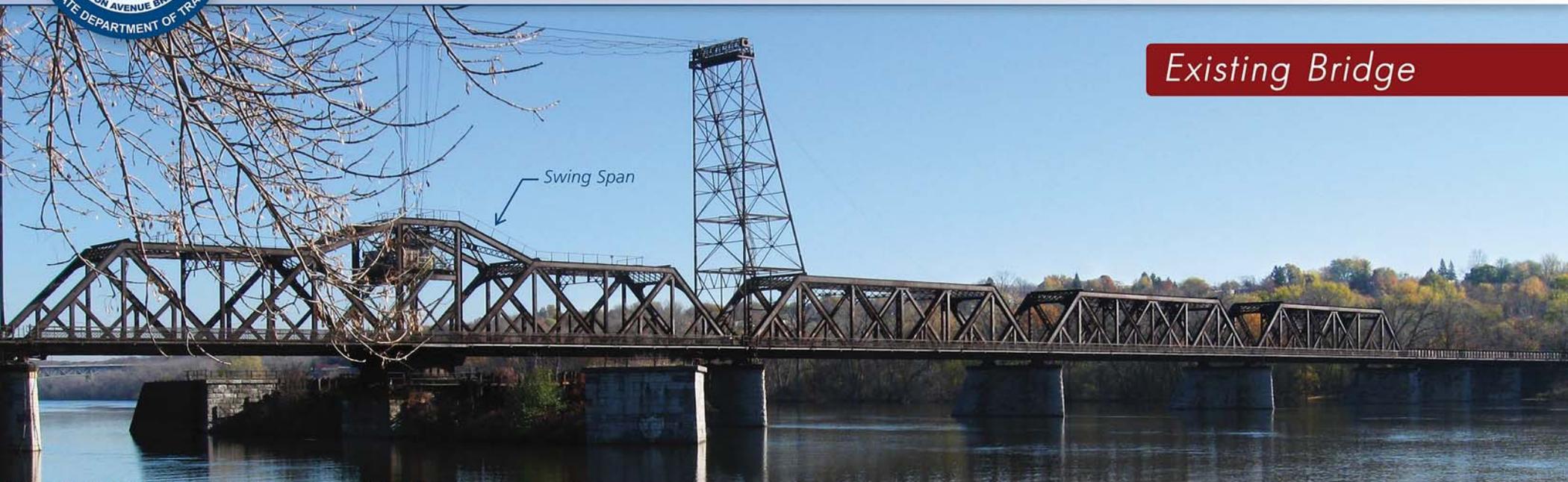
-  Project Site
-  UPDATED APE
-  APE CRS
-  Approximate Locations of Archaeological Sites

0 500 1000 FEET
SCALE



What A Replacement Bridge Could Look Like

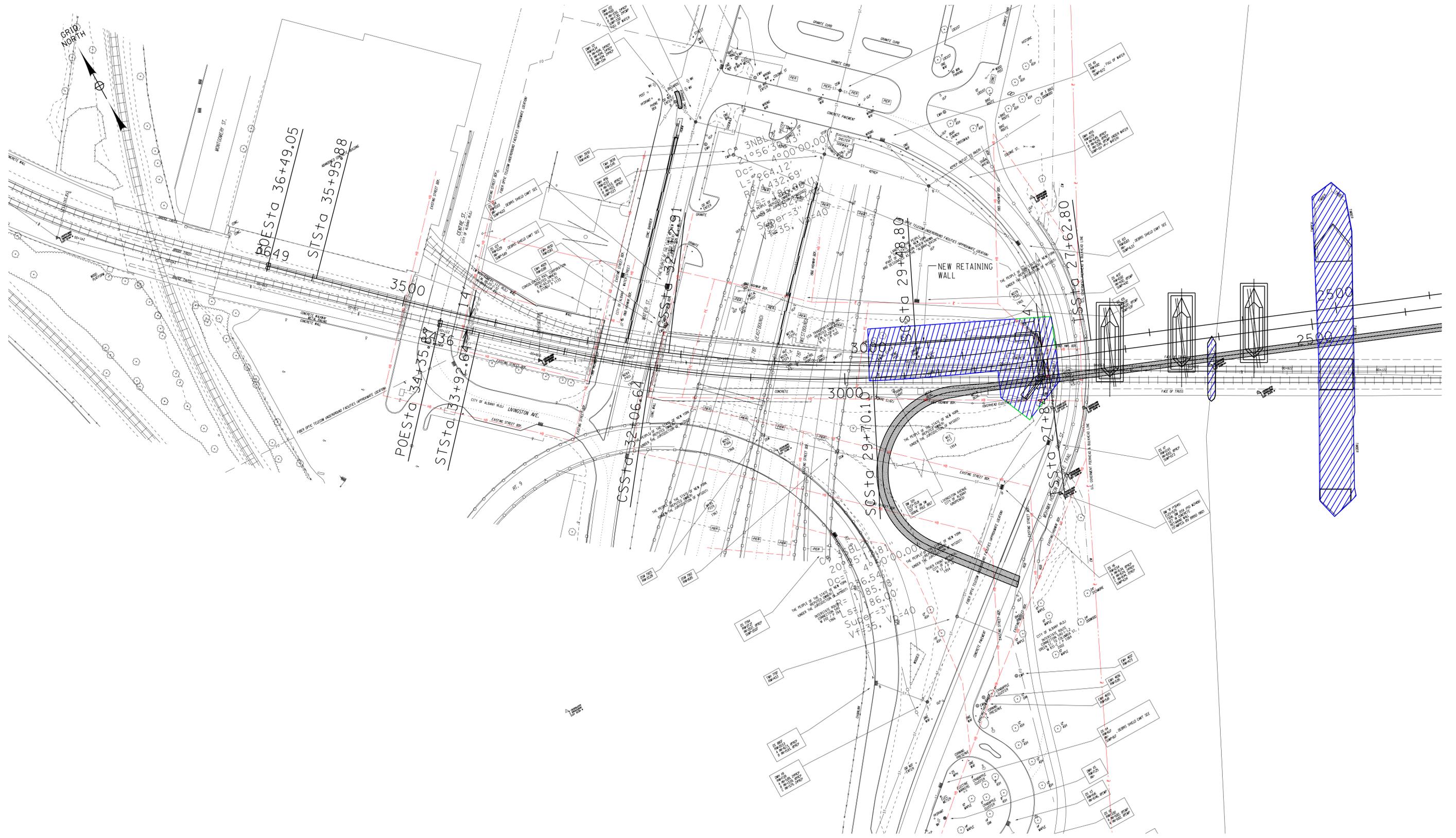
Livingston Avenue Bridge



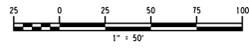
Existing Bridge



New Bridge Concept



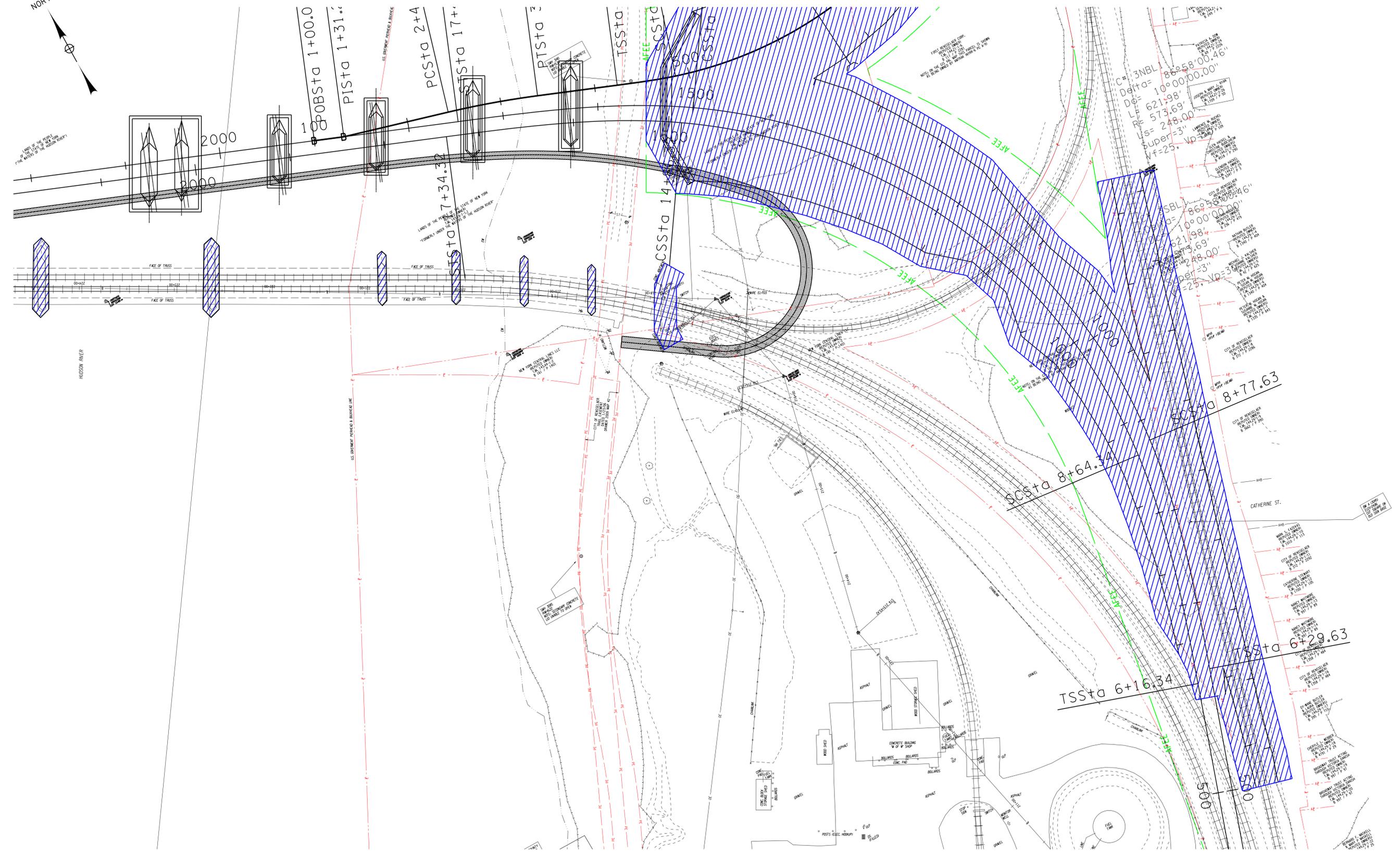
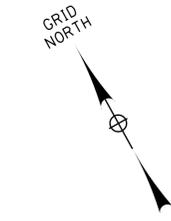
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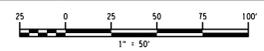
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NORTH ALIGNMENT, EAST APPROACH - SUP OPT. 1

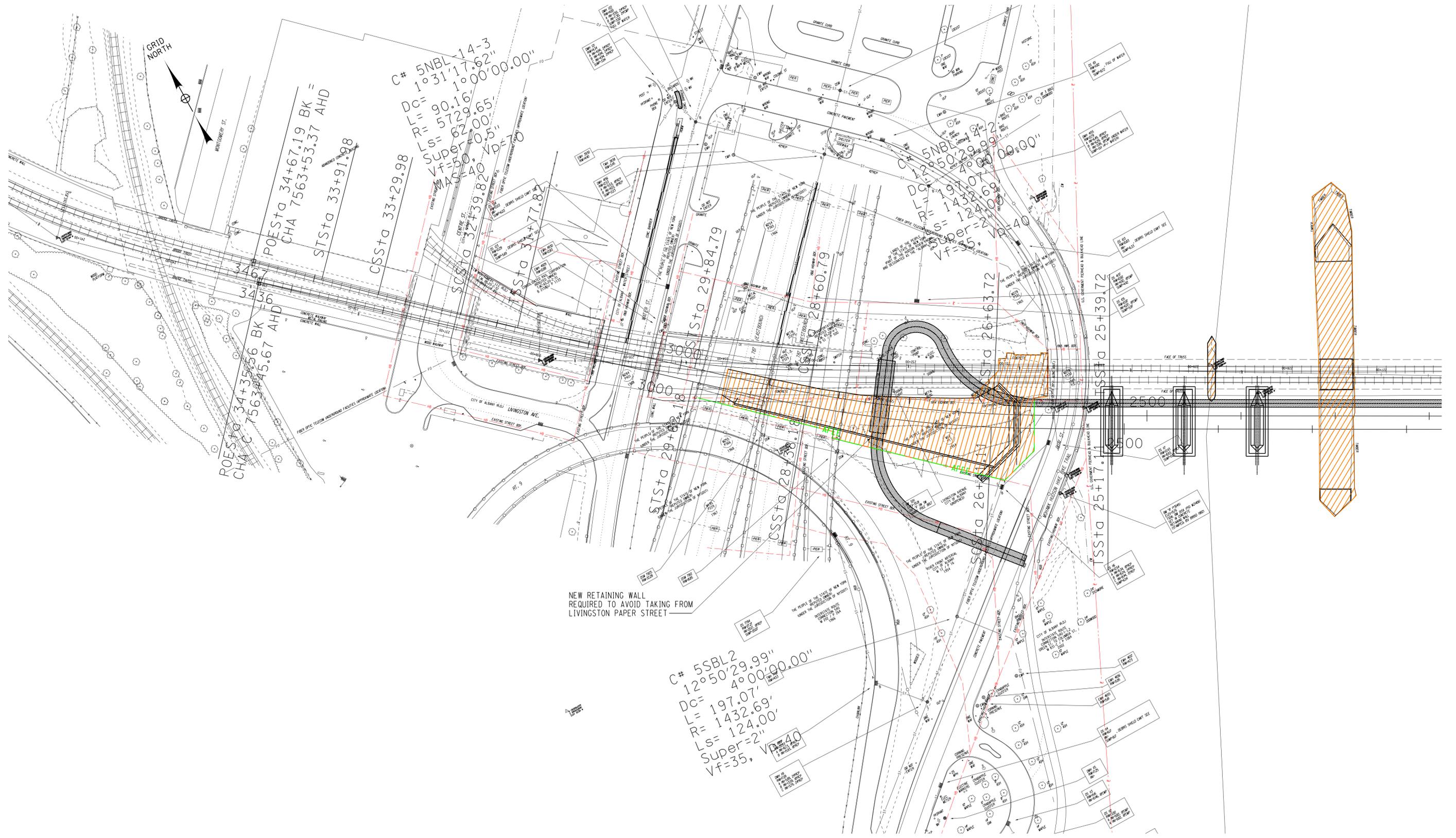


AREA OF PERMANENT DISTURBANCE (CUT/FILL)

ALL DIMENSIONS ARE IN FT UNLESS OTHERWISE NOTED



DATE DECEMBER 2014 REGION 1



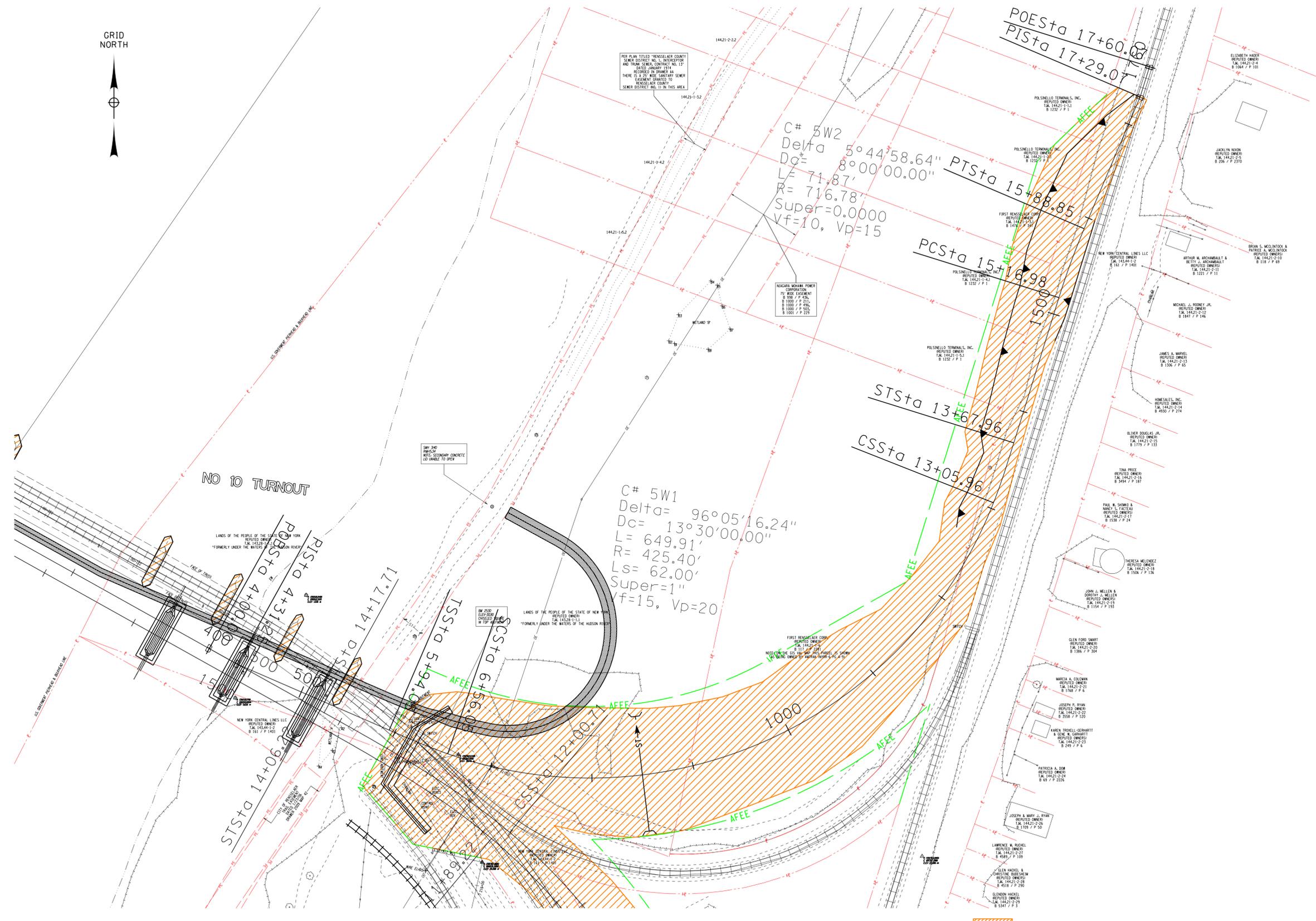
SOUTH ALIGNMENT, WEST APPROACH - SUP OPT. 1



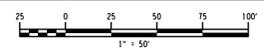
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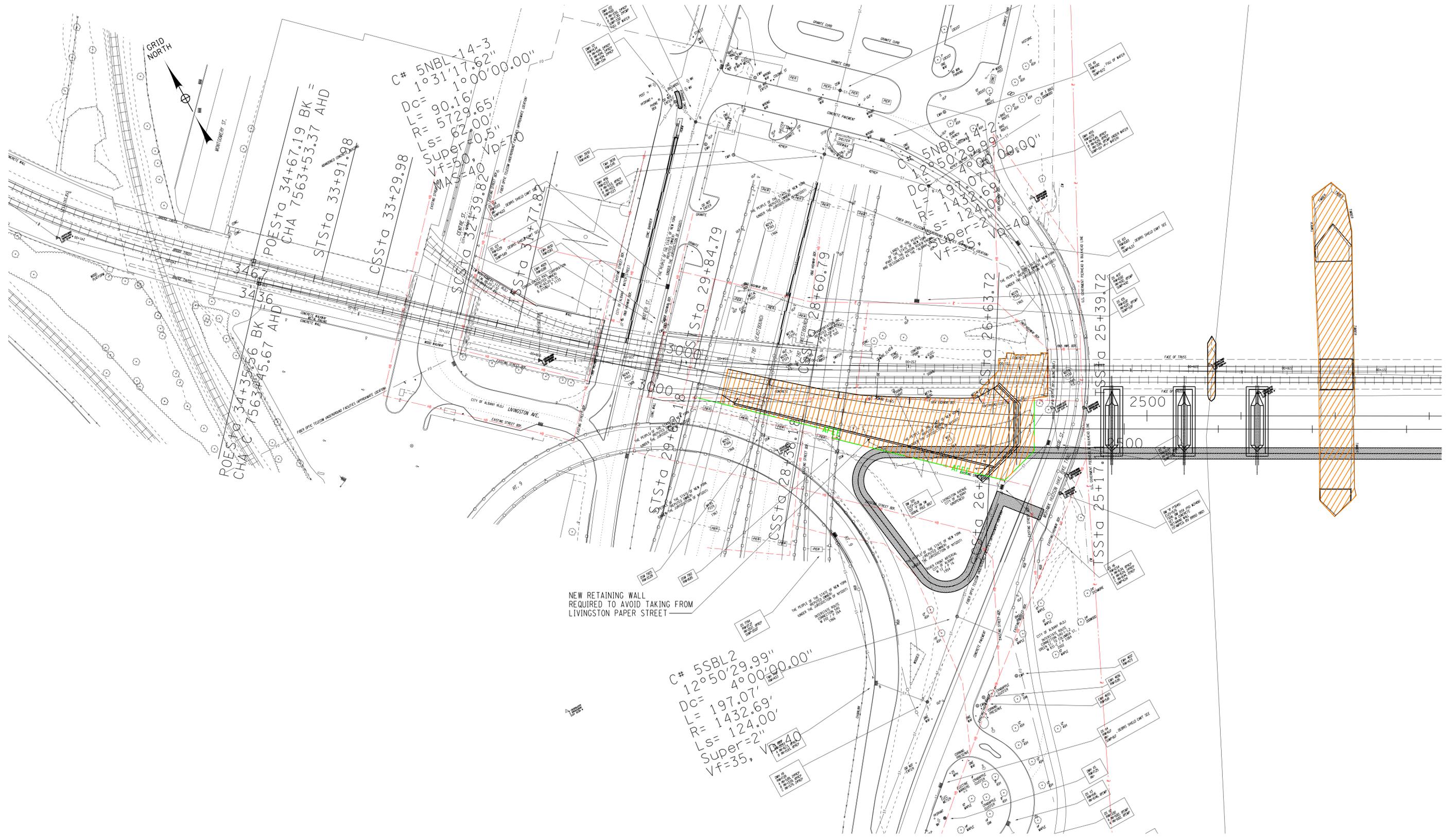
SOUTH ALIGNMENT, WYE APPROACH - SUP OPT. 1



AREA OF PERMANENT DISTURBANCE (CUT/FILL)

ALL DIMENSIONS ARE IN FT UNLESS OTHERWISE NOTED





NEW RETAINING WALL
 REQUIRED TO AVOID TAKING
 OFF FROM LIVINGSTON PAPER STREET

SOUTH ALIGNMENT, WEST APPROACH - SUP OPT. 2



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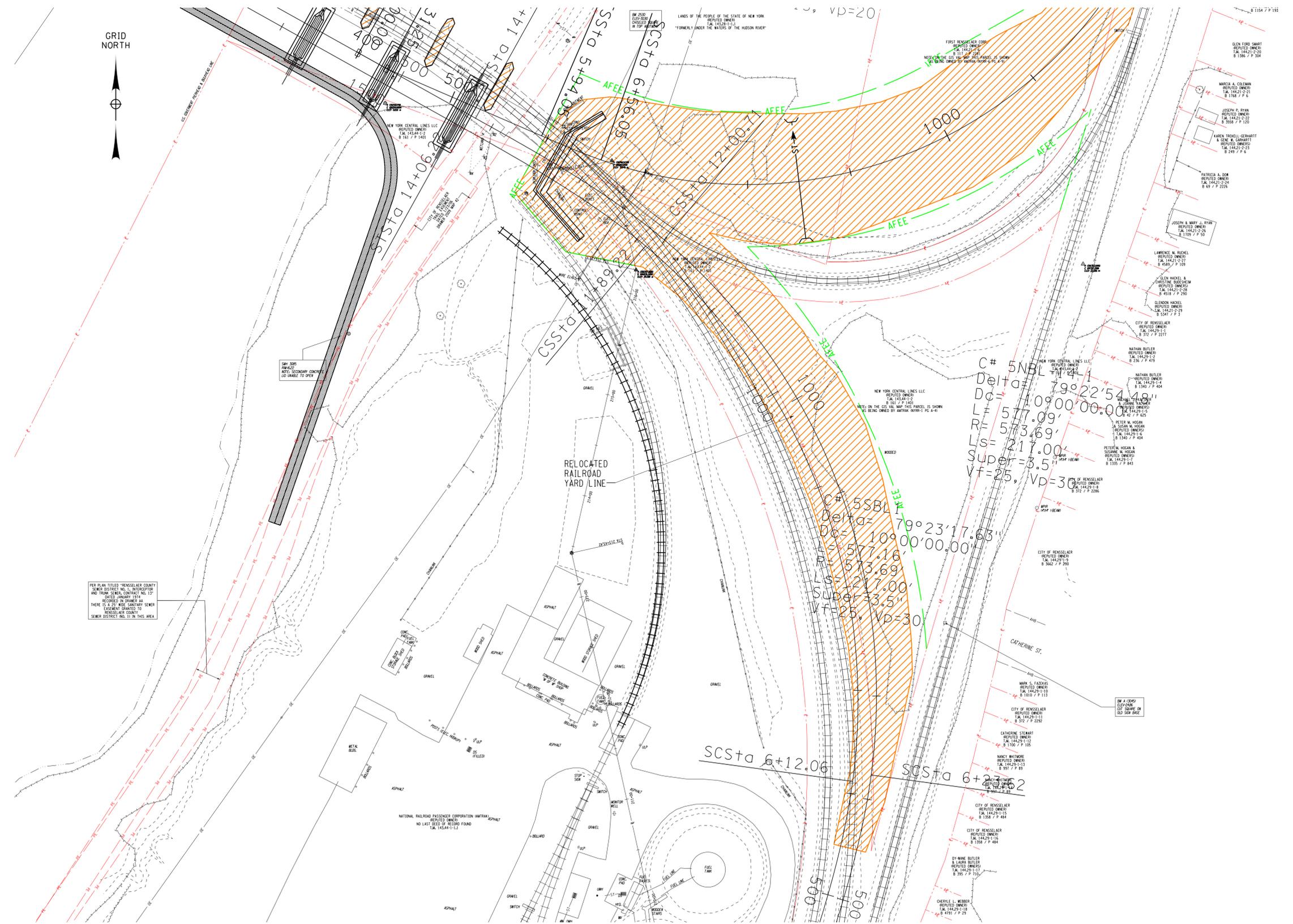


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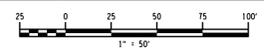
DATE DECEMBER 2014 REGION 1

GRID NORTH



PER PLAN TITLED "RENSSELAER COUNTY
 SENIOR DISTRICT NO. 11, INTERSTREET
 AND TRUNK SEWER, CONTRACT NO. 137"
 DATED JANUARY 2014,
 THERE IS A 5' OF VERTICAL CLEARANCE
 EASEMENT GRANTED TO
 SENIOR DISTRICT NO. 11 IN THIS AREA.

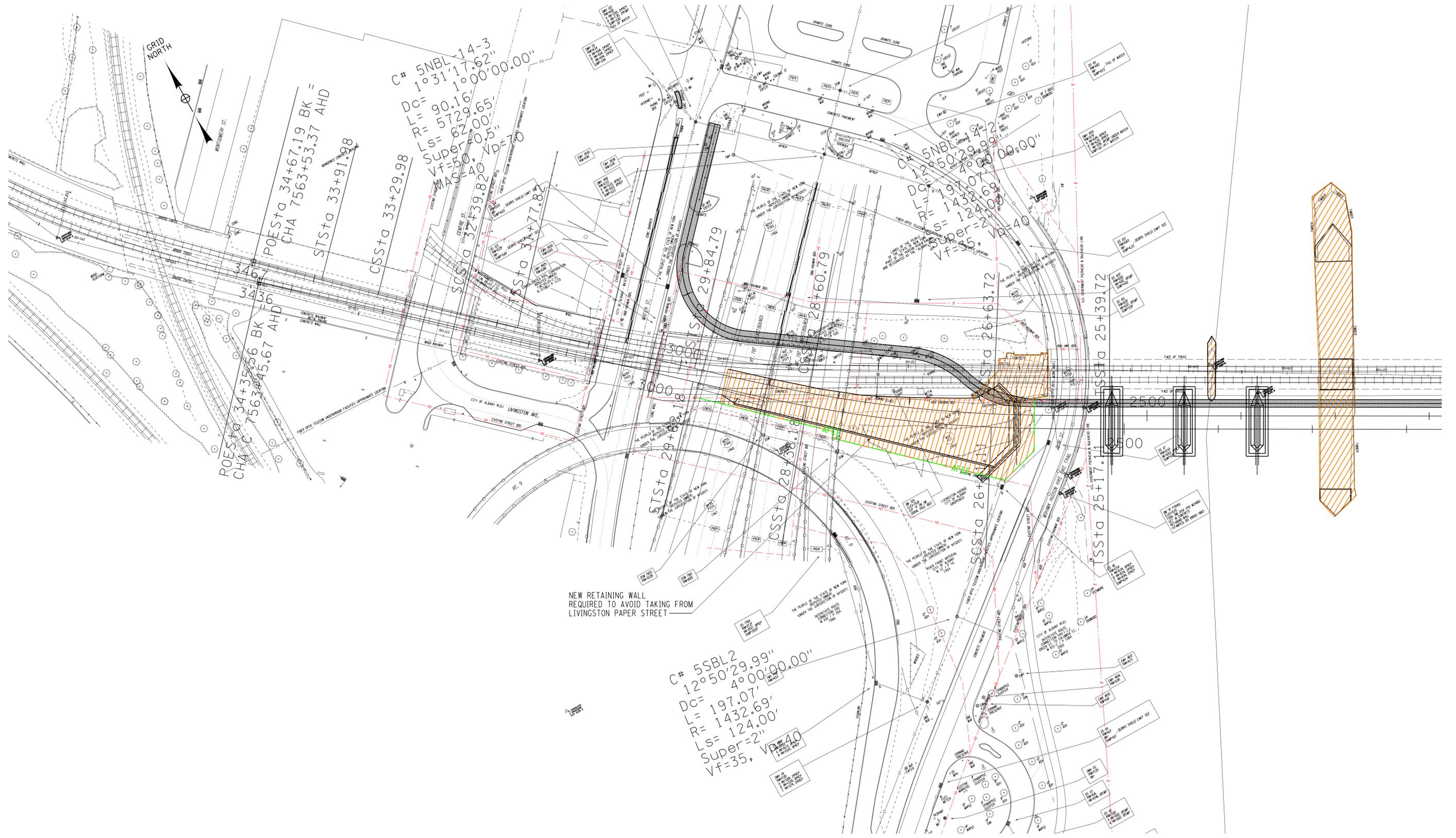
SOUTH ALIGNMENT, EAST APPROACH - SUP OPT. 2



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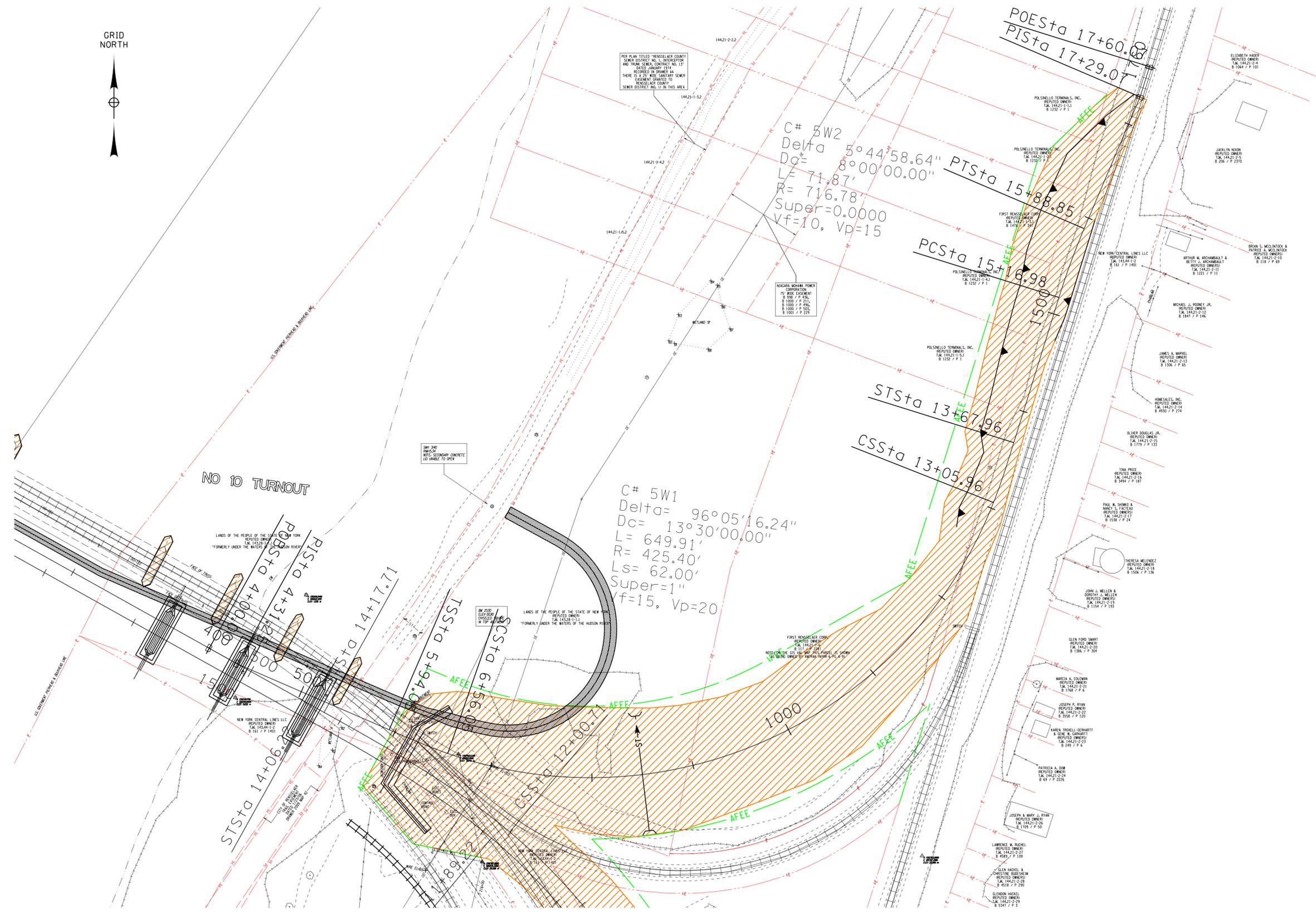
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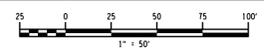
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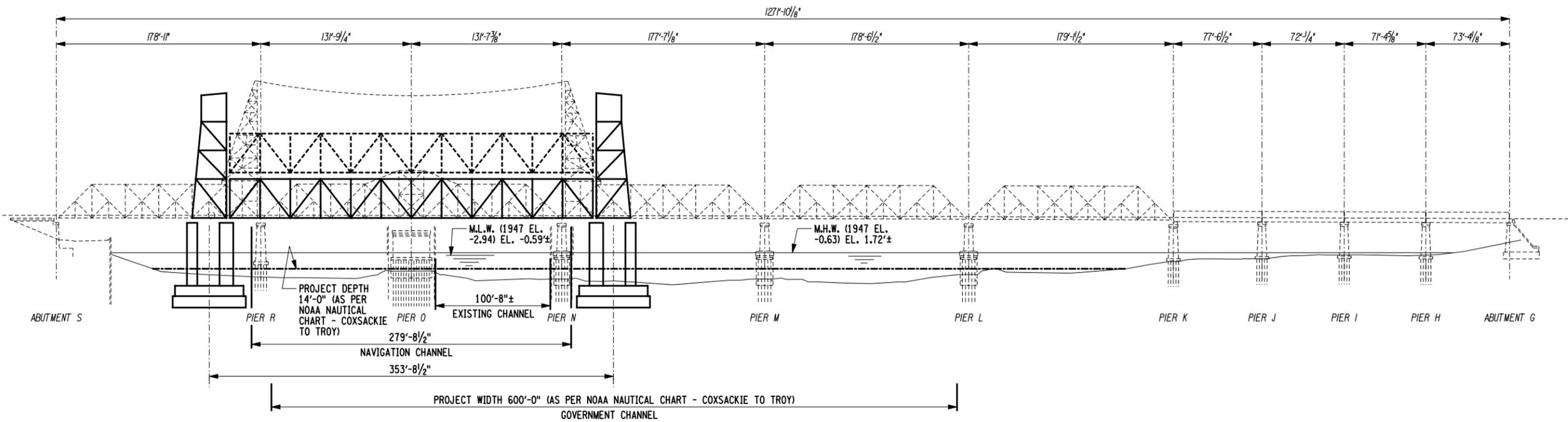
SOUTH ALIGNMENT, WYE APPROACH - SUP OPT. 3



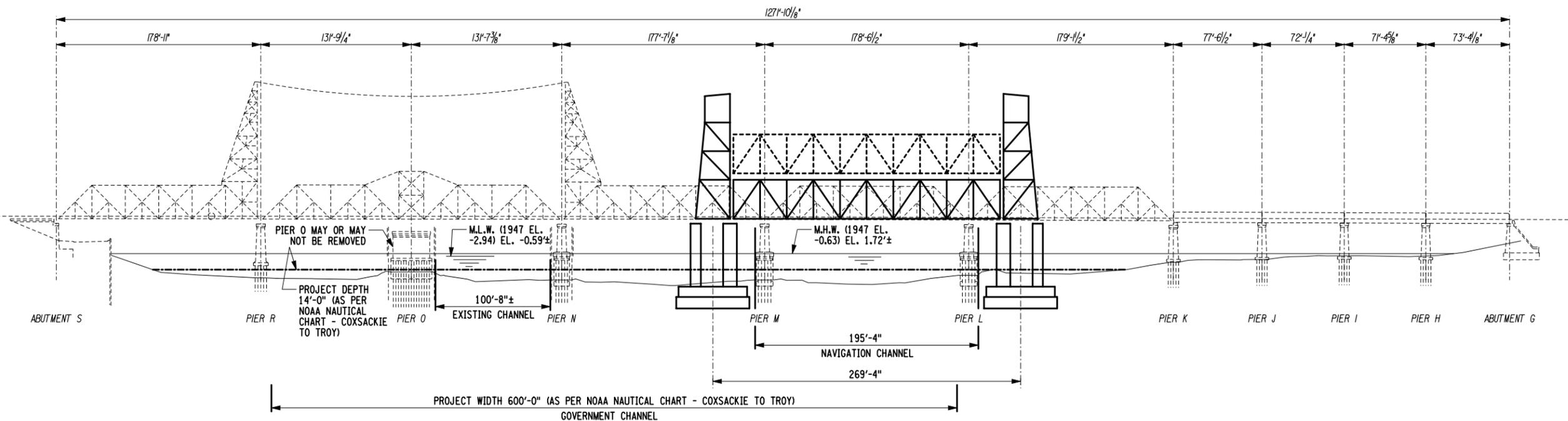
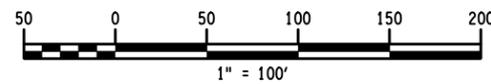
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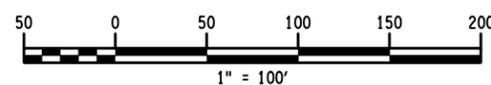




ALTERNATIVE A - ELEVATION



ALTERNATIVE B - ELEVATION



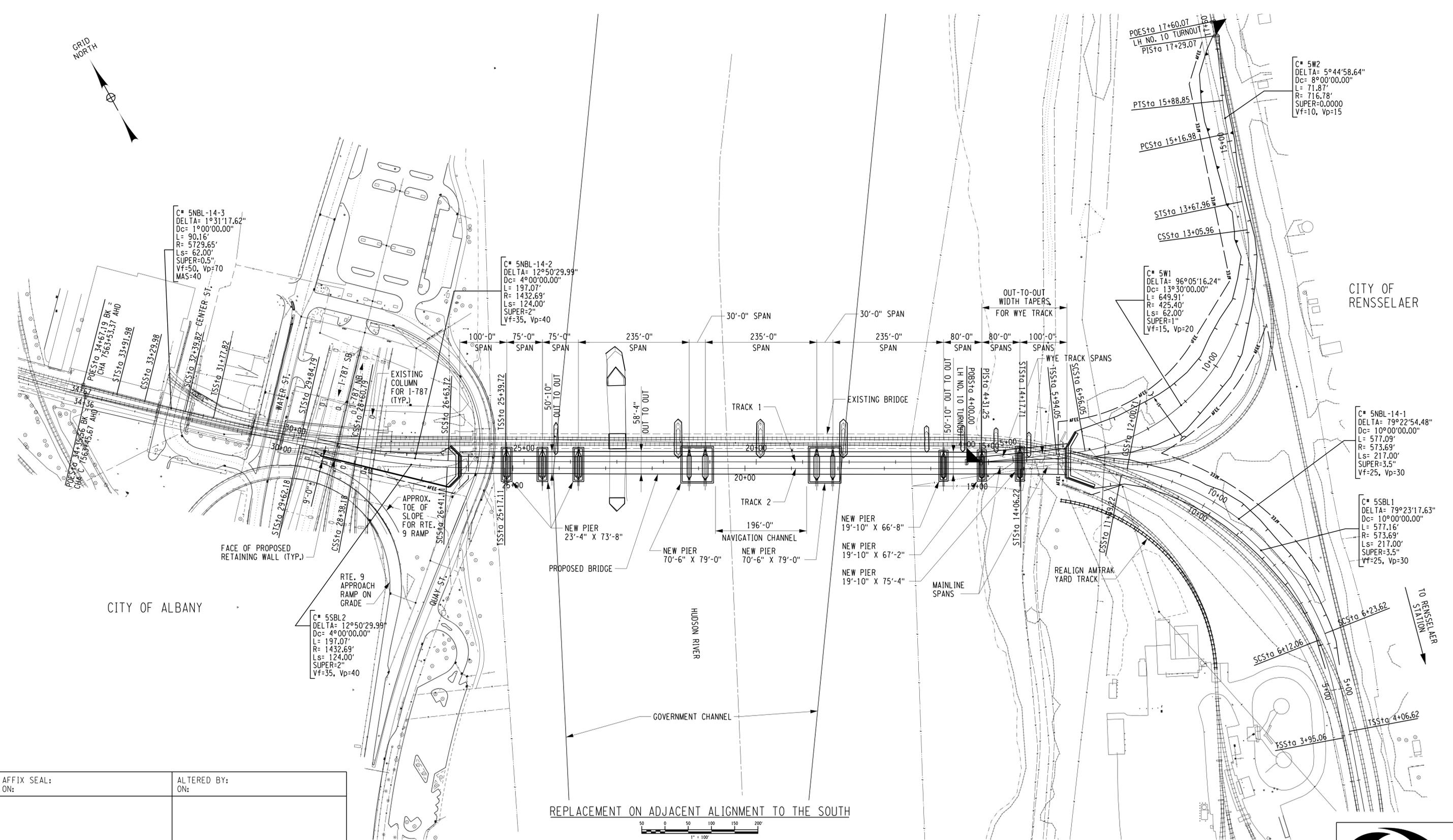
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STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION

DATE NOVEMBER 2010

REGION 1



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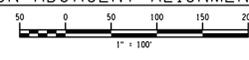
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 R= 1432.69'
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 SUPER=2"
 Vf=35, Vp=40

CITY OF ALBANY

CITY OF RENSSELAER

REPLACEMENT ON ADJACENT ALIGNMENT TO THE SOUTH



AFFIX SEAL:
 ON:

ALTERED BY:
 ON:

AS-BUILT REVISIONS
 DESCRIPTION OF ALTERATIONS:

COUNTY: ALBANY

PIN 1935.49
 DATE: 12/16/14

BRIDGES
 CULVERTS

ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED
 LIVINGSTON AVENUE BRIDGE PROJECT

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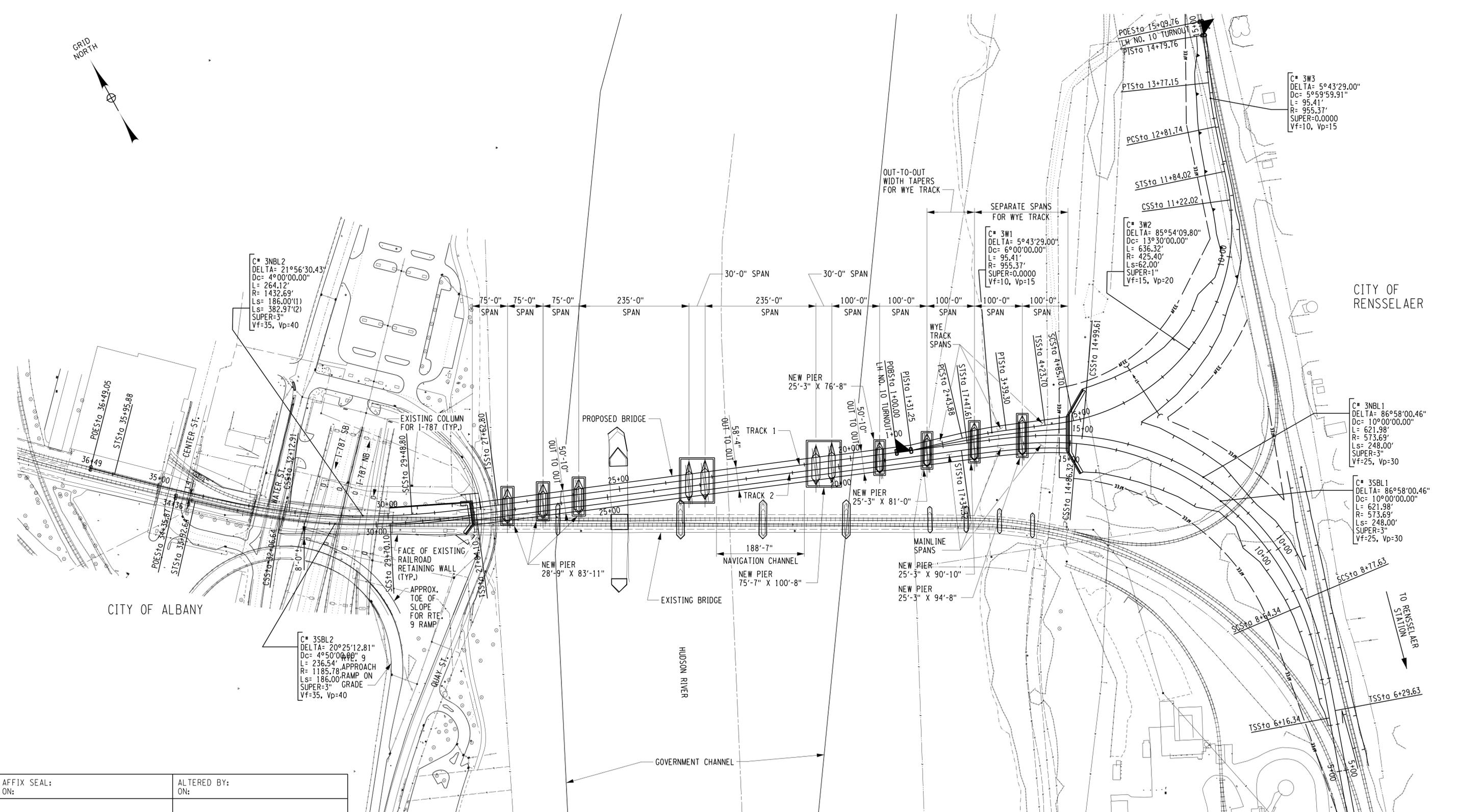
CONTRACT NUMBER

DRAWING NO. SA-1
 SHEET NO.

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NEW YORK STATE DEPARTMENT OF TRANSPORTATION
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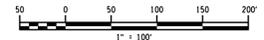
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CITY OF ALBANY

CITY OF RENNELAER

REPLACEMENT ON ADJACENT ALIGNMENT TO THE NORTH



AFFIX SEAL: ON: _____
 ALTERED BY: ON: _____

AS-BUILT REVISIONS
 DESCRIPTION OF ALTERATIONS:

PIN 1935.49
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 ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED

DATE: 12/16/14

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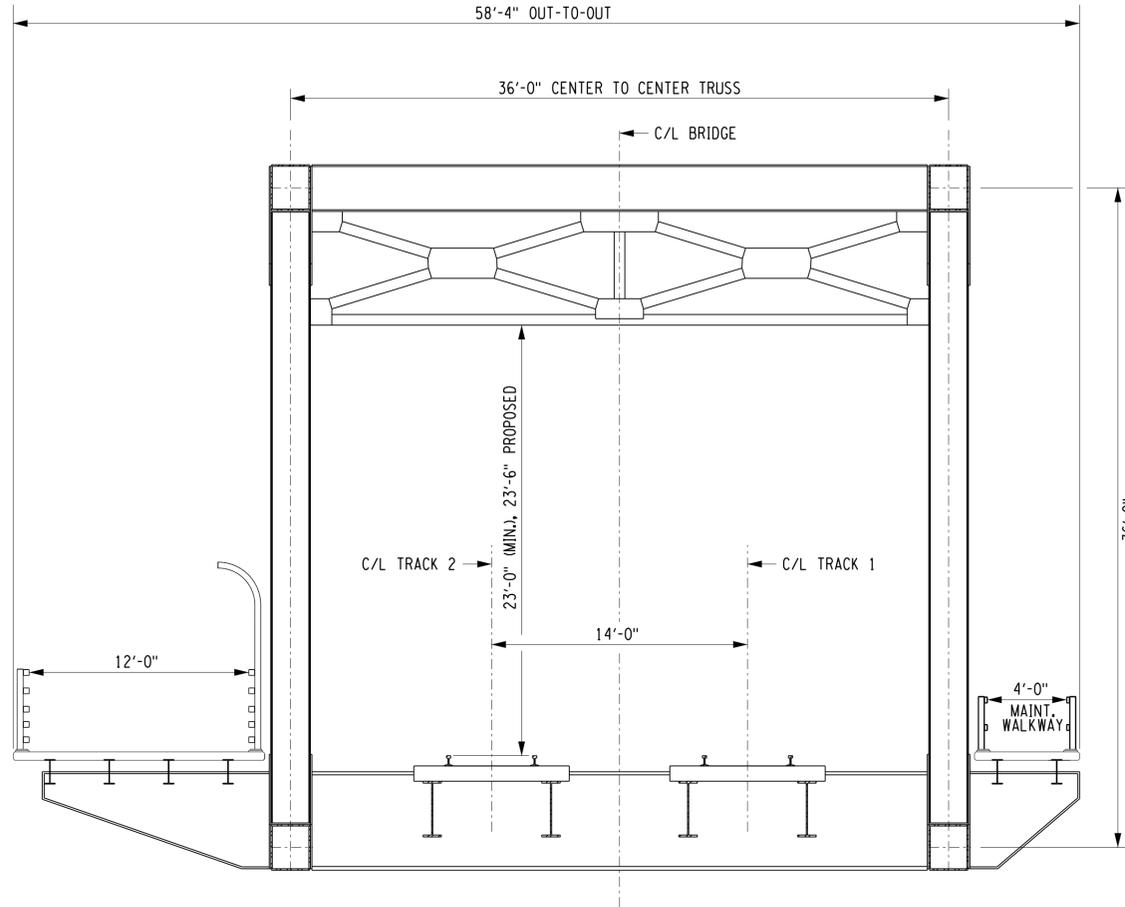
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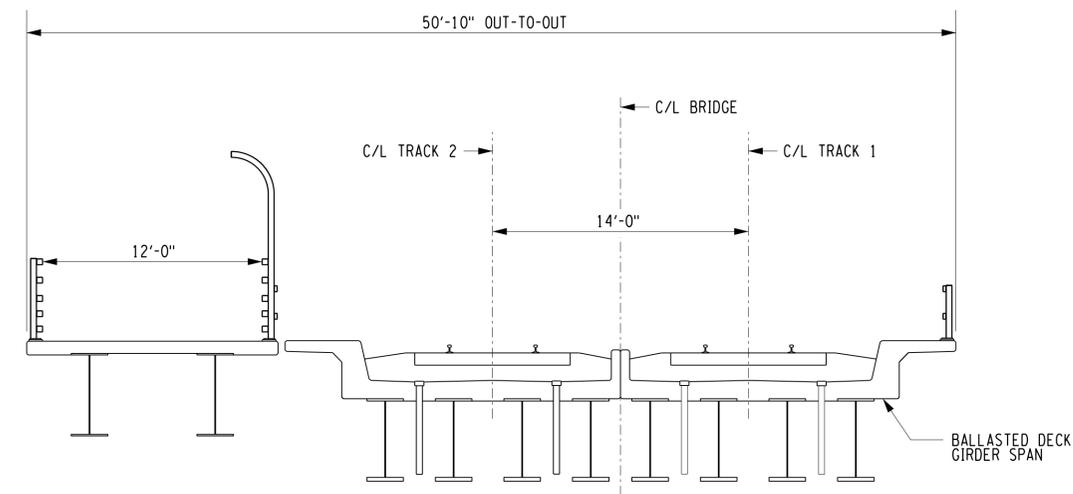
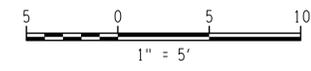
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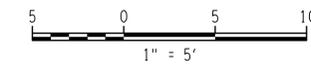
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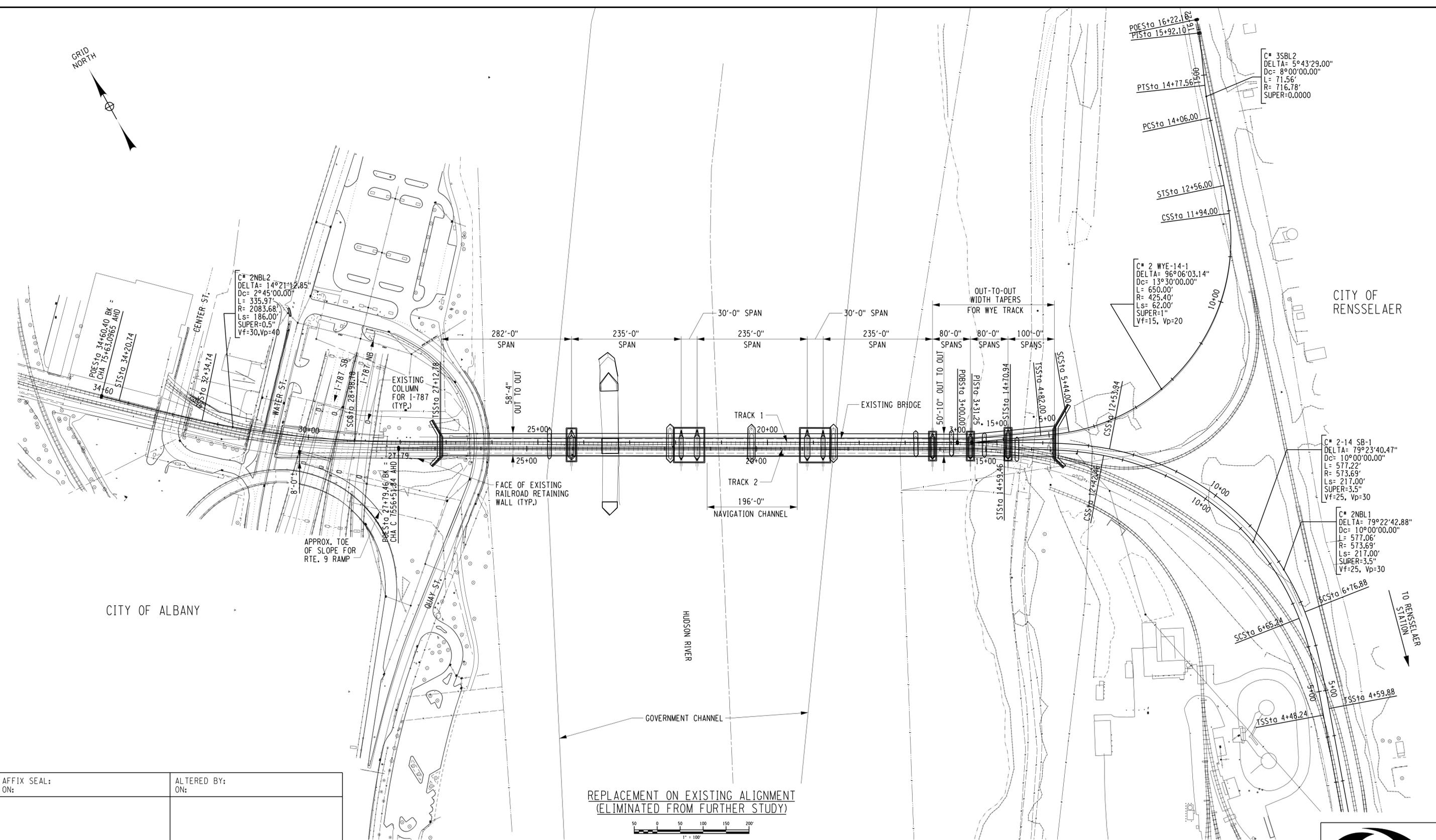
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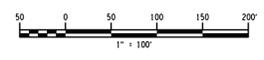
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 DOCUMENT NAME:



CITY OF ALBANY

CITY OF RENSSELAER

REPLACEMENT ON EXISTING ALIGNMENT
 (ELIMINATED FROM FURTHER STUDY)



AFFIX SEAL: ON: ALTERED BY: ON:

AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	
COUNTY: ALBANY	

PIN 1935.49
 DATE: 12/16/14

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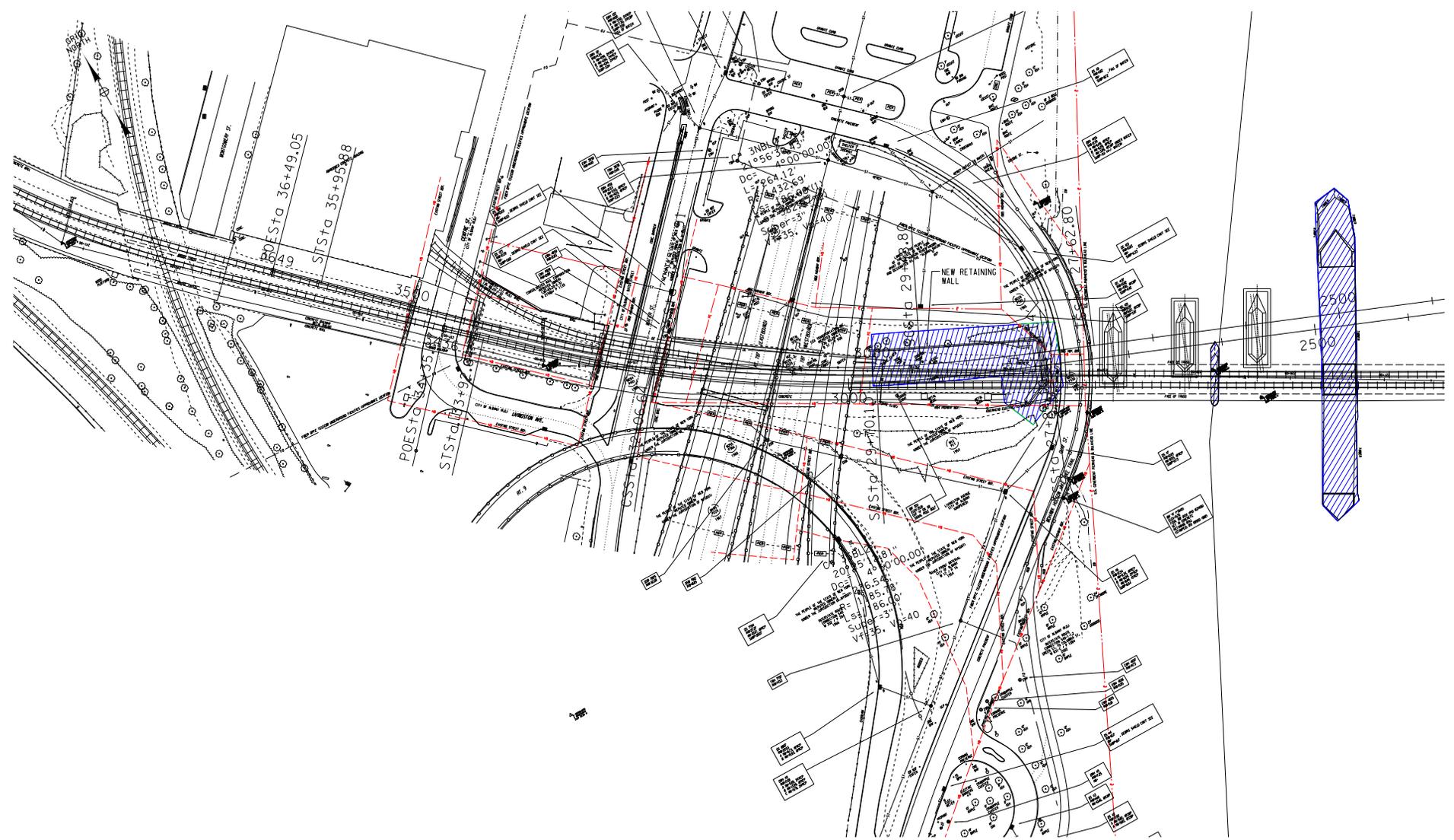
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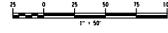
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NEW YORK STATE DEPARTMENT OF TRANSPORTATION
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ALTERNATIVE 3 - NORTH ALIGNMENT, WEST APPROACH



 AREA OF PERMANENT DISTURBANCE (CUT/FILL)

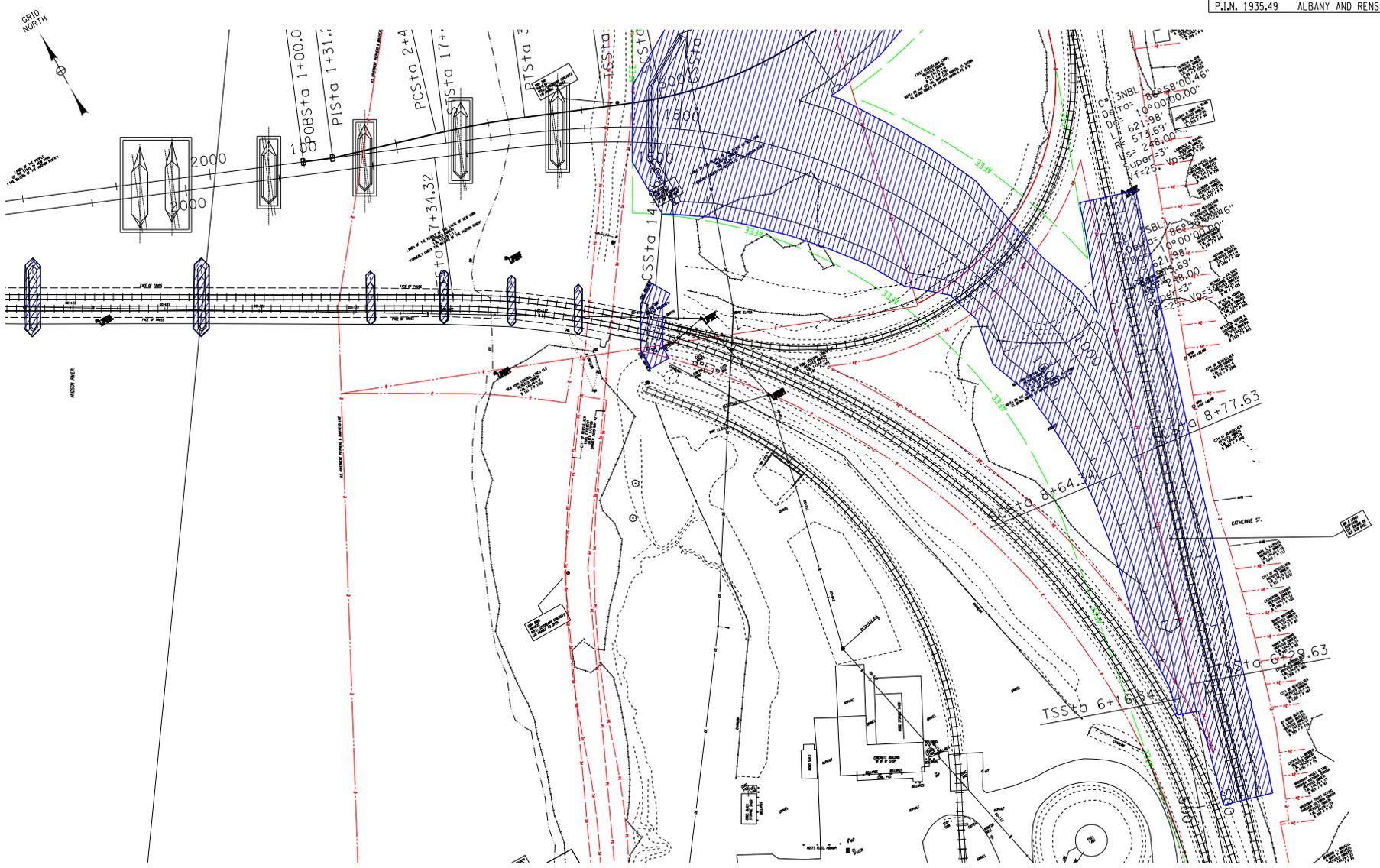
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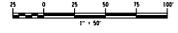
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 STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 2011 REGION 1



ALTERNATIVE 3 - NORTH ALIGNMENT, EAST APPROACH



AREA OF PERMANENT DISTURBANCE (CUT/FILL)

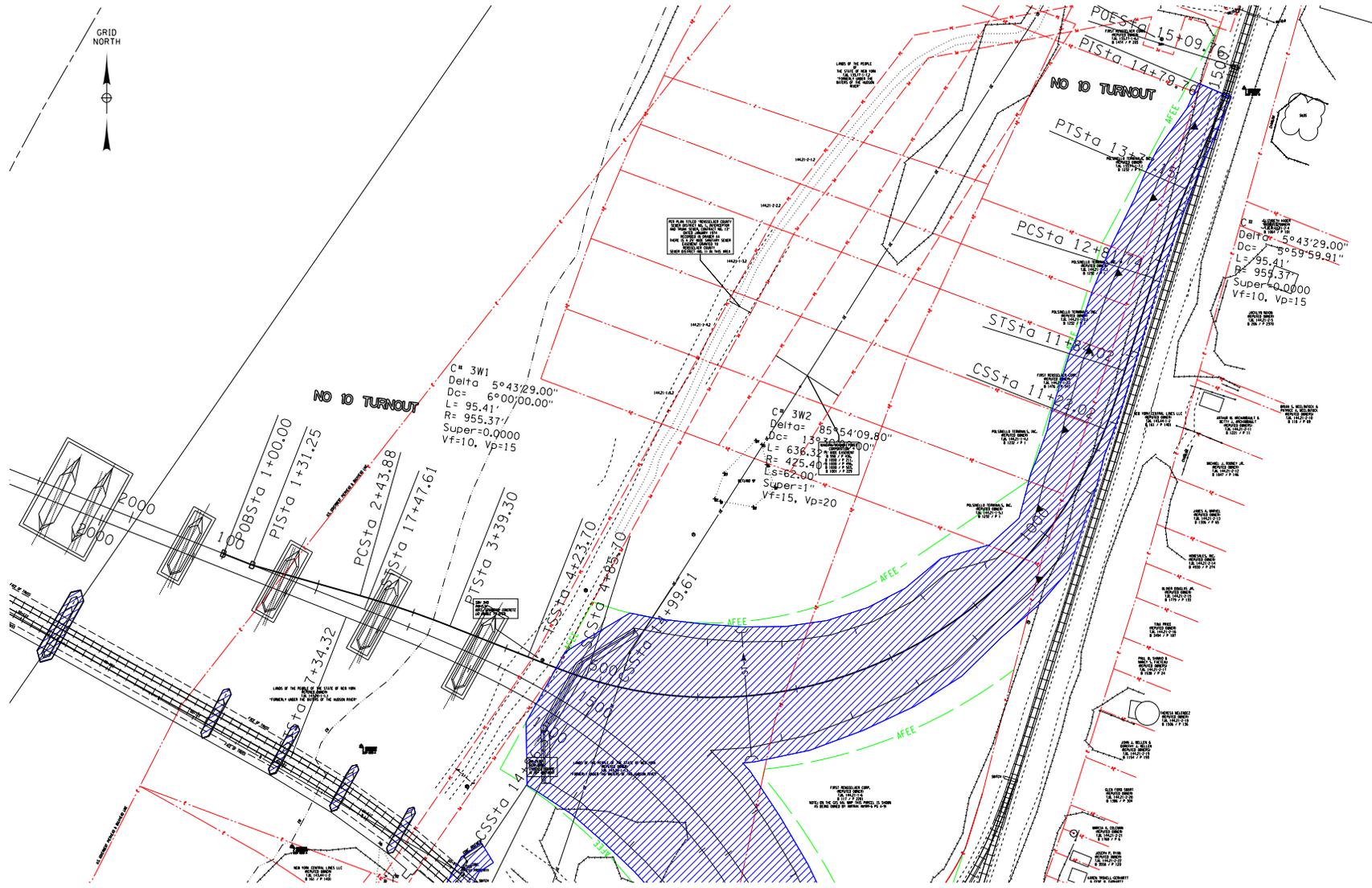


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DATE: SEPTEMBER 2011 REGION 1

GRID
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ALTERNATIVE 3 - NORTH ALIGNMENT, WYE APPROACH



AREA OF PERMANENT DISTURBANCE (CUT/FILL)

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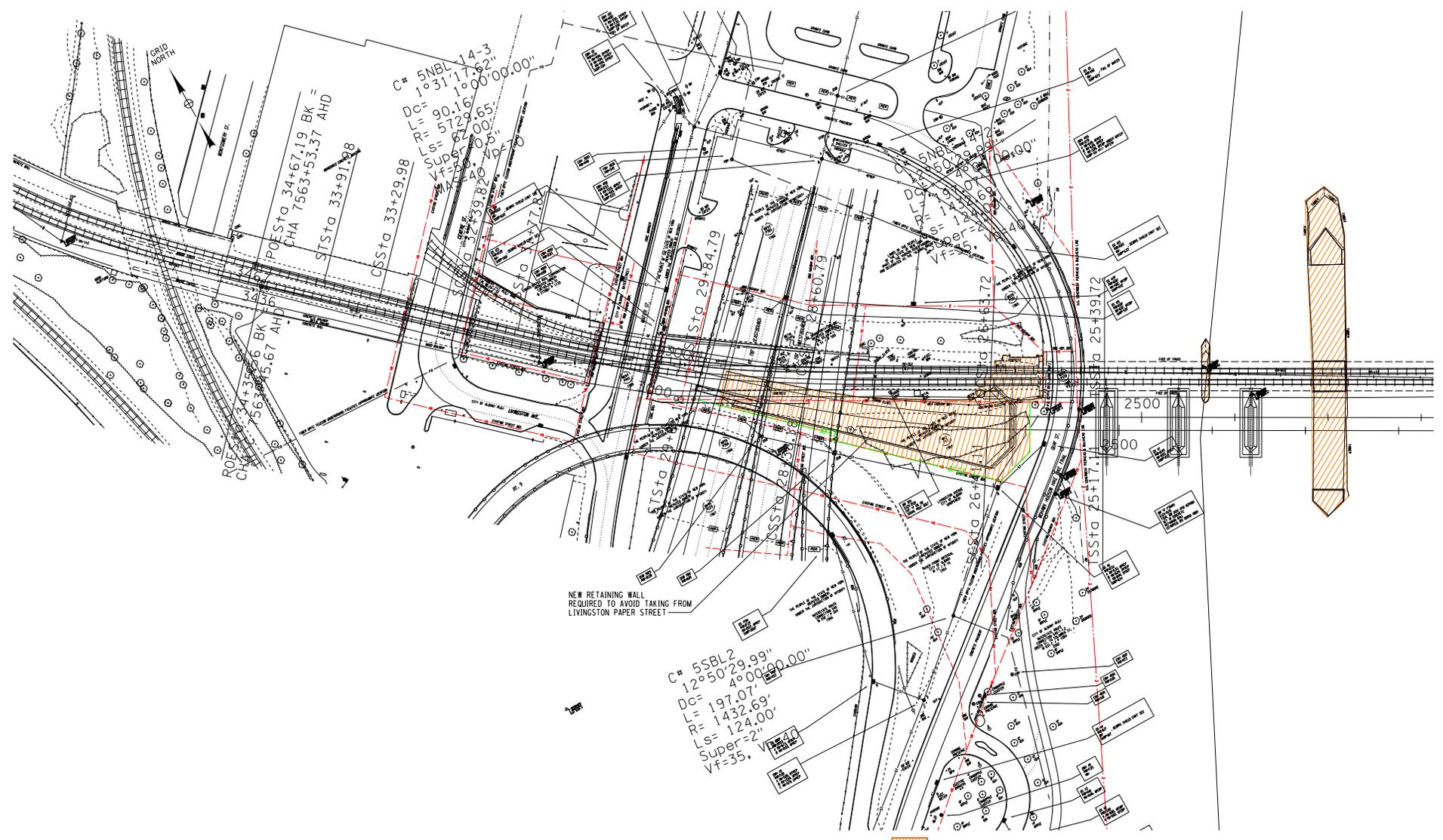
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STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION

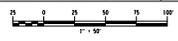
DATE: SEPTEMBER 2011

REGION 1



NEW RETAINING WALL
 REQUIRED TO AVOID TAKING FROM
 LIVINGSTON PAPER STREET

ALTERNATIVE 5 - SOUTH ALIGNMENT, WEST APPROACH



AREA OF PERMANENT DISTURBANCE (CUT/FILL)

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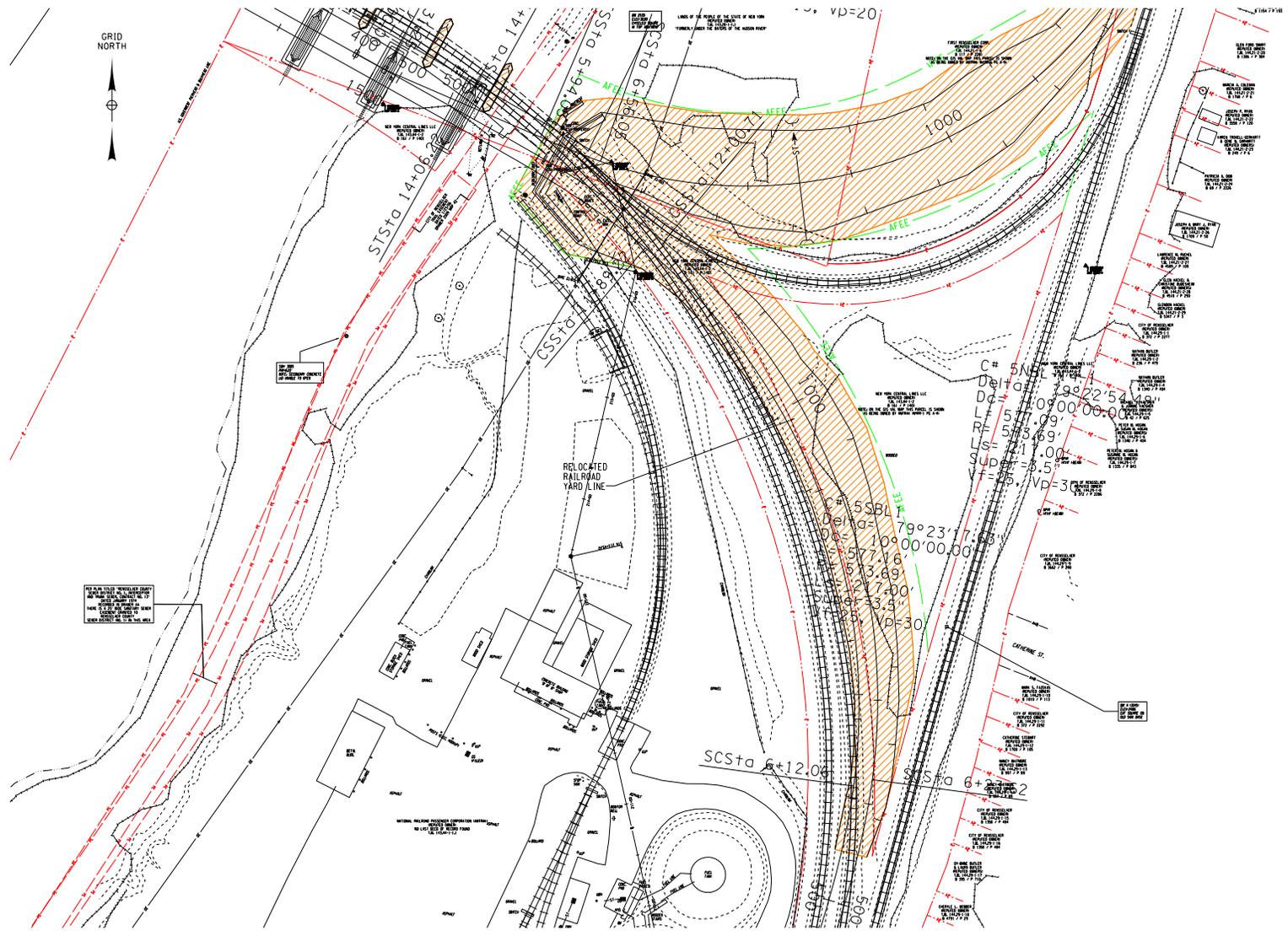


STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 2011

REGION 1

GRID
 NORTH



ALTERNATIVE 5 - SOUTH ALIGNMENT, EAST APPROACH



 AREA OF PERMANENT DISTURBANCE (CUT/FILL)

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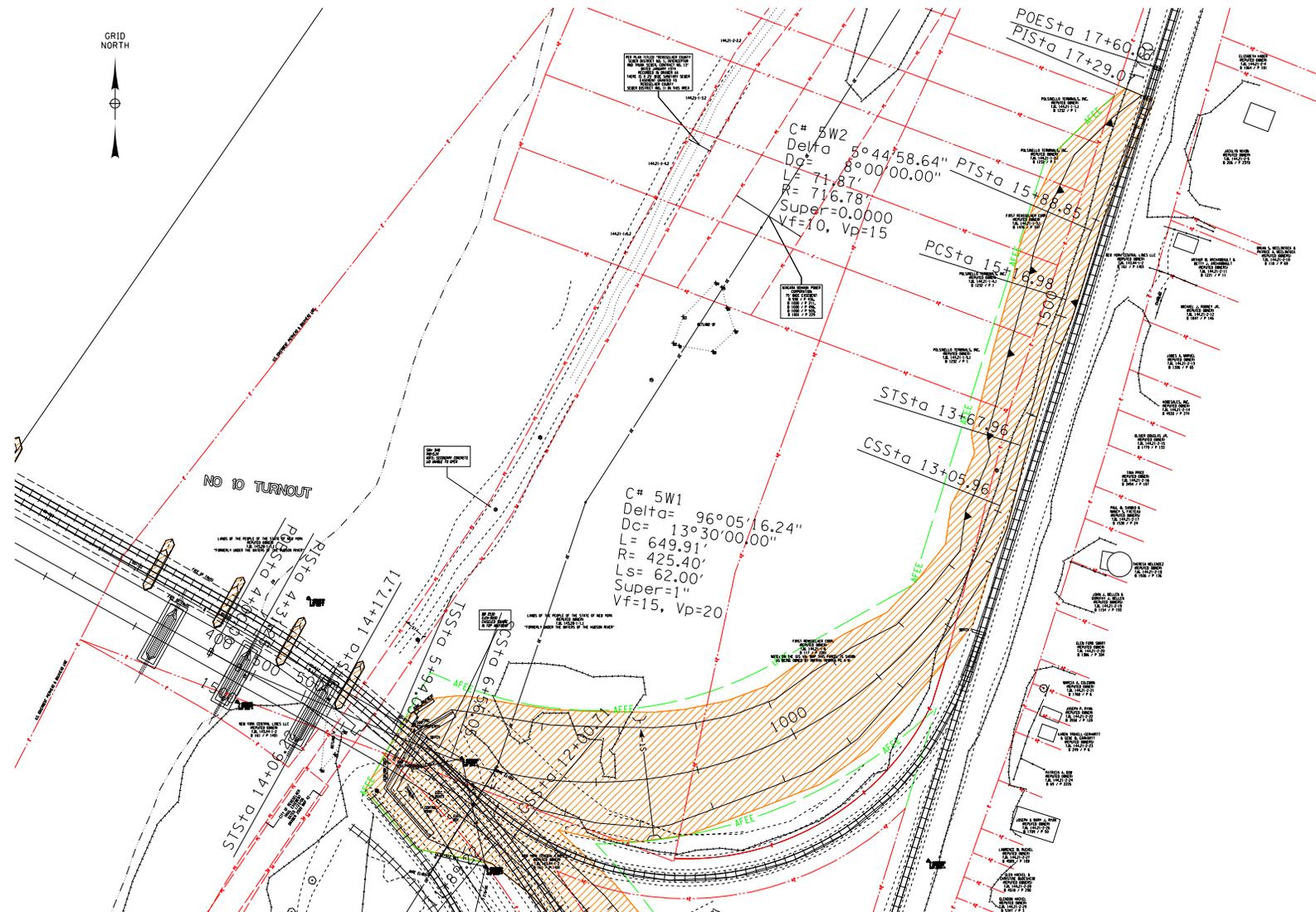


STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 2011

REGION 1

GRID
 NORTH



ALTERNATIVE 5 - SOUTH ALIGNMENT, WYE APPROACH



AREA OF PERMANENT DISTURBANCE (CUT/FILL)



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STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 2011

REGION 1



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

May 8, 2012

Tanya Thorne
Cultural Resource Coordinator
NYS Department of Transportation-Region 1
50 Wolf Road
4th flr. South (4-1)
Albany, NY 12205

Re: **FRA/CORPS/DOT**
PIN 1935.49.171
Livingston Avenue RR Bridge
(repair/replace)
Albany, Albany County/
Rensselaer, Rensselaer County
12PR00935

Dear Ms. Thorne:

The State Historic Preservation Office (SHPO) has received and reviewed the Cultural Resources Survey and Reconnaissance Reports for the project noted above. We are reviewing the project 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 potential environmental impacts to New York State Parkland and 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 (New York Environmental Conservation Law Article 8).

Based upon the review of the submitted reports, our office concurs with the findings regarding archeology and the potential project (all 4 sensitive areas should be avoided or else additional Phase II testing should be conducted to evaluate eligibility). The subject bridge was determined to be eligible for listing in the National Register of Historic Places years ago during an earlier project. Although there are historic properties on both sides of the river that are within the viewshed of the bridge, it is doubtful that actions resulting from bridge treatments would have substantial negative results. Of course, the replacement of the bridge would result in an adverse ruling and would require an analysis of alternatives before or office could concur with the removal. Please continue to keep our office informed on the proposed treatment for this historic bridge.

We apologize for the late date of our letter. We look forward to reviewing the treatment that will be selected for this bridge. If you have any questions regarding this letter or your project, please feel free to contact me. Ext. 3273.

Sincerely,

Kenneth Markunas
Historic Sites
Restoration Coordinator



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION - REGION ONE
328 STATE STREET
SCHENECTADY, NEW YORK 12305
www.dot.ny.gov

MARY E. IVEY
REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

March 7, 2012

Ms. Ruth L. Pierpont
Director, Historic Preservation
New York State Office of Parks, Recreation and Historic Preservation
Pebbles Island, P. O. Box 189
Waterford, NY 12188-0189

**RE: NYSDOT P.I.N. 1935.49.171
Livingston Avenue Railroad Bridge
Bridge Rehabilitation or Replacement
City of Albany, Albany County and
City of Rensselaer, Rensselaer County**

Dear Ms. Pierpont:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is progressing the above-listed project. This project is Federally funded in part by FRA; NYSDOT also anticipates that the project will require a permit from the U.S. Army Corps of Engineers (USACE). The project involves rehabilitation or replacement of the Livingston Avenue Railroad Bridge. The Livingston Avenue Bridge (LAB) crosses the Hudson River between Albany and Rensselaer County on the Empire Corridor. The Empire Corridor traverses twenty-four counties from New York City to Niagara Falls, and provides for the transport of both freight and passengers within New York's cities including: New York City, Buffalo, Rochester, Syracuse and Albany.

The Livingston Avenue Bridge was constructed over 100 years ago. It is now near the end of its serviceable life with deterioration to the point where significant loading and speed restrictions have had to be implemented. The project's objective is the restoration of the Hudson River crossing to a condition which provides a design service life of at least 75 years using cost effective techniques, including eliminating all of the existing bridge deficiencies, such as the substandard 18'-2" vertical clearance and current freight restrictions.

A Cultural Resources Reconnaissance Survey Report has been prepared for this project by the New York State Museum Cultural Resource Survey Program. NYSDOT is forwarding a copy of this survey (enclosed) to the State Historic Preservation Office for your review and comment.

No response is necessary if the State Historic Preservation Office (SHPO) is in agreement with the eligibility recommendations of this report. Comments may be provided to Tanya Thorne, the Regional Cultural Resources Coordinator, within 45 days of the receipt of this letter.

This submission is intended to initiate Section 106 consultation between SHPO, FRA, and NYSDOT on this project. If you have any questions, or require additional information, please call me, Tanya Thorne, at (518) 388-0286, or contact me by email at tthorne@dot.state.ny.us.

Sincerely,



Tanya Thorne
Regional Cultural Resource Coordinator

Encl: Cultural Resources Reconnaissance Survey Report (comprises 2 volumes)

cc: C. Vaughn, Federal Railroad Administration, Office of Railroad Policy and Development
S. Andrews, NYSDOT Main Office, Design Services Bureau (*letter only, by e-mail*)
R. Filkins, NYSDOT Region 1, Project Manager (*letter only, by e-mail*)
P. Dunleavy, NYSDOT Main Office, Office of Environment (*letter only*)
R. Ambuske, NYSDOT Region 1, Regional Landscape Architecture/Environmental Services Program Manager (*letter only, by e-mail*)
📁 Regional Cultural Resources File

Coordination with THPOs

From: Becker, Andrea (DOT)
Sent: Tuesday, September 8, 2020 11:20 AM
To: Jakubiak, Mark (DOT)
Subject: FW: PIN 193549 - Livingston Ave Section 106 Reinitiation - Tribal Coordination

From: Nathan Allison
Sent: Tuesday, September 8, 2020 11:12 AM
To: Becker, Andrea (DOT)
Subject: RE: PIN 193549 - Livingston Ave Section 106 Reinitiation - Tribal Coordination

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Andrea,

Good morning. Thank you for requesting comments from the Stockbridge-Munsee Community Tribal Historic Preservation Office. We have reviewed the documents associated with the proposed FRA/NYDOT Livingston Avenue Bridge over the Hudson River Project. We have the following comments.

- Given the APE has not been expanded, the SMC THPO have no concerns with the proposed project. Our initial November 10, 2015 response to this project remains unchanged. We do ask to be updated on project development. Should any changes to the project scope be submitted we ask to be notified for review.

Should you have any questions, please let me know.

Best,

Nathan

Nathan Allison

Tribal Historic Preservation Officer & Archaeologist
Stockbridge-Munsee Mohican Tribal Historic Preservation
Extension Office
65 1st Street
Troy, NY 12180

www.mohican-nsn.gov

Hours of Operation Update: Mon.-Thur. 7 am -5:30 pm

From: Becker, Andrea (DOT) [_____](#)
Sent: Friday, August 28, 2020 11:14 AM
To: Nathan Allison [_____](#)
Subject: PIN 193549 - Livingston Ave Section 106 Reinitiation - Tribal Coordination

Nathan,

Please find the correspondence attached to re- notify you of an on going project. It has been several years since FRA and NYSDOT have communicated about this project and FRA would like to meet the requirements of Design Approval including closing Section 106. Although there are no archeological concerns for this project the main sticking points are: the bridge is historic and providing ample public involvement. FRA and NYSDOT is re-coordinating with the Stockbridge Munsee Community Band of Mohican Tribe to refresh this project and update everyone while the design has not changed. Please read the attached and respond. Thank you and stay healthy and safe.

The plans will follow in a separate email because of the file size.

Andrea J. Becker
Cultural Resources Coordinator

New York State Department of Transportation
Region 1 Design - Landscape Architecture & Environmental Services Unit
50 Wolf Road
Albany, New York 12232
www.dot.ny.gov _____



From: Becker, Andrea (DOT)
Sent: Friday, August 28, 2020 2:53 PM
To: Jakubiak, Mark (DOT)
Subject: FW: PIN 193549 - Livingston Ave Section 106 Reinitiation - Tribal Coordination

From: Eastern Historic Preservation
Sent: Friday, August 28, 2020 1:16 PM
To: Becker, Andrea (DOT)
Subject: Re: PIN 193549 - Livingston Ave Section 106 Reinitiation - Tribal Coordination

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Andrea.

Thank you for re-acquainting the Delaware Tribe with this project. We are not interested in consulting on this project at this time.

We do ask that in the event a concentration of artifacts and/or in the unlikely event any human remains are accidentally unearthed during the project that all work is halted until the Delaware Tribe of Indians is informed of the inadvertent discovery and a qualified archaeologist can evaluate the find.

Happy Friday!

Susan Bachor, M.A.

Archaeologist

Delaware Tribe Historic Preservation

126 University Circle

Stroud Hall, Rm. 437

East Stroudsburg PA 18301

This electronic message contains information from the Delaware Tribe of Indians that may be confidential, privileged or proprietary in nature. The information is intended solely for the specific use of the individual or entity to which this is addressed. If you are not the intended recipient of this message, you are notified that any use, distribution, copying, or disclosure of this communication is strictly prohibited. If you received this message in error, please notify the sender then delete this message.

From: "Becker, Andrea (DOT)" _____
To: **Sent:** 8/28/2020 10:17 AM
Subject: PIN 193549 - Livingston Ave Section 106 Reinitiation - Tribal Coordination

Susan,

Please find the correspondence attached to re-notify you of an on-going project. It has been several years since FRA and NYSDOT have communicated about this project and FRA would like to meet the requirements of Design Approval including closing Section 106. Although there are no archeological concerns for this project the main sticking points are:

the bridge is historic and providing ample public involvement. FRA and NYSDOT is re-coordinating with the Delaware Tribe to refresh this project and update everyone while the design has not changed. Please read the attached and respond. Thank you and stay healthy and safe.

The plans will follow in a separate email because of the file size.

Andrea J. Becker
Cultural Resources Coordinator

[New York State Department of Transportation](#)
Region 1 Design - Landscape Architecture & Environmental Services Unit
50 Wolf Road
Albany, New York 12232
www.dot.ny.gov



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 12, 2020

Brice Obermeyer
Director, Delaware Tribe Historic Preservation Office
Roosevelt Hall, Rm 212
1200 Commercial St.
Emporia, KS 66801

RE: **PIN 1935.49.171**
BIN 7092890
Livingston Avenue Bridge over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County
12PR00935

Dear Dr. Obermeyer,

The Federal Railroad Administration (FRA), in coordination with the New York State Department of Transportation (NYSDOT), would like to continue consultation with the **Delaware Tribe** for the Livingston Avenue Bridge Project (the Project) in accordance with 36 CFR Part 800. The project is currently in the preliminary design phase and we are providing a summary of the project planning and consultation activities that have occurred to date. In sum, the last formal correspondence with your office on this project was February 2, 2015. The Delaware Tribe responded March 5, 2015 with “no objection to the proposed project.” Since that time, FRA has reviewed the environmental documentation for this project and wishes to move toward concluding Section 106. At this time, we would like to either: 1) reaffirm that the Delaware Tribe’s March 2015 response remains unchanged or 2) re-initiate consultation with the Delaware Tribe.

Project Summary

The FRA is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the cities of Albany and Rensselaer, providing a critical rail link on New York State’s Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service.

FRA and NYSDOT are preparing an Environmental Assessment (EA) to comply with the requirements of NEPA as well as the New York State Environmental Quality Review Act

(SEQRA). The EA also documents compliance with other applicable Federal, New York State, and local environmental laws and regulations. FRA is the lead Federal agency for review under NEPA and Section 106 of the National Historic Preservation Act and NYSDOT is the lead state agency for review under SEQRA.

The existing Livingston Avenue Bridge is eligible for listing on the National Register of Historic Places (NR-eligible). FRA and NYSDOT, in consultation with SHPO, have determined that the Project would result in an adverse effect on the Livingston Avenue Bridge, which would be demolished as part of the Project.

Summary Timeline of Section 106 Actions to Date

The following is a summary of the consultation activities under Section 106 undertaken to date:

- On behalf of FRA, NYSDOT initiated Section 106 consultation for the Project with SHPO, in a letter dated March 7, 2012.
- On behalf of FRA, NYSDOT submitted the Cultural Resources Survey of a Preliminary Study Area to SHPO on March 7, 2012 and SHPO concurred with the findings in a May 2012 response. In the May 2012 letter, SHPO indicated that replacement of the bridge would be unlikely to result in indirect adverse effects to historic properties near the bridge.
- On behalf of FRA, NYSDOT sent information about the Project, including a copy of the Cultural Resources Survey, to Federally Recognized Indian tribes including the Saint Regis Mohawk Tribe, Stockbridge-Munsee Community Band of Mohicans, and the Delaware Tribe on February 2, 2015. The tribes responded and identified that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project.
- NYSDOT sent Finding Documentation for the project to SHPO on March 10, 2015. This documentation presented the project APE and a determination that the project would have an adverse effect due to the proposed removal of the NR-eligible Livingston Avenue Bridge.
- SHPO responded to the recommended effect determination and requested additional information regarding the consideration of alternatives to the demolition of the Livingston Avenue Bridge on April 29, 2015.
- The Finding Documentation was modified to include more information on alternatives considered and was submitted to SHPO on June 17, 2015.
- FRA and NYSDOT met with Bonney Hartley of the Stockbridge-Munsee Community Band of Mohicans to discuss the project and resolve concerns on June 26, 2015. On November 10, 2015, the Tribe responded that there were no significant cultural concerns with the project and that no further information was necessary.
- NYSDOT and the consulting engineers met with the SHPO on August 5, 2015 to review the alternatives and discuss additional alternatives. SHPO requested that additional consideration be given to measures to minimize harm to the Livingston Avenue Bridge, such as retaining or rebuilding components of the bridge.
- On November 10, 2015, NYSDOT submitted to SHPO an Explanation of Alternatives evaluating the additional alternatives and measures to minimize harm requested by SHPO.

- December 2015: SHPO responded via telephone that they would issue comments on the effect determination after a public information session and additional outreach to Consulting Parties. Also, in December 2015, NYSDOT coordinated with the City officials to inquire whether they would like to acquire the structure as a recreational structure.
- May 26, 2017: The FRA invited nine organizations to serve as Section 106 consulting parties and six accepted the invitation and expressed interest in attending a public informational meeting. One additional entity subsequently requested consulting party status and was approved by FRA.

Area of Potential Effect

At the outset of the environmental review process, a Preliminary Study Area for Cultural Resources was delineated based on the Project design at that stage. A cultural resources reconnaissance-level survey of the Study Area was prepared by the New York State Museum (NYSM) in June 2011. The survey report was submitted to SHPO for review and comment and SHPO concurred with the findings of the NYSM survey in a May 2012 response letter.

Based on the comments provided in this letter, NYSDOT concluded that the Proposed Project did not have the potential to result in adverse indirect effects on historic properties. Therefore, the APE was delineated to account for potential direct effects resulting from the construction and operation of the proposed Project Alternatives. The APE for the Project was delineated to span the Hudson River between the City of Albany and the City of Rensselaer. It includes all areas that could be directly impacted by the proposed Project Alternatives. In the City of Albany, its western terminus is formed by the Montgomery Street Railroad Bridge. In the City of Rensselaer, the APE extends along the railroad north to Tracy Street and south to Pine Street.

The APE remains the same as it was shown in the Finding Documentation previously sent to SHPO. It is illustrated in Attachment A.

Identification of Historic Properties and Determinations of Eligibility

As described above, a cultural resources reconnaissance-level survey of the Preliminary Study Area was prepared by the New York State Museum (NYSM) in June 2011. The APE for the project was delineated in 2015 to include a smaller area within the Preliminary Study Area.

Based on the identification of historic properties presented in the Cultural Resources Survey, three historic architectural properties are located in the APE, including (1) the Livingston Avenue Bridge; (2) the Albany Railroad Viaduct (which includes two bridges in the APE: the Centre Street-Erie Boulevard railroad bridge and the Water Street railroad bridge); and (3) the Central Warehouse at 143 Montgomery Street and the associated Central Warehouse Spur Bridge.

The Cultural Resources Survey included an archaeological study that identified 4 potential archeological sites. All the sites are located outside the APE. Based on the results of that study, which included documentary research and field testing, the APE was not considered sensitive for archaeological resources and no further archaeological study is recommended.

Since NYSDOT and FRA coordinated last with the SHPO and tribes in 2015, no additional properties in the APE have become potentially NR-eligible as a result of meeting the National Register age criterion. None of the previously identified historic properties in the APE appear to have changed status since 2015. One property, 102 Colonie Street was recently listed on the National Register but is located just outside the APE.

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Concluding Statements

The attached revised Finding Documentation, prepared in accordance with the requirements of 36 CFR Part 800.11, summarizes the Project and its effect on historic properties. This Project proposes to replace the Livingston Avenue Bridge on an adjacent alignment. **Currently FRA is working with NYSDOT to progress two feasible alternatives.** Based upon previous Section 106 documentation submitted to SHPO on March 10, 2015 and current documentation, the FRA has applied the Criteria of Effect for this project, and determined that this undertaking will continue to have an **adverse effect** on the National Register Eligible Livingston Avenue Bridge and a **no adverse effect** on the Albany Railroad Viaduct and the Central Warehouse and Central Warehouse Spur Bridge.

FRA, in coordination with NYSDOT, will develop a draft Memorandum of Agreement (MOA) that identifies measures to avoid, minimize, and/or mitigate the adverse effect on the NR-eligible Livingston Avenue Bridge. FRA will develop the MOA in consultation with SHPO, the ACHP (if participating), the tribes (if participating), and other previously identified consulting parties. At this time, FRA would like to either: 1) reaffirm that the Delaware Tribe's March 2015 response remains unchanged or 2) reinstate consultation and invite the Delaware Tribe to participate in the development of the MOA.

Please note that FRA has authorized NYSDOT to further coordinate with the **Delaware Tribe** on behalf of FRA with respect to this project. We request that you please copy NYSDOT on your response; a mailing address and email address are provided below. If you have questions or wish to discuss this project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist at (202) 493-0564 or christeen.taniguchi@dot.gov or Andrea Becker, NYSDOT the Region One Cultural Resources Coordinator at (518) 457-9937 or andrea.becker@dot.ny.gov

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development

cc: S. Bachor, Archeologist, Delaware Tribe
C. Taniguchi, FRA, EPS
M. Santangelo, MO, NYSDOT
M. Jakubiak, MO, NYSDOT

Enc: Finding Document (dated June 2020)
Correspondence to Delaware Tribe and Response from 2015



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 12, 2020

Nathan Allison
Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal
Historic Preservation Extension Office
65 1st Street
Troy, NY 12180

RE: **PIN 1935.49.171**
BIN 7092890
Livingston Avenue Bridge over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County
12PR00935

Dear Mr. Allison,

The Federal Railroad Administration (FRA), in coordination with the New York State Department of Transportation (NYSDOT), would like to continue consultation with the **Stockbridge-Munsee Community Band of Mohican Indians** for the Livingston Avenue Bridge Project (the Project) in accordance with 36 CFR Part 800. The project is currently in the preliminary design phase and we are providing a summary of the project planning and consultation activities that have occurred to date. In sum, the last formal correspondence with your office on this project was February 2, 2015. A meeting was held with Bonney Hartley (the previous THPO) on June 26, 2015 to further explain the scope of the work proposed in previously disturbed soils in the area of potential effect. On November 10, 2015, the Tribe responded that there were no significant cultural concerns with the project and that no further information was necessary. Since that time, FRA has reviewed the environmental documentation for this project and wishes to move toward concluding Section 106. At this time, we would like to either: 1) reaffirm that the Stockbridge-Munsee Community Band of Mohican Indians November 10, 2015 response remains unchanged or 2) re-initiate consultation with the Stockbridge-Munsee Community Band of Mohican Indians.

Project Summary

The FRA is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the cities of Albany and Rensselaer, providing a critical rail link on New York State's Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its

serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service.

FRA and NYSDOT are preparing an Environmental Assessment (EA) to comply with the requirements of NEPA as well as the New York State Environmental Quality Review Act (SEQRA). The EA also documents compliance with other applicable Federal, New York State, and local environmental laws and regulations. FRA is the lead Federal agency for review under NEPA and Section 106 of the National Historic Preservation Act and NYSDOT is the lead state agency for review under SEQRA.

The existing Livingston Avenue Bridge is eligible for listing on the National Register of Historic Places (NR-eligible). FRA and NYSDOT, in consultation with SHPO, previously determined that the Project would result in an adverse effect on the Livingston Avenue Bridge, which would be demolished as part of the Project.

Summary Timeline of Section 106 Actions to Date

The following is a summary of the consultation activities under Section 106 undertaken to date:

- On behalf of FRA, NYSDOT initiated Section 106 consultation for the Project with SHPO, in a letter dated March 7, 2012.
- On behalf of FRA, NYSDOT submitted the Cultural Resources Survey of a Preliminary Study Area to SHPO on March 7, 2012 and SHPO concurred with the findings in a May 2012 response. In the May 2012 letter, SHPO indicated that replacement of the bridge would be unlikely to result in indirect adverse effects to historic properties near the bridge.
- On behalf of FRA, NYSDOT sent information about the Project, including a copy of the Cultural Resources Survey, to Federally Recognized Native American tribes including the Saint Regis Mohawk Tribe, the Stockbridge-Munsee Community Band of Mohicans, and the Delaware Tribe on February 2, 2015. Two of the three tribes responded and identified that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project.
- NYSDOT sent the Finding Documentation for the project to SHPO on March 10, 2015. This documentation presented the project APE and a determination that the project would have an adverse effect due to the proposed removal of the NR-eligible Livingston Avenue Bridge.
- SHPO responded to the recommended effect determination and requested additional information regarding the consideration of alternatives to the demolition of the Livingston Avenue Bridge on April 29, 2015.
- The Finding Documentation was modified to include more information on alternatives considered and was submitted to SHPO on June 17, 2015.
- FRA and NYSDOT met with Bonney Hartley of the Stockbridge-Munsee Community Band of Mohicans to discuss the project and resolve concerns on June 26, 2015. On November 10, 2015, the Tribe responded that there were no significant cultural concerns with the project and that no further information was necessary.
- NYSDOT and the consulting engineers met with the SHPO on August 5, 2015 to review the alternatives and discuss additional alternatives. SHPO requested that additional

consideration be given to measures to minimize harm to the Livingston Avenue Bridge, such as retaining or rebuilding components of the bridge.

- On November 10, 2015, NYSDOT submitted to SHPO an Explanation of Alternatives evaluating the additional alternatives, costs, and measures to minimize harm requested by SHPO.
- December 2015: SHPO responded via telephone that they would issue comments on the effect determination after a public information session and additional outreach to Consulting Parties. Also, in December 2015, NYSDOT coordinated with the City officials to inquire whether they would like to acquire the structure as a recreational structure.
- May 26, 2017: The FRA invited nine organizations to serve as Section 106 consulting parties and six accepted the invitation and expressed interest in attending a public informational meeting. One additional entity subsequently requested consulting party status and was approved by FRA.

Area of Potential Effect

At the outset of the environmental review process, a Preliminary Study Area for Cultural Resources was delineated based on the Project design at that stage. A cultural resources reconnaissance-level survey of the Study Area was prepared by the New York State Museum (NYSM) in June 2011. The survey report was submitted to SHPO for review and comment and SHPO concurred with the findings of the NYSM survey in a May 2012 response letter.

Based on the comments provided in this letter, NYSDOT concluded that the Proposed Project did not have the potential to result in adverse indirect effects on cultural resources. Therefore, the APE was delineated to account for potential direct effects resulting from the construction and operation of the proposed Project Alternatives. The APE for the Project was delineated to span the Hudson River between the City of Albany and the City of Rensselaer. It includes all areas that could be directly impacted by the proposed Project Alternatives. In the City of Albany, its western terminus is formed by the Montgomery Street Railroad Bridge. In the City of Rensselaer, the APE extends along the railroad north to Tracy Street and south to Pine Street.

The APE remains the same as it was shown in the Finding Documentation previously sent to SHPO. It is illustrated in Attachment A.

Identification of Historic Properties and Determinations of Eligibility

As described above, a cultural resources reconnaissance-level survey of the Preliminary Study Area was prepared by the New York State Museum (NYSM) in June 2011. The APE for the project was delineated in 2015 to include a smaller area within the Preliminary Study Area.

Based on the identification of historic properties presented in the Cultural Resources Survey, three historic architectural properties are located in the APE, including (1) the Livingston Avenue Bridge; (2) the Albany Railroad Viaduct (which includes two bridges in the APE: the Centre Street-Erie Boulevard railroad bridge and the Water Street railroad bridge); and (3) the Central Warehouse at 143 Montgomery Street and the associated Central Warehouse Spur Bridge.

The Cultural Resources Survey included an archaeological study that identified 4 potential archeological sites. All the sites are located outside the APE. Based on the results of that study, which included documentary research and field testing, the APE was not considered sensitive for archaeological resources and no further archaeological study is recommended.

Since the NYSDOT and FRA coordinated last with the SHPO in 2017, no additional properties in the APE have become potentially NR-eligible as a result of meeting the National Register age criterion. None of the previously identified historic properties in the APE appear to have changed status since 2017. One property, 102 Colonie Street, was listed on the National Register just outside the APE.

Summary of Alternatives Considered

FRA and NYSDOT considered a range of different alternatives for repairing, rehabilitating, or replacing the Livingston Avenue Bridge to identify alternatives that would meet the purpose and need and be feasible and reasonable. FRA and NYSDOT considered several different alternatives, including a permanent detour using an alternate route, rehabilitation of the bridge, and replacement of the bridge on various alignments. FRA and NYSDOT also considered several different bridge types in the evaluation. In the alternative's evaluation, FRA and NYSDOT determined that discontinuation of a rail crossing between Albany and Rensselaer, repair and rehabilitation of the existing bridge, and replacement of the bridge within the existing bridge footprint would not be reasonable alternatives. FRA and NYSDOT concluded that two Build Alternatives that replace the existing bridge with a new lift bridge either just south or just north of the existing alignment would meet the purpose and need and be feasible and reasonable. The No Action Alternative was also retained for analysis in the EA to serve as a benchmark against which to compare the effects of the two Build Alternatives.

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The attached revised Finding Documentation, prepared in accordance with the requirements of 36 CFR Part 800.11, summarizes the Project and its effect on historic properties. This Project proposes to replace the Livingston Avenue Bridge on an adjacent alignment. **Currently FRA is working with NYSDOT to progress two feasible alternatives.** Based upon previous Section

106 documentation submitted to SHPO on March 10, 2015 and current documentation, the FRA has applied the Criteria of Effect for this project, and determined that this undertaking will continue to have an **adverse effect** on the National Register Eligible Livingston Avenue Bridge and a **no adverse effect** on the Albany Railroad Viaduct and the Central Warehouse and Centre Street Spur Bridge.

FRA, in coordination with NYSDOT, will develop a draft Memorandum of Agreement (MOA) that identifies measures to avoid, minimize, and/or mitigate the adverse effect on the NR-eligible Livingston Avenue Bridge. FRA will develop the MOA in consultation with SHPO, the ACHP (if participating), the tribes (if participating), and other previously identified consulting parties. At this time, FRA would like to either: 1) reaffirm that the Stockbridge-Munsee Community Band of Mohican Indians November 10, 2015 response remains unchanged or 2) re-initiate consultation and invited the Stockbridge-Munsee Community Band of Mohican Indians to participate in the development of the MOA.

Please note that FRA has authorized NYSDOT to further coordinate with **Stockbridge-Munsee Community Band of Mohican Indians** on behalf of FRA with respect to this project. We request that you please copy NYSDOT on your response; a mailing address and email address are provided below. If you have questions or wish to discuss this project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist at (202) 493-0564 or christeen.taniguchi@dot.gov or Andrea Becker, NYSDOT the Region One Cultural Resources Coordinator at (518) 457-9937 or andrea.becker@dot.ny.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development

cc: C. Taniguchi, FRA, EPS
M. Jakubiak, MO, NYSDOT
M. Santangelo, MO, NYSDOT

Enc: Finding Document (dated June 2020)
Correspondence to the Stockbridge-Munsee Community and Response from 2015



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 12, 2020

Darren Bonaparte
Tribal Historic Preservation Officer
Saint Regis Mohawk Tribe
71 Margaret Terrance Memorial Way
Akwesasne NY 13655

RE: **PIN 1935.49.171**
BIN 7092890
Livingston Avenue Bridge over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County
12PR00935

Dear Mr. Bonaparte,

The Federal Railroad Administration (FRA), in coordination with the New York State Department of Transportation (NYSDOT), would like to continue consultation with the **Saint Regis Mohawk Tribe** for the Livingston Avenue Bridge Project (the Project) in accordance with 36 CFR Part 800. The project is currently in the preliminary design phase and we are providing a summary of the project planning and consultation activities that have occurred to date. In sum, the last formal correspondence with your office on this project was February 2, 2015. The Saint Regis Mohawk responded February 11, 2015 with “no effect in regard to cultural properties of concern to the Saint Regis Mohawk Tribe.” Since that time, FRA has reviewed the environmental documentation for this project and wishes to move toward concluding Section 106. At this time, we would like to either: 1) reaffirm that the Saint Regis Mohawk Tribe’s February 11, 2015 response remains unchanged or 2) re-initiate consultation with the Saint Regis Mohawk Tribe.

Project Summary

The FRA is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the cities of Albany and Rensselaer, providing a critical rail link on New York State’s Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service.

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Please note that FRA has authorized NYSDOT to further coordinate with **Saint Regis Mohawk Tribe** on behalf of FRA with respect to this project. We request that you please copy NYSDOT on your response; a mailing address and email address are provided below. If you have questions or wish to discuss this project, please contact Christeen Taniguchi, FRA Environmental Protection Specialist at (202) 493-0564 or christeen.taniguchi@dot.gov or Andrea Becker, NYSDOT the Region One Cultural Resources Coordinator at (518) 457-9937 or andrea.becker@dot.ny.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development

cc: C. Taniguchi, FRA, EPS
M. Santangelo, MO, NYSDOT
M. Jakubiak, MO, NYSDOT

Enc: Finding Document (dated June 2020)
Correspondence to Saint Regis Mohawk Tribe and Response from 2015

From: Bonney Hartley [mailto:Bonney.Hartley@mohican-nsn.gov]
Sent: Tuesday, November 10, 2015 2:03 PM
To: Becker, Andrea (DOT)
Subject: RE: PIN 193549 livingston Ave Bridge

Hi Andrea,

I've reviewed NYSM's Sept. 4th write-up on the deep trench testing and the maps that you provided, and looked back at notes from our meeting on this from June. I believe my questions on the testing have been satisfied, and we do not have significant cultural resource concerns with the project. No further information is necessary.

Thank you,

Bonney

Bonney Hartley

Tribal Historic Preservation Officer

Stockbridge-Munsee Mohican Tribal Historic Preservation

New York Office

65 1st Street

Troy, NY 12180

(518) 244-3164

Bonney.Hartley@mohican-nsn.gov

www.mohican-nsn.gov

Physical Address: 37 1st Street

From: Becker, Andrea (DOT) [<mailto:Andrea.Becker@dot.ny.gov>]

Sent: Monday, November 02, 2015 9:00 AM

To: Bonney Hartley

Subject: FW: PIN 193549 livingston Ave Bridge

Bonney,

Please review the attached explanation of the depth of disturbance that we talked about at a meeting several months ago. I have also attached mapping from the report so that you can visualize where the trenches are located and the map from our last meeting a while back.

Please review the information and let me know if you have any concerns.

Andrea J. Becker

Regional Cultural Resources Coordinator

NYS DOT - Region One - Design

50 Wolf Road, Albany, NY 12232

518.457.9937 Andrea.Becker@dot.ny.gov

www.dot.ny.gov

Stockbridge-Munsee Tribal Historic Preservation

*Main Office
W13447 Camp 14 Rd
Bowler, WI 54416*

*New York Office
P.O. Box 718
Troy, NY 12181*

Michelle W. Fishburne, PE
Environmental Protection Specialist
Office of Railroad Policy and Development
USDOT Federal Railroad Administration
1200 New Jersey Avenue SE
Washington DC 20590
via email only

**RE: PIN 193549.171 / BIN 7092890
Livingston Avenue Bridge over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County**

Dear Ms. Fishburne:

We are in receipt of materials dated February 2, 2015 for the above-referenced project sent from Ms. Andrea Becker of NYSDOT for our review under our Section 106 cultural resource responsibilities. We are directing this response to you as the Federal contact.

We have reviewed the cover letter and Volume 1: Cultural Resources Reconnaissance Survey Report.

We offer the following comments on the project:

- We request further clarification of **what percentage of the current APE has been tested**. The cultural survey report from 2011 notes numerous sections of the APE that were not tested.
- Relatedly, we request clarification of if NYSDOT **plans to demolish and construct upon the numerous areas that were not tested because they are existing buildings/homes/parking lots/ramps etc, and if so what the further archeological testing plans are for these areas**. For example, for many areas that were not tested with the rationale that they could not be because they were “located under ramp for I-787” or “under parking lot” or “under building”, we would like to understand if the project plans will involve the demolition of these areas in order to construct the bridge, and what testing will take place to ensure there are no cultural materials present. One way to provide this information might be to provide an additional column of NYSDOT comments into the “Table 6: Summary of Testing Around MDSs and Extant Structures within the PIN 1935.49.171 Project Area” starting on page 182 in Volume 1.

Stockbridge-Munsee Tribal Historic Preservation

*Main Office
W13447 Camp 14 Rd
Bowler, WI 54416*

*New York Office
P.O. Box 718
Troy, NY 12181*

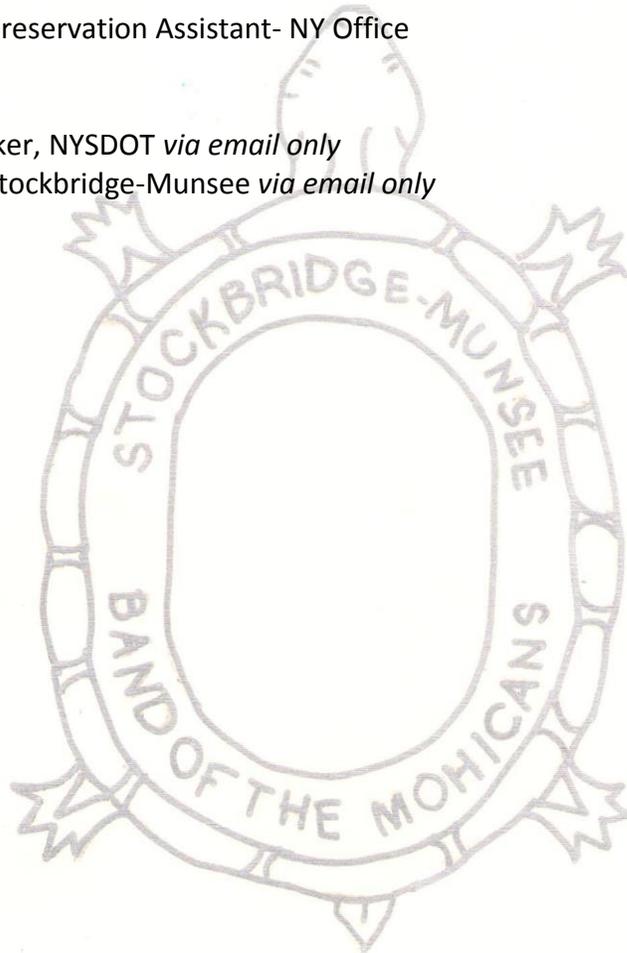
We wish to continue consultation; when we receive this additional information we will provide further comment.

Thank you & Kind regards,



Bonney Hartley
Tribal Historic Preservation Assistant- NY Office

Cc: Andrea Becker, NYSDOT *via email only*
Sherry White, Stockbridge-Munsee *via email only*





Delaware Tribe Historic Preservation Representatives
Department of Anthropology
Gladfelter Hall
Temple University
1115 W. Polett Walk
Philadelphia, PA 19122
temple@delawaretribe.org

March 5, 2015

New York State Department of Transportation
Attn: Andrea Becker
50 Wolf Road
Albany, NY 12232

Re: PIN 193549.171, BIN 7092890, Livingston Avenue Bridge over the Hudson River

Dear Andrea Becker,

Thank you for notifying the Delaware Tribe of the plans for the above referenced project and providing the Cultural Resources Reconnaissance Survey. Our review indicates that there are no religious or culturally significant sites within the selected project area and we have no objection to the proposed project. We defer further comment to your office.

We ask that if any archaeological remains (artifacts, subsurface features, etc.) are discovered during the construction process that construction be halted until an archaeologist can view and assess the finds. Furthermore, we ask that if any human remains are accidentally unearthed during the course of the project that you cease development immediately and inform the Delaware Tribe of Indians of the inadvertent discovery. If you have any questions, feel free to contact this office by phone at (609) 220-1047 or by e-mail at temple@delawaretribe.org.

Sincerely,

A handwritten signature in cursive script that reads "Blair Fink".

Blair Fink
Delaware Tribe Historic Preservation Representatives
Department of Anthropology
Gladfelter Hall
Temple University
1115 W. Polett Walk
Philadelphia, PA 19122



Saint Regis Mohawk Tribe

February 11, 2015

She:kon Ms. Becker,

This letter is in response to a request for a Section 106 consultation between your agency and the Saint Regis Mohawk Tribe. The following project that you requested my office to consult on is considered being of "No Effect" in regards to cultural properties of concern to the Saint Regis Mohawk Tribe:

PIN 193549.171 Livingston Avenue Bridge over the Hudson River

The St. Regis Mohawk Tribe requests to be immediately contacted in the event any inadvertent discoveries of human remains, funerary objects, sacred objects and objects of cultural patrimony are made during the scope of this project.

Should you or your office have any further questions in regards to these comments please feel free to contact my office at your earliest convenience.

Nia:wen,

A handwritten signature in cursive script, reading "Arnold L. Printup".

Arnold L. Printup
Saint Regis Mohawk Tribe
Tribal Historic Preservation Office
1(518)358-2272 Ext. 163

412 State Route 37
Akwasasne, New York 13655
Phone: 518-358-6125
518-358-6176
Fax: 518-358-9157



Department of Transportation

ANDREW M. CUOMO
Governor

JOAN McDONALD
Commissioner

SAM ZHOU, P.E.
Regional Director

February 2, 2015

Delaware Tribe Historic Preservation Representatives
Department of Anthropology
Gladfelter Hall Rm 207
Temple University
1115 W. Polett Walk
Philadelphia, PA 19122

RE: PIN 193549.171
BIN 7092890
Livingston Avenue Bridge
over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County

Dear Ms. Fink & Ms. Bacher,

On behalf of the Federal Rail Administration's Nation to Nation coordination, the NYSDOT would like to request your collaboration.

The NYSDOT proposes to replace the Livingston Avenue Bridge on an adjacent alignment. The bridge is a CSX/Amtrak swing Baltimore truss constructed in 1901-03, and has multiple deficiencies slowing commercial and passenger rail traffic through this corridor.

This information is provided to initiate consultation, under Section 106 of the National Historic Preservation Act (36 CFR Part 800), for this project located within the identified area of interest of the Delaware Tribe. We respectfully request your comments and concerns about the project area, if you have knowledge to further interpret the project area, and if there are areas significant to your Nation in or near the project area.

Through early consultation, we hope to incorporate into the Section 106 process the concerns of the Delaware Tribe for properties of religious and cultural significance within the project's area of potential effects. A Cultural Resources Reconnaissance Survey was already completed in 2011 and as a result of the 2011 archeological testing no prehistoric remains were identified and the original shoreline has been previously disturbed. Four historic archeological sites were identified and recommended for additional testing if they could not be avoided by the project's undertaking. Currently, the project plans include avoiding the four sites (Livingston Ave Bridge Site #1 - #4). Please find enclosed for your information, the Architectural and Archeological Cultural Resource Reconnaissance Surveys Reports, completed by NYS Museum in 2011 along with additional mapping and preliminary plans.

Please respond with your questions, comments, and concerns to me, Andrea Becker, the NYSDOT Regional Cultural Resource Coordinator, at 518.457.9937 or Andrea.Becker@dot.ny.gov. On behalf of the Federal Rail Administration in coordination NYSDOT, thank you for taking part in Section 106 consultation for this project.

Sincerely,



NYSDOT Region One
Regional Cultural Resources Coordinator

Encl: Archeological Survey Volume I April 2011 *(pdf)*
Architectural Survey Volume II June 2011 *(pdf)*
Mapping
Preliminary Plans

cc: M. Fishburne, FRA *(e-mail)*
S. Delano, NYSDOT Main Office, Office of the Environment *(e-mail)*
M. Jakubiak, NYSDOT, Main Office, Project Manager *(e-mail)*
 Regional Cultural Resources File



Department of Transportation

ANDREW M. CUOMO
Governor

JOAN McDONALD
Commissioner

SAM ZHOU, P.E.
Regional Director

February 2, 2015

Bonney Hartley
Tribal Historic Preservation Assistant- NY Office
Stockbridge-Munsee Community Band of Mohican Indians
P.O. Box 718
Troy, NY 12181

RE: PIN 193549.171
BIN 7092890
Livingston Avenue Bridge
over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County

Dear Ms. Bonney Hartley,

On behalf of the Federal Rail Administration's Nation to Nation coordination, the NYSDOT would like to request your collaboration.

The NYSDOT proposes to replace the Livingston Avenue Bridge on an adjacent alignment. The bridge is a CSX/Amtrak swing Baltimore truss constructed in 1901-03, and has multiple deficiencies slowing commercial and passenger rail traffic through this corridor.

This information is provided to initiate consultation, under Section 106 of the National Historic Preservation Act (36 CFR Part 800), for this project located within the identified area of interest of the Stockbridge-Munsee Community Band of Mohican Indians. We respectfully request your comments and concerns about the project area, if you have knowledge to further interpret the project area, and if there are areas significant to your Nation in or near the project area.

Through consultation, we hope to incorporate into the Section 106 process the concerns of the Stockbridge-Munsee Community Band of Mohican Indians for properties of religious and cultural significance within the project's area of potential effects. Unfortunately a Cultural Resources Reconnaissance Survey was already completed in 2011 while typically a background survey is progressed before an archeological survey to provide an opportunity for the Stockbridge Munsee Community Band of Mohicans to offer any comments or concerns in advance of archaeological testing. As a result of the 2011 archeological testing no prehistoric remains were identified and the original shoreline has been previously disturbed. Four historic archeological sites were identified and recommended for additional testing if they could not be avoided by the project's undertaking. Currently, the project plans include avoiding the four sites (Livingston Ave Bridge Site #1-#4).

Please find enclosed for your information, the Architectural and Archeological Cultural Resource Reconnaissance Surveys Reports, completed by NYS Museum in 2011 along with additional mapping and preliminary plans.

Please respond with your questions, comments, and concerns to me, Andrea Becker, the NYSDOT Regional Cultural Resource Coordinator, at 518.457.9937 or Andrea.Becker@dot.ny.gov. On behalf

of the Federal Rail Administration in coordination NYSDOT, thank you for taking part in Section 106 consultation for this project

Sincerely,



NYSDOT Region One
Regional Cultural Resources Coordinator

Encl: Archeological Survey Volume I April 2011
Architectural Survey Volume II June 2011
Mapping
Preliminary Plans

cc: M. Fishburne, FRA (*e-mail*)
S. White, Stockbridge Munsee Community Band of Mohican Indians (letter only)
S. Delano, NYSDOT Main Office, Office of the Environment (*e-mail*)
M. Jakubiak, NYSDOT, Main Office, Project Manager (*e-mail*)
📁 Regional Cultural Resources File



Department of Transportation

ANDREW M. CUOMO
Governor

JOAN McDONALD
Commissioner

SAM ZHOU, P.E.
Regional Director

February 2, 2015

Arnold Printup
Tribal Historic Preservation Officer
Saint Regis Mohawk Tribe
412 Route 37
Akwesasne, NY 13655

RE: PIN 193549.171
BIN 7092890
Livingston Avenue Bridge
over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer County

Dear Mr. Printup,

On behalf of the Federal Rail Administration's Nation to Nation coordination, the NYSDOT would like to request your collaboration.

The NYSDOT proposes to replace the Livingston Avenue Bridge on an adjacent alignment. The bridge is a CSX/Amtrak swing Baltimore truss constructed in 1901-03, and has multiple deficiencies slowing commercial and passenger rail traffic through this corridor.

This information is provided to initiate consultation, under Section 106 of the National Historic Preservation Act (36 CFR Part 800), for this project located within the identified area of interest of the Saint Regis Mohawk Tribe. We respectfully request your comments and concerns about the project area, if you have knowledge to further interpret the project area, and if there are areas significant to your Nation in or near the project area.

Through consultation, we hope to incorporate into the Section 106 process the concerns of the Saint Regis Mohawk Tribe for properties of religious and cultural significance within the project's area of potential effects. A Cultural Resources Reconnaissance Survey was already completed in 2011 and as a result of the 2011 archeological testing no prehistoric remains were identified and the original shoreline has been previously disturbed. Four historic archeological sites were identified and recommended for additional testing if they could not be avoided by the project's undertaking. Currently, the project plans include avoiding the four sites (Livingston Ave Bridge Site #1 - #4).

Please find enclosed for your information, the Architectural and Archeological Cultural Resource Reconnaissance Surveys Reports, completed by NYS Museum in 2011 along with additional mapping and preliminary plans.

Please respond with your questions, comments, and concerns to me, Andrea Becker, the NYSDOT Regional Cultural Resource Coordinator, at 518.457.9937 or Andrea.Becker@dot.ny.gov. On behalf of the Federal Rail Administration in coordination NYSDOT, thank you for taking part in Section 106 consultation for this project

Sincerely,



NYSDOT Region One
Regional Cultural Resources Coordinator

Encl: Archeological Survey Volume I April 2011
Architectural Survey Volume II June 2011
Mapping
Preliminary Plans

cc: Chief Beverly Cook, Saint Regis Mohawk Tribe (*letter only*)
M. Fishburne, FRA (*e-mail*)
S. Delano, NYSDOT Main Office, Office of the Environment (*e-mail*)
M. Jakubiak, NYSDOT, Main Office, Project Manager (*e-mail*)
📁 Regional Cultural Resources File

Coordination with Consulting Parties



New York Central System Historical Society, Inc.
P.O. Box 130
Gates Mills, Ohio 44040-0130

Brandon Bratcher
Environmental Protection Specialist
U. S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental and Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Dear Mr. Bratcher:

This is in response to Laura Shick's letter dated May 26, 2017 to the president of the New York Central Historical Society, Richard Stoving. Mr. Stoving elected to step down as president after many valuable years of service and in his place, David MacKay is now serving as the Society's president. President MacKay has asked that I respond to the Department's letter as the Board of Director's representative.

The Department's letter asked that the Society respond as to whether it is interested in being a consulting party in the Section 106 process. The New York Central Historical Society is interested in being a consulting party and I will be its representative. I can be reached at the following addresses.:

6 Tunbridge Lane
Malvern, PA 19355-1042

staplindave@yahoo.com

The NYCSHS appreciates the Department's invitation to be a part of the Section 106 process.

Sincerely,



David E. Staplin, PE

Cc:

Mr. David MacKay
Andrea J. Becker

From: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>
Sent: Tuesday, June 27, 2017 2:51 PM
To: 'Susan Herlands Holland'
Cc: Becker, Andrea (DOT); Jakubiak, Mark (DOT); Shick, Laura (FRA); 'Mielke, Matthew S [USA]'
Subject: RE: Accepting Invitation to be a Section 106 Consulting Party/Livingston Avenue Bridge Replacement Project/Cities of Albany and Rensselaer NY

Thank you Susan -- and I look forward to working with you.

Copying some of the state and other project team members for visibility and tracking.

Brandon L. Bratcher
Environmental Protection Specialist
Office: (202) 493-0844
Cell: (202) 868-2626

From: Susan Herlands Holland [mailto:sholland@historic-albany.org]
Sent: Tuesday, June 27, 2017 2:40 PM
To: Bratcher, Brandon (FRA)
Subject: Accepting Invitation to be a Section 106 Consulting Party/Livingston Avenue Bridge Replacement Project/Cities of Albany and Rensselaer NY

Dear Mr. Bratcher,

We would be happy to accept the invitation for the abovementioned project. I will be the liaison/contact to the project.

Thank you for this opportunity and I look forward to working together on this,
-Susan

--

Susan Herlands Holland

Executive Director

Historic Albany Foundation, Inc.

89 Lexington Avenue

Albany, NY 12206

[\(518\) 465-0876 xt. 11](tel:5184650876)

www.historic-albany.org

From: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>
Sent: Monday, June 19, 2017 10:33 AM
To: 'vb@theschedule.us'
Cc: Becker, Andrea (DOT); Jakubiak, Mark (DOT); Shick, Laura (FRA); 'Mielke, Matthew S [USA]'
Subject: RE: L-20170526-§106 ConsultingParty

Thank you for getting back to us, Mr. Batorsky. Contact information and interest is noted.

Copying some of the state and other project team members for visibility and tracking.

Brandon L. Bratcher
Environmental Protection Specialist
Office: (202) 493-0844
Cell: (202) 868-2626

-----Original Message-----

From: vb@theschedule.us [mailto:vb@theschedule.us]
Sent: Saturday, June 17, 2017 6:11 PM
To: Bratcher, Brandon (FRA)
Subject: L-20170526-§106 ConsultingParty

As per your invitation of May 26, 2017 to participate in the Advisory Council on Historic Preservation's (ACHP's) Section 106 of the National Historic Preservation Act (NHPA) regulations (36 CFR 800), I am with this email accepting that invitation and look forward to participation.

As City Historian for Rensselaer City, we are particularly interested in the proposed project to rehabilitate the Livingston Avenue Bridge located at Milepost QC 143.1.

Please use this email address for internet correspondence vb@theschedule.us. My cell phone is 518 859 3685 and I am most easily contacted using that number.

I would appreciate your using the following address for mailing:

Victor Batorsky
City of Rensselaer Historian
PO Box 147
Rensselaer, NY 12144

The City of Rensselaer thanks you for this invitation and we look forward to hearing from you.

Sincerely,
Victor Batorsky

From: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>
Sent: Monday, June 19, 2017 10:45 AM
To: 'George Hansen'
Cc: Ernie Mann; Becker, Andrea (DOT); Jakubiak, Mark (DOT); Shick, Laura (FRA); 'Mielke, Matthew S [USA]'
Subject: RE: Livingston Avenue Bridge Project

Thank you Mr. Hansen -- and I look forward to working with you and Mr. Mann.

Copying some of the state and other project team members for visibility and tracking.

Brandon L. Bratcher
Environmental Protection Specialist
Office: (202) 493-0844
Cell: (202) 868-2626

-----Original Message-----

From: George Hansen [mailto:ghansen@nycap.rr.com]
Sent: Friday, June 16, 2017 11:04 AM
To: Bratcher, Brandon (FRA)
Cc: Ernie Mann
Subject: Livingston Avenue Bridge Project

Ernie Mann, our organization vice president, has offered to represent our organization at meetings for this project. He lives in Rensselaer, and has extensive knowledge of the project site. His mailing address is 13 Farley Drive, Rensselaer, NY 12144-1303 and his e-mail address is rensny@nycap.rr.com

Thank you for considering our participation in the design of this worthy project.

George Hansen, Chairman
Board of Directors
Mohawk and Hudson Chapter, NRHS
PO Box 1256
Clifton Park, NY 12065
518-371-7225
ghansen@nycap.rr.com

From: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>
Sent: Wednesday, May 31, 2017 12:29 PM
To: Michael Franchini
Cc: Becker, Andrea (DOT); Jakubiak, Mark (DOT); Shick, Laura (FRA); Mielke, Matthew S [USA]
Subject: RE: Livingston Avenue Bridge Replacement Project, Cities of Albany & Rensselaer, New York

Thank you for getting back to us quickly, Mr. Franchini. Contact information and bike / ped support is noted.

Copying some of the state and other project team members for visibility and tracking.

Brandon L. Bratcher

Environmental Protection Specialist
(202) 493-0844
(202) 868-2626

From: Michael Franchini [mailto:mfranchini@cdtcmpo.org]
Sent: Wednesday, May 31, 2017 12:07 PM
To: Bratcher, Brandon (FRA)
Cc: mark.jakubiak@dot.ny.gov
Subject: Livingston Avenue Bridge Replacement Project, Cities of Albany & Rensselaer, New York

Mr. Bratcher,

I am requesting consulting party status for CDTC. We are the Metropolitan Planning Organization (MPO) for the 4-County region including Albany, Rensselaer, Saratoga, and Schenectady Counties. Our members, which include the Cities of Albany and Rensselaer and the Counties of Albany and Rensselaer, are very interested in this project.

CDTC and our members have strongly supported and continue to support the inclusion of bicycle and pedestrian facilities on the new structure. This bridge replacement is also listed as a high priority project in our Regional Freight Plan, which was completed last year.

I am the CDTC designated representative. My contact information is listed below and my email address is mfranchini@cdtcmpo.org. Thank you for your consideration.

*Michael V. Franchini
Executive Director
Capital District Transportation Committee
One Park Place
Albany NY 12205
(518) 458-2161*

CDTC is a public transportation planning agency, and the designated Metropolitan Planning Organization (MPO) for the Albany-Schenectady-Troy and Saratoga Springs metropolitan areas and the four County region.

From: Bratcher, Brandon (FRA) <brandon.bratcher@dot.gov>
Sent: Wednesday, May 31, 2017 11:31 AM
To: Martin Daley
Cc: Becker, Andrea (DOT); Jakubiak, Mark (DOT); Shick, Laura (FRA); Mielke, Matthew S [USA]
Subject: RE: Livingston Avenue Bridge Coalition to be a Section 106 Consulting Party for the Livingston Ave. Bridge Replacement Project

Thank you for getting back to us quickly, Mr. Daley. Contact information and bike / ped support is noted.

Copying some of the state and other project team members for visibility and tracking.

Brandon L. Bratcher

Environmental Protection Specialist
(202) 493-0844
(202) 868-2626

From: Martin Daley [mailto:daleyplanit@gmail.com]
Sent: Wednesday, May 31, 2017 9:27 AM
To: Bratcher, Brandon (FRA)
Subject: re: Livingston Avenue Bridge Coalition to be a Section 106 Consulting Party for the Livingston Ave. Bridge Replacement Project

Mr. Bratcher,

Thank you for the invitation to be a consulting party for the Livingston Avenue Bridge Replacement Project.

The designated representative for the Livingston Avenue Bridge Coalition is

Martin Daley
564 Myrtle Ave.
Albany, NY 12208
518-894-2195 (cell, preferred)
518-453-0850 (work)
daleyplanit@gmail.com

Thank you for this opportunity to be a part of the Section 106 review process. Our organization is especially pleased that the project goals include providing pedestrian and bicycle connectivity between Albany and Rensselaer.

Best,

Martin Daley



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

May 26, 2017

Livingston Avenue Bridge Coalition
564 Myrtle Ave
Albany, NY 12208

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Coalition Members,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property

expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
(Note: due to delays in receiving mail via the postal service, FRA encourages you to reply via email if possible)

If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

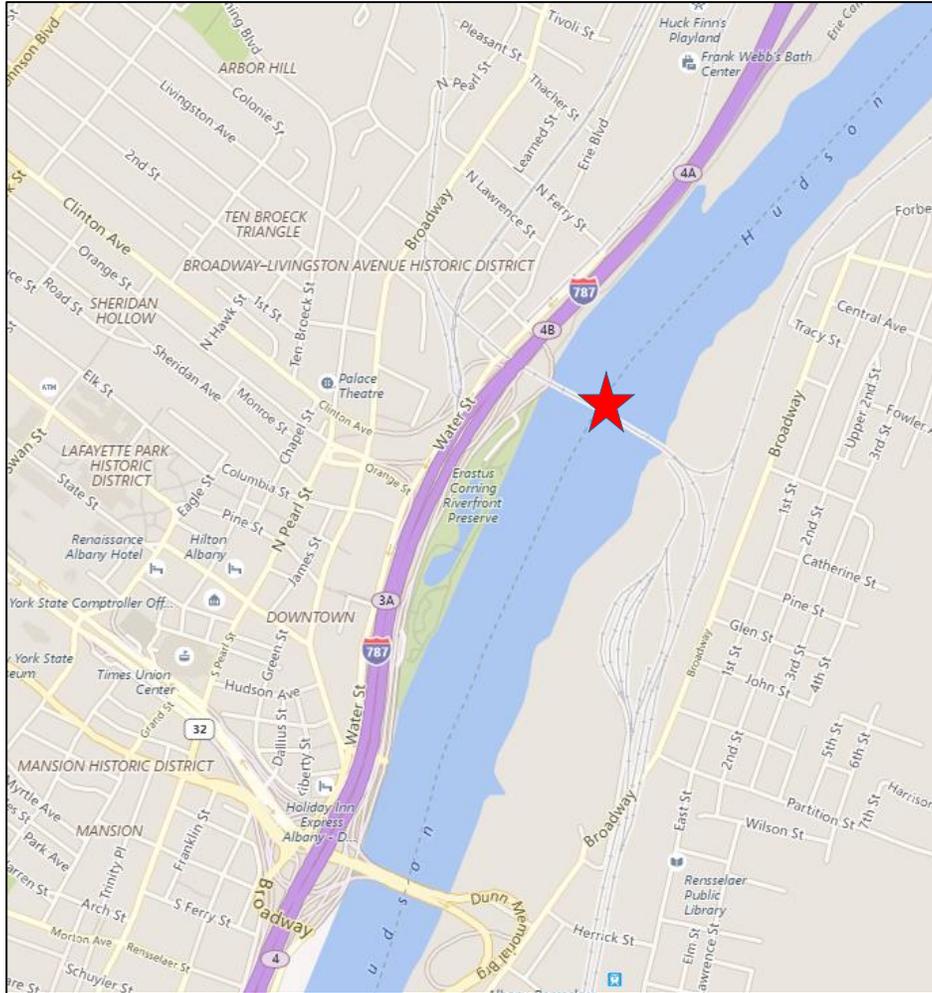
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 26, 2017

Susan Holland, Executive Director
Historic Albany Foundation
89 Lexington Ave
Albany, NY 12206

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Ms. Holland,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 2

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
(Note: due to delays in receiving mail via the postal service, FRA encourages you to reply via email if possible)

If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

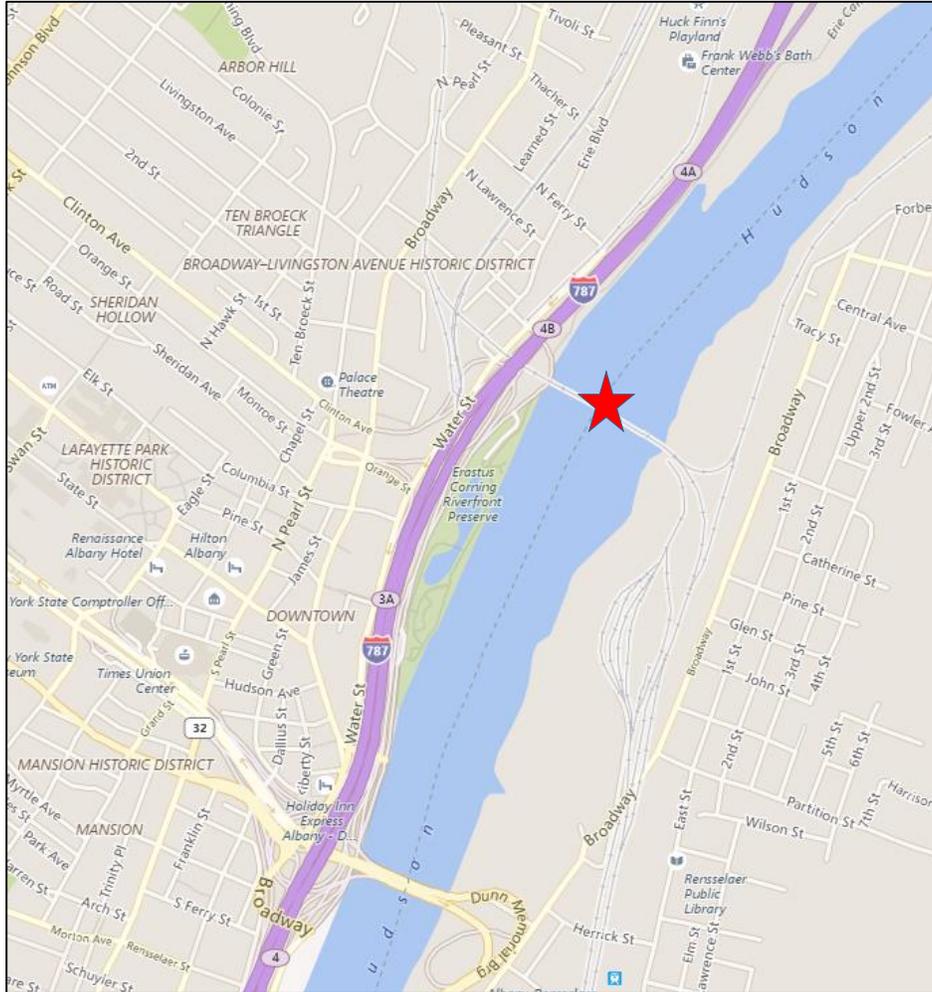
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

May 26, 2017

Liselle LaFrance, Director
PAST- 523½ South Pearl Street
Albany, NY 12202

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Ms. LaFrance,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property

expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
(Note: due to delays in receiving mail via the postal service, FRA encourages you to reply via email if possible)

If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

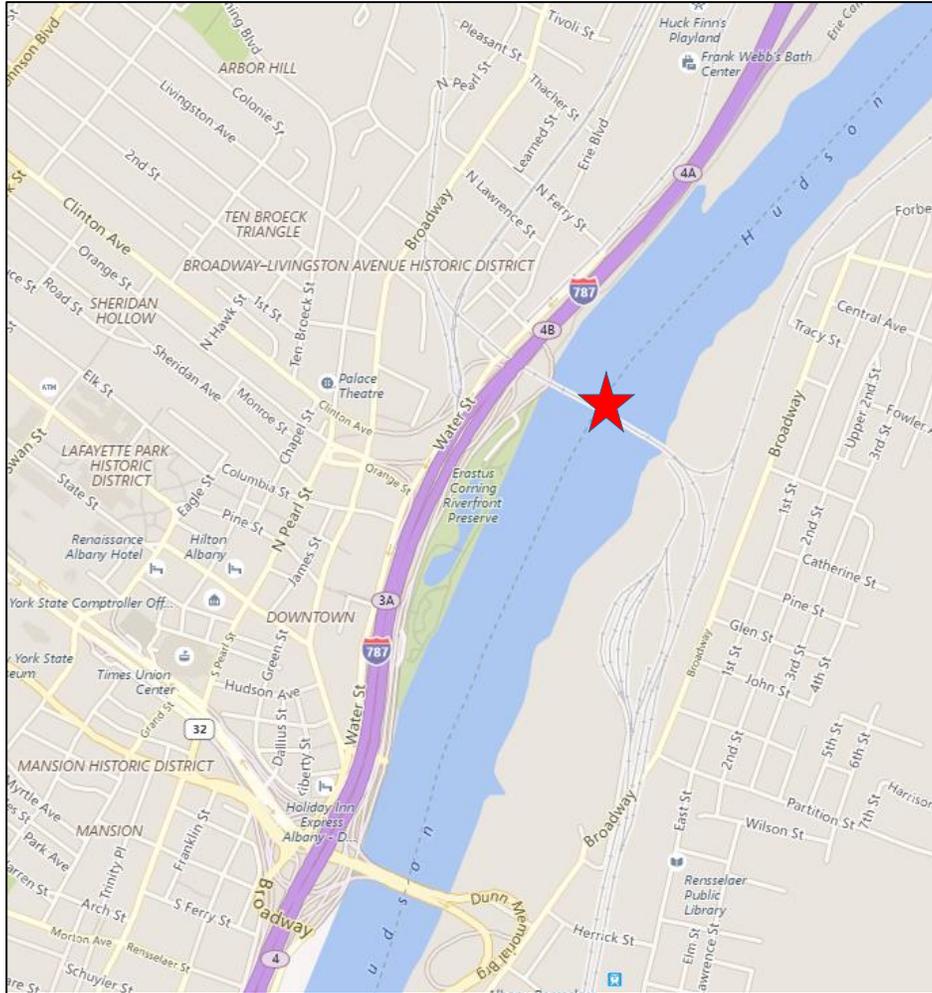
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

May 26, 2017

Tony Opalka, Historian
City of Albany
21 McKinley Street
Albany, NY 12206

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Mr. Opalka,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 2

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
(Note: due to delays in receiving mail via the postal service, FRA encourages you to reply via email if possible)

If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

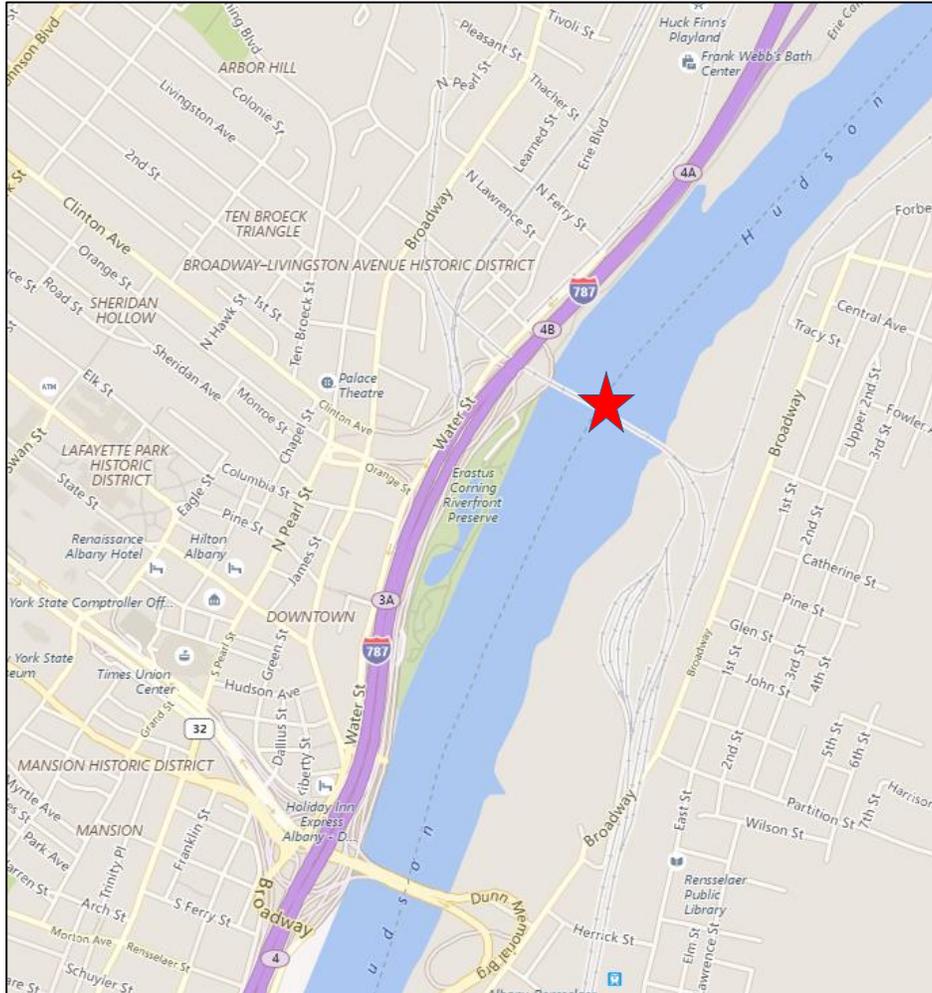
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 26, 2017

Georgeann Payne, President
Arbor Hill Neighborhood Association
241 Clinton Ave
Albany, NY 12210

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Ms. Payne,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 2

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
(Note: due to delays in receiving mail via the postal service, FRA encourages you to reply via email if possible)

If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

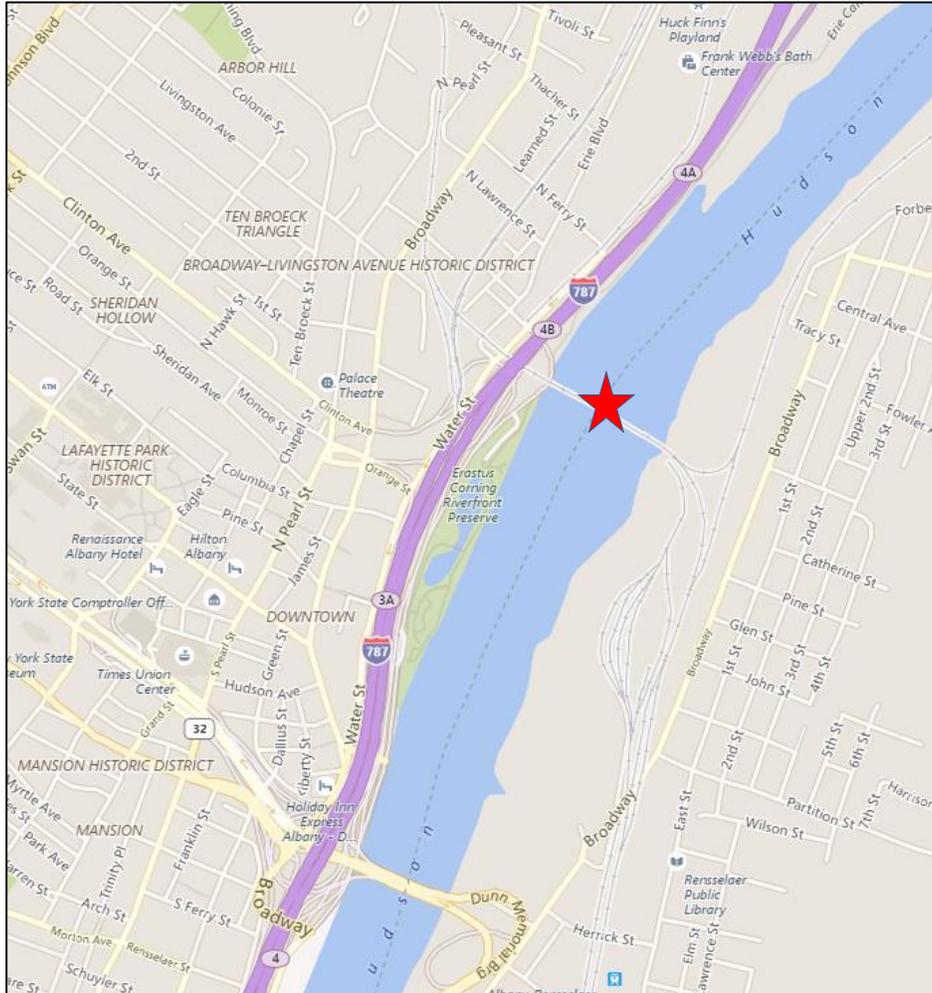
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 26, 2017

Victor Batorsky, City Historian
Rensselaer City History Research Center.
62 Washington St. 2nd Floor
Rensselaer, NY 12144

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Mr. Batorsky,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 2

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
(Note: due to delays in receiving mail via the postal service, FRA encourages you to reply via email if possible)

If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

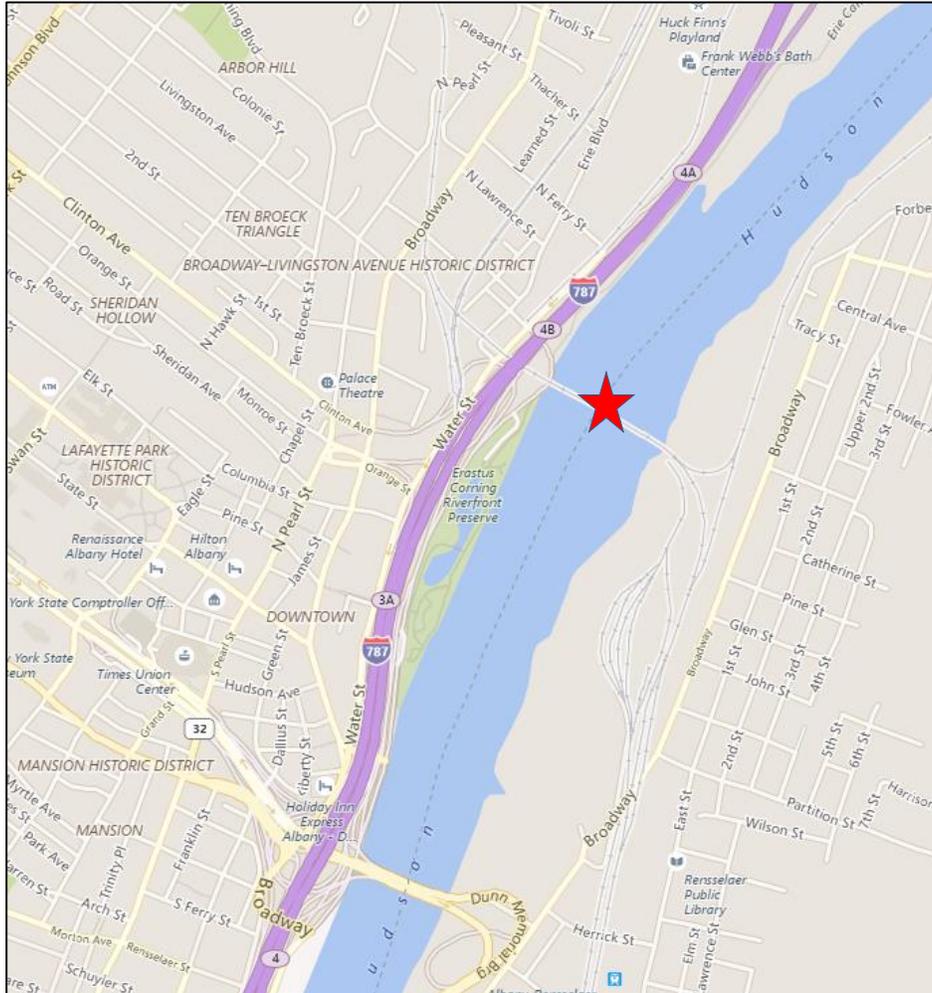
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

May 26, 2017

Mohawk & Hudson Chapter NRHS
PO Box 1256
Clifton Park, NY 12065

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Chapter Members,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property

expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
(Note: due to delays in receiving mail via the postal service, FRA encourages you to reply via email if possible)

If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

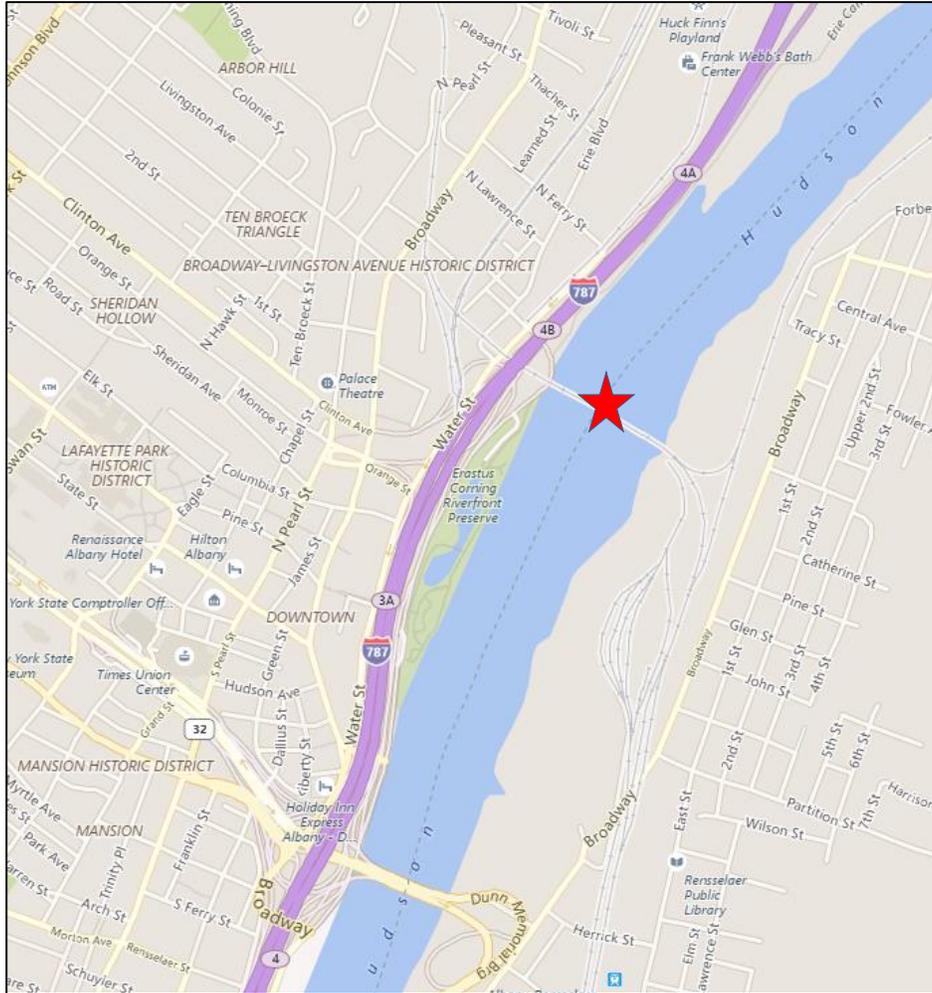
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

May 26, 2017

Bridge Line Historical Society
P.O. Box 13324
Albany, New York 12212

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Society Members,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

In accordance with the National Environmental Policy Act (NEPA) and FRA's NEPA procedures, FRA and NYSDOT are currently preparing an Environmental Assessment to evaluate the potential impacts of the Project on the human environment. FRA is coordinating the NEPA process with consultation pursuant to the Section 106 regulations (36 CFR Part 800). FRA is providing grant funding for preliminary engineering (PE) and environmental analyses; currently no funding has been identified to advance the Project through final design or construction.

The Project is located at Milepost QC 143.1 of the Empire Corridor and includes the Livingston Avenue Bridge that spans the Hudson River from the City of Albany to the City of Rensselaer. The Project boundary roughly extends 900 feet west of the west bridge abutment and 800 feet east of the east bridge abutment.

The Livingston Avenue Bridge was recommended as eligible for listing on the National Register of Historic Places (NRHP) by the New York State Historic Preservation Office (SHPO) in 1999. The bridge was additionally recommended as eligible again in a June 2011 Cultural Resources Reconnaissance Survey performed by the New York State Museum. The bridge is a riveted steel, Baltimore (Swing) Truss measuring 1,272 feet long and 27.8 feet wide and is set on 18 cut limestone piers. It carries two sets of tracks, and consists of a 260-foot continuous truss swing span and four trusses that span the navigable portion of the river, and four plate girder spans that connect the bridge to the City of Rensselaer. The bridge was built by the American Bridge Company (Elmira, NY) for the New York Central Railroad in 1901-03. It is the third successive freight bridge at Livingston Avenue, preceded by an iron truss bridge erected in 1872-75, and the original wooden truss bridge erected in 1864-66.

As a result of the aforementioned Cultural Resources Reconnaissance Survey that identified both the archeology and architectural resources in and adjacent to the project area, the only historic property

expected to be directly affected by the proposed Project is the Livingston Avenue Bridge. The Project is expected to have no effect on archeology, and a no adverse effect on the Albany Railroad Viaduct.

The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition. Several piers are in critical condition. The mechanical portions of the swing span are significantly worn. While all of the components remain operational, they require near constant maintenance to keep the bridge in a state of acceptable operation. The electrical portions of the bridge are outdated and obsolete. Substantial maintenance effort is required to keep the electrical components operable. Long-term reliability of the mechanical and electrical systems is a serious concern. The metalwork of the truss spans is in fair condition, with noted section losses and corrosion holes in the floor system. Heavy section losses were identified in the truss bottom chord lacing bars, batten plates, and lateral bracing connection plates. The metalwork of the swing span is in fair condition, with continued corrosion and section loss when compared to past inspections. The girder spans (which govern the bridge load rating) are in fair to poor condition. The exposed portions of the substructure units are in fair condition. Pier settlement has caused an elevation differential, and displaced stones have been noted. An underwater inspection revealed that the three swing-span piers are in critical condition, with significant undermining of the timber foundations and heavy rot of timber piles. The timber fender system is in very poor condition. Finally, the exposed surfaces of the unreinforced concrete abutments exhibit extensive spalling, map cracking, and efflorescence.

The proposed Project includes improving passenger rail operations, service reliability, and operational flexibility. It is intended to improve the load capacity of the corridor and address existing structural operational limitations, reduce delays, and minimize conflicts with navigational traffic. These goals will be achieved through improvements to the bridge to support simultaneous two-track operation, identifying and correcting track deficiencies to meet current standards, improving freight and passenger movement across the bridge, and providing a river crossing that meets or exceeds existing horizontal navigational clearances while providing pedestrian and bicycle connectivity between Albany and Rensselaer.

FRA and NYSDOT have initiated consultation with SHPO, as required by the Section 106 regulations at 36 CFR 800.3(c), and are identifying additional consulting parties to participate in the Section 106 process. The Section 106 process involves identifying historic properties, assessing potential effects to those properties, and identifying possible ways to avoid, minimize, or mitigate any adverse effects.

By way of this letter, FRA is inviting your agency or organization to be a consulting party in the Section 106 process pursuant to 36 CFR 800.3(f). As a consulting party you will be given an opportunity to share your views regarding project alternatives and the potential effects of those alternatives on historic properties; to receive, review, and comment on Section 106-related documents; and to offer and consider

Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

Mailing Address: Brandon Bratcher
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental & Corridor Planning Division (RPD-13)
1200 New Jersey Avenue, SE (MS-20)
Washington, DC 20590

Or

Email: brandon.bratcher@dot.gov
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If you do not respond to this invitation, you may request consulting party status in the future; however, the Project will advance and you may not have an opportunity to comment on previous steps in the Section 106 process.

FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

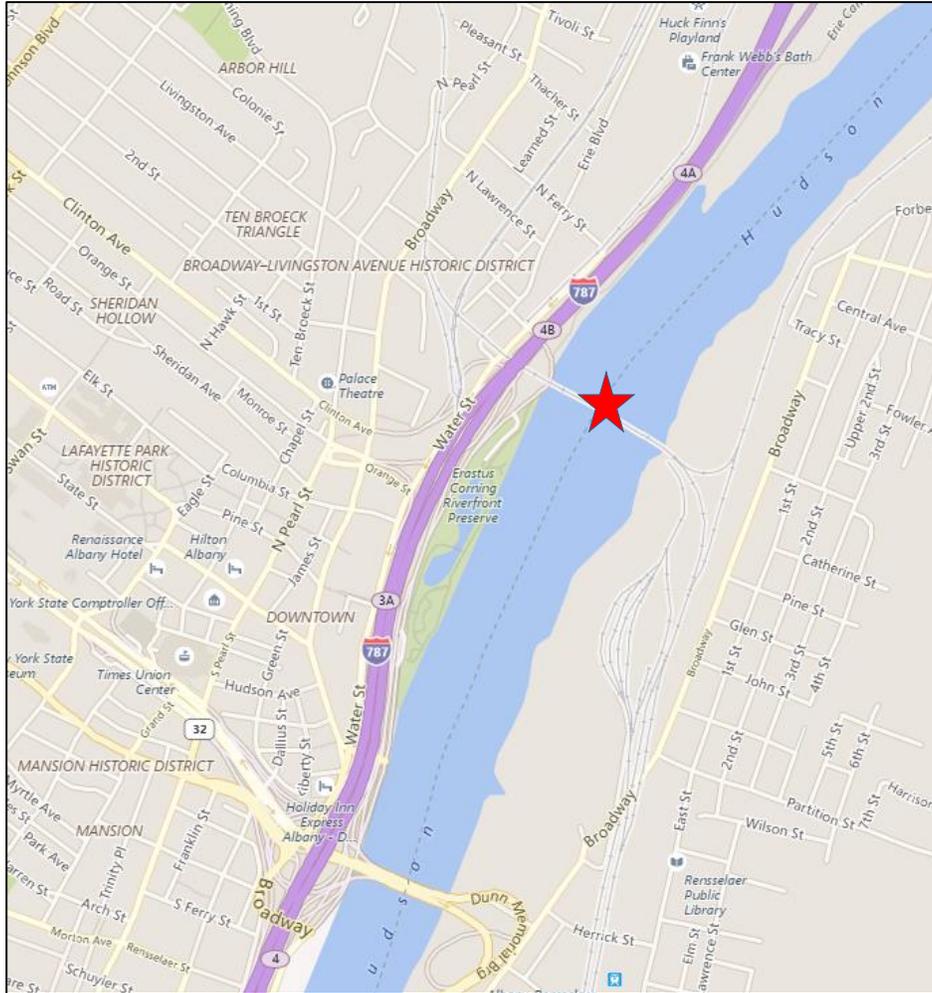
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
Andrea Becker, NYSDOT
Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

May 26, 2017

Richard Stoving, President
New York Central System Historical Society
Nycshs.org

**Re: Invitation to be a Section 106 Consulting Party
Livingston Avenue Bridge Replacement Project
Cities of Albany & Rensselaer, New York**

Dear Mr. Stoving,

The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) is writing to invite your organization to participate in consultation pursuant to Section 106 of the National Historic Preservation Act (Section 106) for the Livingston Avenue Bridge Replacement Project (Project) in the cities of Albany and Rensselaer, New York. A project location map and photos of the bridge are enclosed. The Project is proposed by the New York State Department of Transportation (NYSDOT) in coordination with the National Railroad Passenger Corporation (Amtrak).

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The superstructure of the existing bridge is 112 years old and the substructure is approximately 147 years old, and the bridge is nearing the end of its serviceable life. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and maritime traffic. Because the existing bridge's live load capacity rating is less than half of the value that would be required to meet modern design standards, passenger and freight trains operating over the bridge are subject to loading and speed restrictions. Due to this reduced load rating, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph), which is substantially slower than the 40 mph maximum authorized speed on adjacent rail segments. The bridge essentially acts as a single-track bridge, dramatically restricting capacity. The vertical clearance for trains traveling across the bridge is nonstandard (18 feet 2 inches, compared to the 23-foot vertical clearance standard established by the American Railway Engineering and Maintenance-of-Way Association (AREMA)).

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Livingston Avenue Bridge Project: Section 106 Consulting Party Invitation 3

possible solutions to resolve any adverse effects together with the FRA, NYSDOT, SHPO, and other consulting parties.

If your agency or organization accepts this invitation to be a consulting party, FRA requests that you provide the name and contact information of your designated representative. To accept this invitation, please reply in writing with the aforementioned information within 30 calendar days of your receipt of this letter as follows:

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U.S. Department of Transportation
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1200 New Jersey Avenue, SE (MS-20)
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FRA appreciates your interest in the Livingston Avenue Bridge Project. If you have questions about the Project or would like to discuss the Section 106 process, please contact Brandon Bratcher, FRA Environmental Protection Specialist, at (202) 493-0844 or brandon.bratcher@dot.gov, or Mark Jakubiak, NYSDOT Project Manager, at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

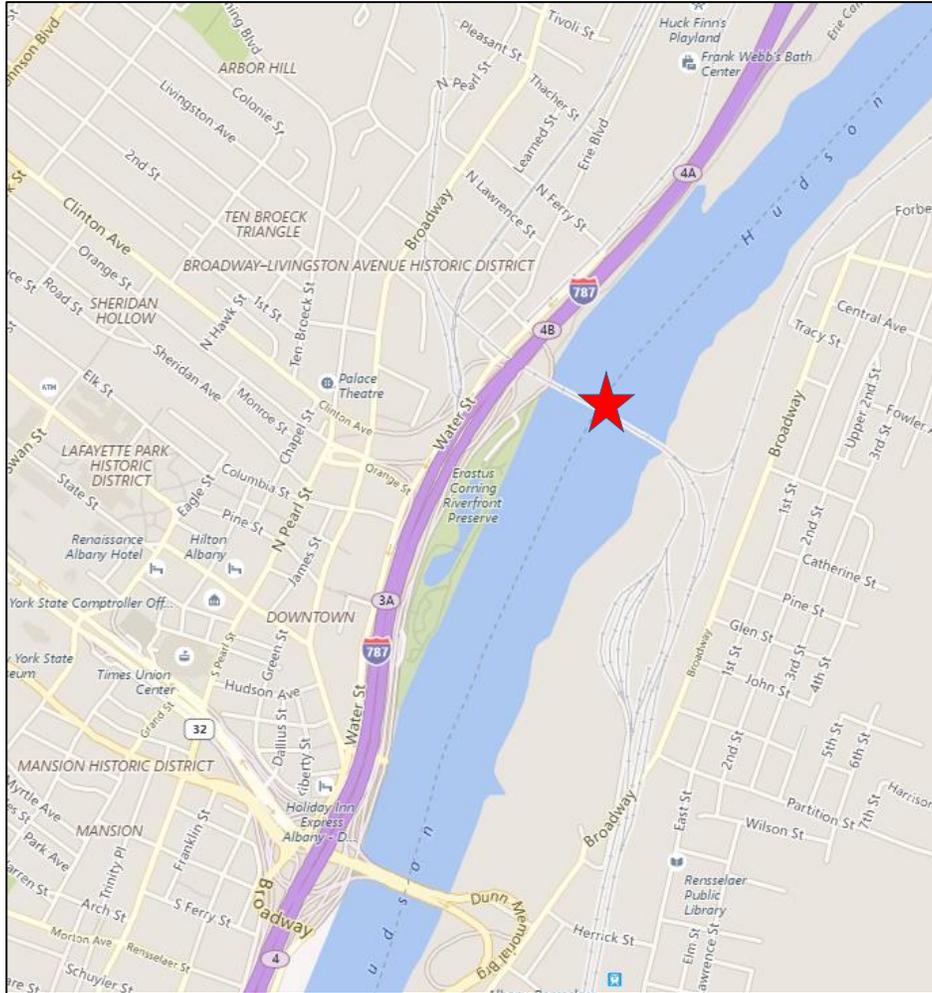
Sincerely,



Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Susan Andrews, NYSDOT
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Mark Jakubiak, NYSDOT
Michael Lynch, NYS OPRHP (SHPO)

Project Location Map





Overhead view of the Livingston Avenue Bridge (Albany on the left)



Livingston Avenue Bridge (looking north)

Draft Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
REGARDING THE REPLACEMENT OF THE LIVINGSTON AVENUE BRIDGE
CITY OF ALBANY & CITY OF RENSSELAER
ALBANY & RENSSELAER COUNTIES, NEW YORK
PURSUANT to 36 CFR § 800.6(a)(1)
PIN 1935.49
BIN 7092890
NYSOPRHP # 12PR00935**

WHEREAS, the Federal Rail Administration (FRA) in coordination with the New York State Department of Transportation (NYSDOT) is progressing a federally funded project to remove and replace the Livingston Avenue Bridge (BIN 7092890) which spans the Hudson River between the Cities of Albany and Rensselaer, in Albany and Rensselaer Counties, to improve reliability and reduce passenger and freight train delays; achieve a long-term state of good repair for the bridge; eliminate existing bridge and track deficiencies; and maintain or improve waterway navigation near the bridge; and

WHEREAS, the Project involves modifications to the approach tracks on the west and east sides of the Hudson River, including rehabilitation of the rail bridges of Water and Centre Streets in Albany and changes to the approach in Rensselaer; and

WHEREAS, the Preferred Alternative replaces the Livingston Avenue Bridge with a new multi-span, multi-track, moveable bridge on a new, parallel southern alignment (approximately 50 feet south from the existing bridge location); and

WHEREAS, the Area of Potential Effect (APE) is approximately 100 to 200 feet wide along the CSX/Amtrack tracks from Montgomery Street in Albany to the west abutment; 900 feet in length, 400 feet wide, and 1,272 feet in length across the river to Rensselaer; and 400 feet wide and 1,500 feet long on the east shore from the east abutment to its terminus along the existing track; and

WHEREAS, the Project was selected for federal funding provided by the United States Department of Transportation through the Federal Railroad Administration (FRA) utilizing 2010 High Speed Intercity Passenger Rail grant funds and would be authorized through permits issued by the United States Army Corps of Engineers (USACE) and the United States Coast Guard (USCG); and

WHEREAS, FRA's funding is considered an Undertaking under the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) (NHPA), as amended, and it's implementing regulations at 36 Code of Federal Regulations [C.F.R.] § 800 (hereinafter collectively referred to as Section 106) and FRA is acting as the lead Federal Agency for compliance with Section 106; and

WHEREAS, on April 28, 2021, USCG designated FRA as the lead Federal Agency for compliance with Section 106 and agreed to serve as a Consulting Party; and on May 19, 2021 USACE designated FRA as lead agency and agreed to serve as a Consulting Party on the Project; and

WHEREAS, FRA's action requires review under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*); and

WHEREAS, FRA and NYSDOT initiated consultation with the New York State Historic Preservation Office (NYSHPO), pursuant to 36 CFR § 800.3(c) via letter dated March 7, 2012; and

WHEREAS, pursuant to 36 CFR § 800.4(b) FRA made a reasonable and good faith effort to identify properties that are listed in or determined eligible for listing in the National Register of Historic Places (NRHP) (Historic

Properties) within a preliminary study area through development of a Cultural Resource Reconnaissance Survey Report (CRRSR) completed in two volumes in April and June 2011. The CRRSR identified the Livingston Avenue Bridge and the Albany Railroad Viaduct as eligible for the NRHP. The CRRSR identified no archaeological resources within the APE. NYSHPO concurred with the findings of this report on May 8, 2012; and

WHEREAS, the Livingston Avenue Bridge (BIN 7092890) (Unique Site Number [USN] 00140.004481), was determined eligible under NRHP Criterion C as an intact example of an early 20th-century swing bridge. It is a Baltimore-truss bridge constructed in 1901, on cut limestone circa 1866 piers, 1272 feet long, 27.8 feet wide, carrying CSX/Amtrak Rail over the Hudson River, and consists of a 260-foot continuous truss swing span, four trusses that span the navigation channel, and four plate girder spans; and

WHEREAS, the Project's APE as an area encompassing that which contributes to the Albany Railroad Viaduct. This part of the Albany Railroad Viaduct, within the APE, includes two bridges; the Centre Street-Erie Boulevard Bridge [USN 00140.004789; BIN 7709021]) and the Water Street Bridge [USN 00140.004788; BIN 7092900]). Both are through-girder bridges built in 1948 and were determined eligible under Criterion A, in the 2015 Cultural Resources Survey Report, for their association with the railroad right-of-way and spanning development of national rail service in the Hudson River from the Montgomery Street Railroad Bridge in the City of Albany on the west to Tracy Street on the north and Pine Street on the south in the City of Rensselaer. Pursuant to 36 CFR § 800.4(a)(1), a Draft Finding Documentation was submitted to NYSHPO March 10, 2015 that recommended this undertaking would have a No Adverse Effect on the Albany Railroad Viaduct. NYSHPO concurred April 29, 2015; and

WHEREAS, on April 29, 2015, NYSHPO, in response to the Draft Finding Documentation, requested that an analysis of alternatives to removing the Livingston Avenue Bridge be conducted. The NYSHPO's response did not include comment on FRA's definition of the APE; and

WHEREAS, in response to the NYSHPO's request for additional information regarding alternatives to removing the Livingston Avenue Bridge, NYSDOT provided additional information on alternatives considered in a revised Finding Document submitted to the NYSHPO on June 17, 2015. On August 05, 2015 NYSDOT and NYSHPO met to discuss alternatives presented in the revised Finding Documentation and to discuss additional alternatives. On November 10, 2015, NYSDOT submitted to NYSHPO an Explanation of Alternatives evaluating the additional alternatives considered and measures to minimize harm; and

WHEREAS, NYSDOT considered alternatives to avoid and minimize the adverse effect to the Livingston Avenue Bridge in accordance with 36 CFR 800.6 (as summarized in the Finding Documentation) and concluded that the adverse effect could not be avoided; and

WHEREAS, in a letter dated August 24, 2020, FRA re-initiated consultation with NYSHPO, pursuant to 36 CFR § 800.3(c), because several years had elapsed since the previous consultation. FRA provided an updated Finding Documentation and information about the Project. It included a reiteration of the definition of the APE pursuant to 36 CFR § 800.4(a)(1), a summary of historic property identification efforts within the APE pursuant to 36 CFR § 800.4(b) and a recommendation that the Undertaking would result in an Adverse Effect to the Livingston Avenue Bridge and that the Undertaking would have No Adverse Effect on the Albany Railroad Viaduct pursuant to 36 CFR § 800.5; and

WHEREAS, in a letter dated September 23, 2020, NYSHPO concurred the Undertaking would have an Adverse Effect on the Livingston Avenue Bridge (BIN 7092890), that the Undertaking would have No Adverse Effect on the Albany Railroad Viaduct again, and requested that NYSDOT contact the City of Albany to determine if the City was interested in taking possession of the western end of the Livingston Avenue Bridge for use as a pedestrian pier; and

WHEREAS, NYSDOT contacted the City of Albany on October 27, 2020 to determine if the City was interested in taking possession of the western end of the bridge, and the City of Albany responded on March 4, 2021 and declined to take possession of the Livingston Avenue Bridge; and

WHEREAS, pursuant to 36 C.F.R. § 800(3)(f)(2), in a letter dated February 2, 2015, NYSDOT, on behalf of FRA, invited the Saint Regis Mohawk Tribe, the Stockbridge Munsee Community Band of Mohican Indians, and the Delaware Tribe to participate in the Section 106 process as Consulting Parties; and

WHEREAS, FRA and NYSDOT met with Bonney Hartley of the Stockbridge-Munsee Community Band of Mohicans on June 26, 2015 to discuss the Project and resolve concerns raised by the tribe. The Saint Regis Mohawk Tribe and the Delaware Tribe responded that they had no concerns but requested that they be notified if human remains, or objects of cultural patrimony are encountered during construction of the Project; and

WHEREAS, in a letter dated August 12, 2020, FRA re-initiated consultation with the Stockbridge-Munsee Community Band of Mohican Indians, the Saint Regis Mohawk Tribe, and the Delaware Tribe; and the Stockbridge Munsee Community Band of Mohican Indians and the Delaware Tribe responded that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project, while the Saint Regis Mohawk did not respond; and

WHEREAS, pursuant to 36 CFR § 800.3(f), in letters dated May 26, 2017, NYSDOT, 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: the Arbor Hill Neighborhood Association; the Bridge Line Historical Society; the City of Albany Historian; the City of Rensselaer Historian; the Historic Albany Foundation; the Livingston Avenue Bridge Coalition; the National Railway Historical Society, Mohawk and Hudson Chapter; the New York Central Historical Society; and Partners for Albany Stories; and

WHEREAS, the City of Rensselaer Historian; the Historic Albany Foundation; the Livingston Avenue Bridge Coalition; the National Railway Historical Society, Mohawk and Hudson Chapter; and the New York Central Historical Society accepted FRA's invitation; and the Capital District Transportation Committee requested and was granted Consulting Party status; and

WHEREAS, the Arbor Hill Neighborhood Association; the Bridge Line Historical Society; and Partners for Albany Stories did not respond to FRA's invitation, and the City of Albany Historian declined the invitation; and

WHEREAS, FRA sought and considered the views of the public regarding Section 106 for this Project at a public information meeting held on xxx. A recording of the event was made available to the public online and information on the Project and public comments were solicited through the Project website at: <https://www.dot.ny.gov/livingstonavebridge>. [FOLLOWING PUBLIC REVIEW AND COMMENT ON THE EA AND THIS MOA, THIS CLAUSE OF THE MOA WILL BE REVISED AS APPROPRIATE]; and

WHEREAS, pursuant to 36 CFR § 800.6(a)(1), in a letter dated December 3, 2020, FRA notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination, providing the specified documentation, and FRA's intention to enter into a Memorandum of Agreement, and the ACHP chose not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) (Appendix C); and

WHEREAS, FRA and NYSDOT, along with NYSHPO, have determined that it is appropriate to enter into this Memorandum of Agreement (Agreement) pursuant to 36 CFR § 800.6, which will govern the implementation of the Project and satisfy FRA's, USCG's, and USACE's obligation to comply with Section 106; and

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

WHEREAS, FRA, NYSDOT, and NYSHPO will collectively be referred to as the Signatories; and

NOW, THEREFORE, FRA, NYSDOT and NYSHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on Historic Properties.

STIPULATIONS

NYSDOT, in coordination with FRA, shall ensure that the following measures are carried out:

I. MITIGATION MEASURES FOR HISTORIC ARCHITECTURAL PROPERTIES

To mitigate the adverse effect of the removal of the NRHP-eligible Livingston Avenue Bridge (BIN 7092890):

- A. NYSDOT shall complete Level II **Historic American Engineering Record (HAER)** documentation (HAER Documentation) through the New York State Museum in accordance with the *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards* (as originally published in the Federal Register, Vol. 48, No. 190, Thursday, September 29, 1983, pp. 44730-34.).
1. All documentation work shall be performed by an individual meeting the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44716, September 1983) for historic architect, architectural historian, or historian.
 2. All photography shall comply with the *National Register Photo Policy Fact Sheet* (http://www.nps.gov/nr/publications/guidance/Photo_Policy_final.pdf).
 3. NYSDOT shall provide FRA and NYSHPO the opportunity to review and comment on the draft HAER documentation. NYSDOT will revise the HAER documentation as necessary based on comments received from FRA and NYSHPO. NYSDOT shall provide the revised Final-Draft HAER documentation to FRA and NYSHPO for review. This review shall be limited to ensuring that NYSDOT addressed all comments provided during initial document review. All reviews will be completed in accordance with Stipulation III Timelines and Communications. Following this review NYSDOT shall finalize the HAER documentation in accordance with Stipulation I.A.4.
 4. NYSDOT shall prepare five (5) copies of the Final HAER documentation. NYSDOT shall retain a copy of the documentation for its permanent records, one copy shall be submitted to each of the following organizations: NYSHPO, Rensselaer Historical Society, Albany County Historical Society, and the City of Albany. Each distribution shall consist of one hard copy and one electronic copy in Adobe pdf format on a CD.
 5. NYSDOT will complete HAER documentation prior to start of construction.
- B. NYSDOT shall develop two Interpretive Signs that addresses the history of this unique Baltimore Truss swing, railroad bridge; the materials used in the bridge's construction; growth of the railroad; and the history of the area.
1. NYSDOT shall coordinate with the City of Albany to identify a location of one interpretive sign e.g. along the Mohawk-Hudson Bike-Hike Trail within Corning Riverfront Park and shall coordinate with the City of Rensselaer to identify a location of one interpretive sign on a similar trail or park in the City of Rensselaer.
 2. NYSDOT will provide a draft interpretive sign to NYSHPO and the Cities of Albany and Rensselaer for review and comment. NYSDOT will revise the interpretive sign based on NYSHPO and Cities of Albany and Rensselaer comments and will provide a revised Final-Draft to NYSHPO and the Cities of Albany and Rensselaer for a final round of review, as necessary. NYSDOT will revise the sign as necessary and provide a final electronic version of the interpretive sign to NYSHPO and the Cities of Albany and Rensselaer prior to fabrication and installation. All reviews shall be completed in accordance with Stipulation III Timelines and Communications.

3. In the event that the interpretive signs are on City of Albany and/or City of Rensselaer property and the City of Albany and/or City of Rensselaer will not allow installation of the signs and/or accept responsibility to maintain the interpretive signage for reasons beyond the NYSDOT's control, NYSDOT will notify NYSHPO and NYSDOT's responsible party and this stipulation will be considered fulfilled. If one of the two cities approves installation and accepts maintenance responsibility for the sign the interpretive sign will be installed in that city.

C. Bridge Design

NYSDOT shall ensure that the design of the proposed new bridge is a truss bridge that incorporates key visual elements relating to the existing Livingston Avenue Bridge: the pulley housing and operator's building, as requested by NYSHPO on April 14, 2021. If any of these elements would be substantially altered, NYSDOT shall request an Amendment to the MOA pursuant to Stipulation VII.

II. BRIDGE MARKETING AND REUSE

1. NYSDOT shall actively seek new ownership of the existing Livingston Avenue Bridge for adaptive reuse, or, because of its overall size, partial reuse at a new location. Advertising the bridge for transfer will be the responsibility of NYSDOT.
2. Marketing shall consist of a combination of print and web-based ads that will include an advertisement in the local newspaper for a minimum of fourteen (14) days and an announcement posted on the internet for a minimum of two (2) months. A signed affidavit from the newspaper will be provided to NYSDOT as proof of publication to fulfill this stipulation. All inquiries and offers must be submitted to NYSDOT by the date specified in the advertisement.
3. NYSDOT will only consider viable offers that meet the following criteria: A willing new owner must dismantle, transport, and provide a guaranteed future use at a new location. The prospective new owner should demonstrate financial feasibility, understanding of the bridges' condition and explain how it will account for disassembly, transport, reassembly, and reuse of the bridge. The plan must include a timeline demonstrating the disassembly, relocation, and reassembly of the bridge within twelve (12) months of ownership. When the ownership of the bridge is transferred for reuse, the transfer deed will include a preservation covenant that requires the new owner to retain the feature intact for a minimum of twenty (20) years.
4. If after 2 months of marketing, no party is found to take possession of the existing bridge or a viable offer, as defined in Stipulation II.B, is not received, NYSDOT shall notify all consulting parties, via email, and the bridge will be demolished as part of the construction contract.
5. If ownership of the bridge is transferred for reuse, 100% percent of the cost to demolish the bridge from its current location will be provided to the new owner by NYSDOT. The exact amount of funding to be provided is subject to approval by NYSDOT. Any costs not covered by NYSDOT such as reassembly, rehabilitation, maintenance, will be the responsibility of the new owner of the Livingston Avenue Bridge.
6. NYSDOT will give preference to proposed plans that salvage and reuse a minimum of 1 span of the structure. If no proposed plans are received that would reuse a minimum of 1 span of the structure, proposals that salvage and preserve components of the bridge (as an educational or interpretive display, for example) would be reviewed by NYSDOT, FRA, and NYSHPO on a case-by-case basis to determine whether the proposed plan would qualify as appropriate mitigation under this agreement. If NYSDOT, FRA, and NYSHPO agree that the proposed plan qualifies as appropriate mitigation, the bridge will be transferred to the new owner. Plans shall be reviewed in accordance with Stipulation III Timelines and Communications.

7. If solicitation has occurred without a future bridge recipient being identified within the timeframe allowed, NYSDOT will proceed with demolition in accordance with Stipulation II.A.4.

- B. NYSDOT will ensure that the HAER documentation is completed and approved prior to the transfer of ownership or demolition.

III. TIMEFRAMES AND COMMUNICATIONS

- 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 extend until the first following business day.
- B. Unless otherwise stipulated in this Agreement, all review periods are thirty (30) calendar days, starting on the day a complete submission is provided by NYSDOT to the relevant parties via the specified notification processes.
- C. NYSDOT will consult with responding parties as appropriate to ensure that all comments received within the 30 calendar-day review period are considered. If NYSDOT does not receive comments within the 30 calendar-day review period, it is understood that the non-responding parties have no comments on the submittal, and NYSDOT may proceed to the next step of the consultation process.
- D. In exigent circumstances (e.g., concerns over construction suspensions or delays), all Signatories agree to expedite their respective document review within seven (7) calendar days.
- E. All official notices, comments, requests for further information, documentation, and other communications will be sent by e-mail or other electronic means.
- F. FRA is responsible for all government-to-government consultation with Tribes.
- G. NYSDOT shall provide an annual letter report to all Signatories and Consulting Parties on the anniversary date of execution of this Agreement. At a minimum the report shall include: a Project status summary to date, list of activities and mitigations completed in the previous year, and a list of activities and mitigations to be completed in the coming year.

IV. PROJECT MODIFICATION AND CHANGES

If NYSDOT proposes changes to the Project that may result in additional or new effects on historic properties, NYSDOT will notify FRA and NYSHPO of such changes within 15 calendar days. Before NYSDOT takes any action that may result in additional or new effects to historic properties, NYSDOT, in coordination with FRA, will consult with NYSHPO and Consulting Parties and take appropriate steps to identify historic properties in accordance with 36 CFR 800.4 and assess effects in accordance with 36 CFR 800.5. If new adverse effects on historic properties are identified, NYSDOT, in coordination with FRA, will consult with NYSHPO and the Consulting Parties as appropriate, to determine the appropriate course of action. If FRA determines that an amendment to the MOA is required, it will proceed in accordance with Stipulation VII Amendments.

V. POST-REVIEW DISCOVERIES

A. UNANTICIPATED ARCHEOLOGICAL DISCOVERIES DURING CONSTRUCTION

If during construction, a previously unidentified archeological resource is discovered, NYSDOT will immediately halt construction in the vicinity of the discovery. If the NYSDOT in consultation with the FRA, NYSHPO, the Saint Regis Mohawk Tribe, the Delaware Tribe, and the Stockbridge Munsee Community Band of Mohican Indians determines that the Project will affect a previously unknown and

unidentified archeological resource that may be eligible for the National Register or will affect a known archeological property in an unanticipated manner, the procedures in 36 CFR 800.13(b) will be followed. NYSDOT shall make a reasonable effort to avoid or minimize effects to such properties.

B. UNANTICIPATED DISCOVERY OF HUMAN REMAINS

The ***NYSDOT Procedures for Inadvertent Discovery of Human Remains during Construction*** (Appendix A) shall be implemented if human remains, or potential human remains, are discovered during construction. If a discovery consists of a burial site, human remains, or bones thought to be human remains, the Engineer-in-Charge (EIC) will report the discovery to the State Police. Work will be stopped, and measures will be taken to secure and protect the site from further disturbance. The NYSDOT will notify NYSHPO, the FRA, within 48 hours of the discovery. The FRA will contact the Saint Regis Mohawk Tribe, the Delaware Tribe, and the Stockbridge Munsee Community Band of Mohican Indians to initiate consultation regarding the discovery.

If the human remains are identified as potentially Stockbridge Munsee (Mohican), the NYSDOT in coordination with the Stockbridge-Munsee Tribal Historic Preservation Officer and FRA will carry out procedures outlined in the ***Stockbridge-Munsee Community Band of Mohican Indians Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities*** (Appendix B).

VI. DISPUTE RESOLUTION

- A. Any Signatory to this MOA or Tribe 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 them 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.
- B. A Consulting Party to this MOA or 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 is 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, participating Tribes, Consulting Parties, and the objecting party with its final decision in writing.

VII. AMENDMENTS

Any Signatory to this Agreement may request in writing to the other Signatories that it be amended. The Signatories will 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 be effective on the date the amendment is signed by all of the Signatories. FRA will file the executed amendment with the ACHP.

VIII. TERMINATION

If any Signatory to this Agreement determines that the terms of the MOA will not or cannot be carried out, that Signatory will immediately notify the other Signatories in writing and consult with them to seek resolution or amendment pursuant to Stipulation VI and VII of the Agreement. If within sixty (60) days a resolution or amendment cannot be reached, any Signatory may terminate the Agreement upon written notification to the other Signatories.

Once the Agreement is terminated, and prior to work continuing the Project, FRA must either (a) execute a new Agreement pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FRA will notify the Signatories as to the course of action it will pursue.

IX. DURATION

This Agreement will expire when all its stipulations are complete or in five (5) years from the effective date, whichever comes first, unless the Signatories agree in writing to an extension in accordance with Stipulation VII Amendments. 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.

X. EFFECTIVE DATE

This Agreement will become effective immediately upon execution by all Signatories.

XI. APPENDICES

- A. *NYSDOT Procedures in the Event of the Inadvertent Discovery of Human Remains During Construction*
- B. *Stockbridge-Munsee Community Band of Mohicans Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities*
- C. *Letter from the Advisory Council on Historic Preservation (ACHP)*

XII. EXECUTION AND IMPLEMENTATION

Execution of this Agreement by the Signatories and its subsequent filing with the ACHP by FRA demonstrates that FRA has considered the effects of this Project on Historic Properties, afforded the ACHP a reasonable opportunity to comment, and satisfied its responsibilities under Section 106 of the NHPA and its implementing regulations.

**MEMORANDUM OF AGREEMENT
for
PIN 1935.49**

Signatory:
FEDERAL RAILROAD ADMINISTRATION

By: _____ Date: _____
Name: Katherine Zeringue
Title: Federal Preservation Officer

DRAFT

**MEMORANDUM OF AGREEMENT
for
PIN 1935.49**

Signatory:
NEW YORK STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

Name: Daniel Mackay

Title: Deputy Commissioner of the State Historic Preservation Office

DRAFT

**MEMORANDUM OF AGREEMENT
for
PIN 1935.49**

Invited Signatory:
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____
Name: Patrick Barnes, P.E.
Title: Regional Director

DRAFT

NYS DOT Procedures in the Event of the Inadvertent Discovery of Human Remains during Construction¹

1. If a burial site, human remains, or bones thought to be human remains, are encountered during construction for a NYS DOT undertaking, the work will be stopped immediately and rescheduled to avoid disturbing the area. The remains will be left in place and protected from further damage.
2. In accordance with the current NYS DOT Standard Specifications, Section 107-01 D. *Archaeological Salvage*², the Engineer-in-Charge (EIC) will, through proper channels, notify appropriate Department personnel and other authorities. The EIC will report the discovery of human remains to the local police, and the county coroner having jurisdiction, or to the medical examiner, and will arrange immediate inspection of the site³.
3. If the site is determined to be part of a criminal investigation, the police will notify the EIC when work in the area may resume.
4. If determined that the remains are not a police issue, the Regional Cultural Resources Coordinator (CRC) will notify the Federal Highway Administration (FHWA), the Office of Parks, Recreation and Historic Preservation/ State Historic Preservation Office (OPRHP/SHPO), appropriate Indian tribal contacts, and archaeologists, and arrange site visits accordingly. Work will be temporarily suspended in the area, and measures will be taken to secure the burial site and protect the remains from disturbance, including the placement of a twenty-five foot protective buffer around the burial site.
5. The NYS DOT Environmental Science Bureau (ESB), in coordination with the Region, will arrange for a qualified physical anthropologist to examine the remains. NYS DOT in coordination with FHWA will invite designated Indian tribal representative(s) to participate in the consultation process. Representatives will be determined on the basis of established Department contacts and identified areas of interest for tribal nations. The remains will not be removed until determined by the qualified physical anthropologist to be non-native.
6. NYS DOT, in consultation with the OPRHP/SHPO, Indian tribes and other identified consulting parties, will arrange for an archeologist to establish horizontal and vertical extent of the burial(s) and assess measures for avoiding the human remains if possible. The avoidance of human remains is the preferred choice.
7. Any new location or alignment developed to avoid the burial(s) will be subject to archaeological investigation, and the results will be provided to the OPRHP/SHPO, Indian tribes, and other consulting parties as appropriate for comment before the project proceeds in this area.
8. If the alignment is unchanged, a plan will be developed in coordination with FHWA, NYSHPO, the Indian tribal representatives, and other consulting parties as appropriate, to preserve the site and protect the burial(s) before the project proceeds in this area.
9. If removal and reburial of the remains is necessary, it will be undertaken in a manner agreed to by all involved parties. Temporary disposition of the remains until reburial will be determined in consultation with the Indian tribes, and other consulting parties as appropriate.
10. Any actions relating to the treatment, disposition, removal, or reburial of human remains will comply with all applicable State and Federal laws and regulations.

¹ Last updated April 21, 2016.

² <https://www.dot.ny.gov/main/business-center/engineering/specifications/updated-standard-specifications-us>

³ In Erie County, the discovery must be reported to the medical director.



**Stockbridge-Munsee Community
Band of Mohican Indians
Policy for
Treatment and Disposition of Human Remains and Cultural Items
That May be Discovered Inadvertently during Planned Activities**

Purpose

The purpose of this policy is to describe the procedures that will be followed by all federal agencies, in the event there is an inadvertent discovery of human remains that are identified as potentially Stockbridge-Munsee (Mohican).

Treatment and Disposition of Human Remains and Cultural Items

- 1) The federal agency shall contact the Stockbridge-Munsee Community immediately, but no later than three days after the discovery of the remains, using the contact information below: *updated Nov. 2020*

Nathan Allison, Tribal Historic Preservation Officer (THPO)	Nathan.Allison@mohican-nsn.gov	413-884-6029 office
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If unavailable, contact:

Bonney Hartley, Tribal Historic Preservation Manager	Bonney.Hartley@mohican-nsn.gov	413-884-6048 office
Heather Bruegl, Cultural Affairs Director	Heather.Bruegl@mohican-nsn.gov	715-793-4270 office
Linda Mohawk Katchenago, Administrator	Linda.Katchenago@mohican-nsn.gov	715-793-4355 office

- 2) Place tobacco with the remains and funeral objects.
- 3) Cover remains and funeral objects with a natural fiber cloth such as cotton or muslin when possible.
- 4) No photographs to be taken.
- 5) The preferred treatment of inadvertently discovered human remains and cultural items is to leave human remains and cultural items in-situ and protect them from further disturbance.
- 6) Non-destructive "in-field" documentation of the remains and cultural items will be carried out in consultation with the Tribe, who may stipulate the appropriateness of certain methods of documentation.
- 7) If the remains and cultural items are left in-situ, no disposition takes place and the requirements of 43 CFR 10 Section 10.4 – 10.6 will have been fulfilled.
- 8) The specific locations of discovery shall be withheld from disclosure (with the exception of local law officials and tribal officials as described above) and protected to the fullest extent by federal law.
- 9) If remains and funeral objects are to be removed from the site, consideration will begin between the Stockbridge-Munsee Tribe and the federal agency.

**Advisory Council on Historic Preservation
Notification of Adverse Effect**



January 6, 2021

Ms. Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref: *Proposed Livingston Avenue Bridge Project*
City and County of Albany; City and County of Rensselaer, New York
(PIN 1935.49, BIN 7092890
ACHP Project Number: 16277

Dear Ms. Zeringue:

On December 3, 2020, 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. Because the ACHP did not respond within 15 days with a decision regarding participation, the ACHP assumes that the Federal Railroad Administration has continued the consultation to resolve adverse effects.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA) developed in consultation with the New York State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require our further assistance, please contact Sarah Stokely at 202-517-0224 or via e-mail at sstokely@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

December 3, 2020

Sarah Stokely
Advisory Council on Historic Preservation
401 F Street NW
Suite 308
Washington, DC 20001

**RE: Notification of Adverse Effect Finding and Consultation Invitation
Livingston Avenue Bridge over the Hudson River
City of Albany & City of Rensselaer
Albany & Rensselaer Counties**

Dear Ms. Stokely,

The Federal Railroad Administration (FRA) proposes to provide grant funding to the New York State Department of Transportation (NYSDOT) for the replacement of the Livingston Avenue Bridge which spans the Hudson River between Albany and Rensselaer New York. Pursuant to the Section 106 of the National Historic Preservation Act and its implementing regulations (36 Code of Federal Regulations [CFR] Part 800), FRA and NYSDOT initiated consultation with the New York State Historic Preservation Office (NYSHPO) and other consulting parties in the spring of 2012. On August 24, 2020 FRA determined that removal and replacement of the National Register eligible Livingston Avenue Bridge would result in adverse effects to historic properties. The NYSHPO concurred with FRA's adverse effect finding on September 23, 2020.

This letter is being transmitted to notify the Advisory Council on Historic Preservation (ACHP) of FRA finding of adverse effect and to invite the ACHP to participate in the continued consultation in accordance with 36 CFR 800.6(a)(1). A comprehensive summary of the consultation process to date including; project summary, area of potential effect delineation, historic resource identification efforts, and assessment of effects is provided in the enclosed Electronic Section 106 Documentation Submittal System (e-106) form.

If you have questions or wish to discuss this project, please contact Derek Manning, Environmental Protection Specialist at (617) 494-2789 or derek.manning@dot.gov or Mark Jakubiak, NYSDOT Project Manager at (518) 485-9331 or mark.jakubiak@dot.ny.gov.

Sincerely,



Katherine Zeringue
Federal Preservation Officer
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-7007 (desk)
202-578-4115 (cell)

cc: B. Bratcher, FRA, EPS
M. Jakubiak, NYSDOT, MO Design
M. Lynch, NYSHPO, Division Director

Enc: ACHP e-106 form



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): [Click here to enter text.](#)

3. Name of federal agency (If multiple agencies, list them all and indicate whether one is the lead agency):
Federal Railroad Administration (FRA) as lead federal agency; U.S. Army Corps of Engineers and U.S. Coast Guard

4. Name of undertaking/project (Include project/permit/application number if applicable):
Livingston Avenue Bridge Project (PIN 1935.49, BIN 7092890; State Historic Preservation Office [SHPO] project number 12PR00935).

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 Project is located in the City of Albany (in Albany County) & City of Rensselaer (in Rensselaer County) in New York State. The Livingston Avenue Bridge, which CSX Transportation, Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) operates, crosses the Hudson River. The Project is located on lands owned by CSX, Amtrak, New York State, and two private entities. The Project Site is not located on tribal lands.

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

Agency Official	Point of Contact
Katherine Zeringue Federal Preservation Officer U.S. Department of Transportation Federal Railroad Administration Office of Railroad Policy and Development 1200 New Jersey Avenue, SE Washington, DC 20590 202-493-7007 (desk) 202-578-4115 (cell) katherine.zeringue@dot.gov	Derek Manning Environmental Protection Specialist U.S. Department of Transportation Volpe, National Transportation Systems Center 55 Broadway Cambridge, MA 02142 617-494-2475 (desk) 857-998-1779 (cell) derek.manning@dot.gov

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 New York State Department of Transportation (NYSDOT) is proposing to replace the Livingston Avenue Bridge, which spans the Hudson River between the Cities of Albany and Rensselaer, providing a critical rail link on New York State's Empire Corridor. The bridge, which CSX owns and Amtrak maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service. The existing Livingston Avenue Bridge is eligible for listing on the National Register of Historic Places (NR)-eligible).

The purpose of the Livingston Avenue Bridge Project is to improve reliability and reduce passenger and freight train delays along this segment of the Empire Corridor; achieve (at a minimum) a long-term state-of-good-repair for the bridge; eliminate existing bridge and track deficiencies; and maintain or improve navigation near the bridge. This will ensure that the Livingston Avenue Bridge meets modern passenger and freight rail capacity and load (weight) standards, maintains acceptable levels of safety, and supports the long-term utility and vitality of the Empire Corridor.

NYSDOT is seeking federal funding for the Project from the U.S. Department of Transportation, FRA. FRA is the lead Federal agency for review of the proposed project in accordance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act and the New York State Department of Transportation is the lead state agency. In addition, the Project requires permits from the U.S. Coast Guard and U.S. Army Corps of Engineers.

FRA and NYSDOT are considering two potential Build Alternatives for replacement of the existing bridge, an alternative just to the north of the existing bridge and an alternative just to the south of the existing bridge. Build Alternative 1 involves the complete replacement of the existing two-track Livingston Avenue Bridge with a new two-track movable bridge on a skewed alignment north of the existing bridge. Build Alternative 2 involves the complete replacement of the existing two-track Livingston Avenue Bridge with a new two-track movable bridge located parallel to, and approximately 50 feet south of, the existing bridge. Both of the Build Alternatives would replace the NR-eligible Livingston Avenue Bridge. Additionally, both Build Alternatives would physically alter two bridges of the NR-eligible Albany Railroad Viaduct, a series of railroad bridges to the west of the Livingston Avenue Bridge

in Albany. The NR-eligible Albany Railroad Viaduct includes three bridges: the Montgomery Street Bridge, located outside of the APE; and the Centre Street-Erie Boulevard Bridge and the Water Street Bridge within the APE.¹

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

The APE reflects the two replacement alternatives under consideration and spans the Hudson River between the City of Albany and the City of Rensselaer. The APE includes all areas that could be directly or indirectly impacted by the Project Alternatives. In the City of Albany, its western terminus is formed by the Montgomery Street Railroad Bridge. The APE encompasses parts of Livingston Avenue, Centre Street, Water Street, and Quay Street under the ramp for Interstate 787 to the Hudson River. In the City of Rensselaer, the APE extends along the railroad north to Tracy Street and south to Pine Street. Proposed vertical disturbance would be limited to the areas surrounding the new abutments (on either shore) and piers (within the Hudson River) for the replacement alternatives.

A map illustrating the APE is included with this submittal as **Attachment A**.

9. Describe steps taken to identify historic properties:

The New York State Museum (NYSM) completed a cultural resources survey for the Project in 2011. The NYSM documented the survey in a report that included two volumes: *PIN 1735.49.171, Cultural Resources Survey Report, Archeological* (Volume I, completed April 2011) & *Architectural Reconnaissance Survey* (Volume II, completed June 2011). The methodology for the evaluation of historic architectural resources included the identification of National Historic Landmarks (NHLs), properties listed on or determined eligible for listing on the NR, and properties that meet one or more of the NR criteria (36 Part 60) within a broad study area to address potential direct and indirect effects of the Project. The consideration of archaeological resources included a Phase 1A Archaeological Documentary Survey followed by Phase 1B field testing in areas with archaeological potential.

The Cultural Resources Survey evaluated a Preliminary Study Area; the APE was subsequently delineated in 2015 to include only a smaller area within the Preliminary Study Area. In 2020, NYSDOT conducted an updated review of the APE that identified no additional historic properties.

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):

No NHLs or properties listed on the NR are located in the APE. The APE includes the following historic NR-eligible architectural properties, which are shown in **Attachment A**:

- The **Livingston Avenue Bridge (see Attachment A, Resource 1)** was built for the New York Central Railroad in 1901-1903 by the American Bridge Company. It is the third successive bridge in this location, preceded by an iron truss bridge in 1872-1875 and the original wood truss bridge of 1864-1866. The current bridge was built on the abutments and piers of the original bridge constructed in the 1860s. It is a riveted steel, Baltimore-truss swing-span bridge that is 1,272 feet long. A 260-foot-long continuous truss swing span and four fixed trusses span the navigable portion of the Hudson River. The swing span consists of two, four-panel trusses joined by a raised center panel with a

¹ Two other bridges located outside of the APE (the North Pearl Street Bridge and the Broadway-Colonie Street Bridge) are commonly considered part of the Albany Railroad Viaduct structure; however, based on the Cultural Resources Survey for the Project, these are not considered part of the NR-eligible resource. The Broadway-Colonie Street Bridge is individually NR-listed and is a contributing element within the NR-listed Broadway-Livingston Avenue Historic District.

polygonal top chord. The fixed trusses are identical six-panel spans. Approach spans, consisting of four through-girder spans, connect the truss bridge to the Rensselaer side of the river. A builder's plate remains on the southeast end post. The piers are mortared cut limestone with continuous timber piles. The swing span pivots 90 degrees clockwise to open the navigation channel on each side of the pivot pier. The span is operated by electric motors from a control booth positioned on top of the swing span truss above the pivot pier. Electricity is provided to the booth by wires suspended from steel frame towers at the ends of the adjacent fixed spans. The Livingston Avenue Bridge was determined eligible for listing on the NR in 1999. It is eligible under NR Criterion C. The Determination of Eligibility notes that the bridge is architecturally significant as a rare and highly intact example of an early 19th century swing bridge.

- The **Albany Railroad Viaduct (see Attachment A, Resource 2)** in Albany includes three contributing bridges, two of which are within the APE. The Water Street Railroad Bridge, which is a 1948 through-girder bridge, and the Centre Street-Erie Boulevard Railroad Bridge, a 1928 through-girder bridge, are within the APE. The Montgomery Street railroad bridge, which has a 1901-1902 through-truss and through-girder, is located immediately adjacent to the western terminus of the APE. The original Albany Railroad Viaduct was built as the western approach to an earlier Hudson River crossing built by the Hudson River Bridge Company according to designs by prominent engineer Julius W. Adams. The original viaduct approach structure in this location consisted of a wood trestle and incorporated three trestle bridges designed by Charles Hilton of the Hilton Bridge Company of Albany. The original wood trestle was replaced with an earthen causeway in the 1870s. The spans were replaced in 1882, at which point the structure was raised in height and transformed into a viaduct. The superstructures of the viaduct were replaced once more in 1901-1902. The earlier masonry walls of the viaduct were retained but encased in concrete at that time. The span over Water Street was replaced in 1947. Documentation notes that elements that embody the historic character of the viaduct include: the three spans over Water, Centre, and Montgomery Streets; the concrete-encased structure that connects them; and distinctive details such as early 20th century date plates in the concrete. The Albany Railroad Viaduct was determined eligible for the NR under Criterion A, due to the fact that "its various construction episodes [ranging from ca. 1866 to ca. 1947] are associated with the development of early national freight travel and the consolidation and modernization of passenger and freight rail service in the early years of the twentieth century."
- The **Central Warehouse and Central Warehouse Spur Bridge (see Attachment A, Resource 3)** is located at 143 Montgomery Street in Albany on the block bounded by Livingston Avenue-Centre Street, Montgomery Street, Colonie Street, and the railroad tracks. It is outside of but immediately adjacent to the APE. Central Warehouse is a large cold storage facility built by the New York Central Railroad in 1927. A bridge that carries a railroad spur from the Albany Railroad Viaduct over Centre Street, adjacent to the Centre Street span of the Albany Railroad Viaduct, and connects to the Central Warehouse is a contributing feature to the NR-eligible resource. It is eligible under NR Criterion A.

As part of the Cultural Resources Survey, the NYSM also evaluated archaeological resources through documentary research and field testing. The evaluation identified four potentially eligible sites and recommended additional testing at these sites if they could not be avoided. Alternatives 1 and 2 would avoid these sites and the sites are all located outside of the current APE for the Project. Therefore, the APE is not considered sensitive for archaeological resources and no further archaeological study is warranted.

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

The Livingston Avenue Bridge will be removed as part of this Project. FRA has applied the Criteria of Effect for this Project and determined that the proposed bridge replacement alternatives (Alternatives 1 and 2) will have an adverse effect on the NR-eligible Livingston Avenue Bridge.

In addition, Alternatives 1 and 2 both include alterations to the NR-eligible Albany Railroad Viaduct. This work would involve modifications to two of the bridges that make up that viaduct, the Water Street bridge and the Centre Street bridge. At each of these bridges, the beam seats of the bridge abutments that support the bridge girders (i.e., the beam seats and girder bearings) would be modified or replaced and several pairs of deck girders (i.e., bridge beams) would be repositioned to support the new track alignment. At the Water Street bridge, a set of existing deck girders would be removed to accommodate this shift. FRA has determined that these modifications to the Albany Railroad Viaduct would not constitute an adverse effect because the alterations would not change the characteristics that make the Viaduct eligible as a NR property. In both alternatives, the existing fascia girders would be retained (though sometimes shifted along the bridge seat). No new girders would be used. The existing reinforced concrete bridge seats and girder bearing pedestals would be repaired and/or reconstructed to conform to the new alignment of the girders above. The existing reinforced concrete abutments would be retained in their entirety. Some partial depth or surface repairs to the abutments may be necessary based on a full condition inspection of the abutments during final design. Overall, the changes in the appearance of the component bridges and the larger Albany Railroad Viaduct that would result from the proposed alterations would be relatively minor and would not change the characteristics of the viaduct that qualify it for inclusion in the National Register in a manner that would substantially diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Additional information regarding proposed changes to the Albany Railroad Viaduct are included in the attached Finding Documentation (see **Attachment D**). Additional information regarding the alternatives considered and minimization measures incorporated into the Project planning are also described in more detail in the Finding Documentation.

In a letter dated September 23, 2020, the SHPO concurred with FRA's finding that the proposed Project would have an adverse effect on the NR-eligible Livingston Avenue Bridge. SHPO also concurred that while the Project would directly affect the NR-eligible Albany Railroad Viaduct, these changes would not constitute an adverse effect on that resource.

The replacement of the Livingston Avenue Bridge would not result in indirect effects on the other historic properties in the APE (the Albany Railroad Viaduct and the Central Warehouse & Central Warehouse Spur Bridge).

The archaeological survey identified no archaeologically sensitive areas within the APE. Therefore, no adverse effects on archaeological resources are anticipated.

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 removal of the NR-eligible Livingston Avenue Bridge would constitute an adverse effect on a historic architectural resource. In accordance with Section 106, FRA and NYSDOT conducted an evaluation to determine whether there are any alternatives that would avoid or minimize this adverse effect. The evaluation included consideration of whether the alternatives would meet the Project purpose and need and then whether they were feasible and reasonable, based on their ability to meet the established Project goals and, where relevant, preliminary information on the potential cost, engineering factors, and likely environmental and transportation impacts.

FRA and NYSDOT considered the following alternatives to avoid removal of the historic bridge or to minimize adverse effects related to its removal:

- **No Action Alternative:** “Do nothing” alternative.
- **Permanent Detour Alternative:** Route train service to alternate routes and leave the existing bridge in place for another use or as an unused monument.
- **Rehabilitation Alternatives:** Rehabilitate the existing Livingston Avenue Bridge to remove structural and seismic deficiencies and continue its use for rail traffic. These include several levels of rehabilitation.
- **Replacement Bridge on New Alignment Alternative:** Build a new bridge at a location farther from the existing bridge and leave the existing bridge in place for another use or as an unused monument.
- **Reuse of Existing Bridge at a New Location:** Relocate the bridge in segments to a new location for reuse.
- **Retention of a Portion of Existing Bridge Adjacent to Replacement Bridge:** Build a new bridge adjacent to the existing bridge and retain a portion of the existing bridge extending from the Albany shoreline for pedestrian use.
- **New Bridge on Existing Alignment with Reconstructed Piers Finished in Reused Cut Stone:** Build a new bridge along the same alignment and remove the old bridge as the replacement bridge is constructed.

FRA and NYSDOT considered adverse environmental impacts, safety, engineering/operational deficiencies, poor transportation service, increased costs, and other factors in determining whether the avoidance alternatives would be feasible and reasonable. The analysis concluded that there are no feasible and reasonable alternatives that would avoid removal of the Livingston Avenue Bridge. A detailed description and discussion of the alternatives considered is included in the Finding Documentation (see **Attachment D**).

In light of the Livingston Avenue Bridge’s significance and rarity as one of a small number of remaining swing-span railroad bridges in New York State, SHPO requested that continued efforts be made to retain portions of the bridge and asked that the Project sponsors contact the City of Albany to inquire regarding “their interest in retaining the western section of the bridge for use as a pedestrian pier or other use.” On October 27, 2020, NYSDOT reached out to the City of Albany regarding this matter and is currently awaiting a response.

FRA and NYSDOT will develop measures to mitigate the adverse effect on the NR-eligible Livingston Avenue Bridge in consultation with SHPO, ACHP (if participating), the Tribal Historic Preservation Officers (THPOs), and other consulting parties. FRA and NYSDOT will develop a draft Memorandum of Agreement (MOA) that stipulates mitigation measures for the adverse effects. FRA and NYSDOT will consult with SHPO, the ACHP (if participating), the THPOs, and other consulting parties to complete the MOA prior to construction activities associated with the Project. Possible measures to mitigate the direct adverse effect on the Livingston Avenue Bridge include documentation of the Livingston Avenue Bridge following Historic American Engineering Record (HAER) standards, and interpretive signage along the public walkway or in Corning Riverfront Park.

To avoid accidental damage to adjacent resources as a result of construction activities for either Build

Alternative 1 or Build Alternative 2, all resources that may be subject to inadvertent damage would be included in a Construction Protection Plan (CPP). FRA and NYSDOT will prepare the CPP in consultation with SHPO and the property owners. The CPP will identify the architectural resources to be included in the plan. It will also set forth the specific measures to be used and specifications that would be applied to protect these architectural resources during the construction period.

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.

On behalf of FRA, NYSDOT sent information about the Project, including a copy of the Cultural Resources Survey, to THPOs for the Saint Regis Mohawk Tribe, the Stockbridge Munsee Community Band of Mohicans, and the Delaware Tribe. Each of the THPOs responded and stated that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project. In August 2020, FRA and NYSDOT contacted the THPOs with whom they had consulted earlier to notify them of the adverse effect and provide another opportunity to continue consultation under Section 106. The THPOs responded again and expressed no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project.

FRA invited organizations to participate in consultation pursuant to Section 106. In May 2017, FRA sent 9 organizations invitations to serve as consulting parties for the Project's review and five accepted the invitation. An additional organization, the Capital District Transportation Committee, requested and was granted Consulting Party status:

- Arbor Hill Neighborhood Association
- Bridge Line Historical Society
- Capital District Transportation Committee (accepted invitation)
- City of Albany Historian
- City of Rensselaer Historian (accepted invitation)
- Historic Albany Foundation (accepted invitation)
- Livingston Avenue Bridge Coalition (accepted invitation)
- National Railway Historical Society Mohawk and Hudson Chapter (accepted invitation)
- New York Central Historical Society (accepted invitation)
- Partners for Albany Stories

A list of the tribes and consulting parties and their contact information is included with this submittal as **Attachment B**. Project correspondence with SHPO, the tribes, and consulting parties to date is also included with this submittal as **Attachment C**.

* see *Instructions for Completing the ACHP e106 Form*

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.

Steps in the Section 106 process that FRA and NYSDOT have completed, or will complete, are listed below. A list of the tribes and consulting parties and their contact information is included with this submittal as **Attachment B**. Project correspondence with SHPO, the tribes, and consulting parties to date is also included with this submittal as **Attachment C**.

- On behalf of FRA, NYSDOT initiated Section 106 consultation for the Project with SHPO, in a letter dated March 7, 2012.
- As described above, New York State Museum completed a Cultural Resources Survey for the Project in 2011 that included an evaluation of historic architectural resources and an evaluation of archaeological resources.
- On behalf of FRA, NYSDOT submitted the Cultural Resources Survey to SHPO on March 7, 2012 and SHPO concurred with the findings in a May 2012 response.
- On behalf of FRA, NYSDOT sent information about the Project, including a copy of the Cultural Resources Survey, to Tribal Historic Preservation Officers (THPOs) for the Saint Regis Mohawk Tribe, the Stockbridge Munsee Community Band of Mohicans, and the Delaware Tribe. The THPOs responded and identified that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project.
- FRA and NYSDOT defined a preliminary APE for the Project (see **Attachment A**). In its May 2012 letter, SHPO indicated that replacement of the bridge would be unlikely to result in indirect adverse effects to historic properties near the bridge, so the APE was delineated to represent the area where direct effects of the Build Alternatives would occur.
- NYSDOT sent Finding Documentation for the Project to SHPO on March 10, 2015. This documentation presented the Project APE and a determination that the Project would have an adverse effect due to the proposed removal of the NR-eligible Livingston Avenue Bridge.
- SHPO responded to the recommended effect determination and requested additional information regarding the consideration of alternatives to the demolition of the Livingston Avenue Bridge on April 29, 2015.
- The Finding Documentation was modified to include more information on alternatives considered and was submitted to SHPO on June 17, 2015.
- FRA and NYSDOT met with Bonney Hartley of the Stockbridge-Munsee Community Band of Mohicans to discuss the Project and resolve concerns on June 26, 2015.
- FRA, NYSDOT, and NYSDOT's design consultant met with SHPO on August 5, 2015 to review the alternatives and discuss additional alternatives. SHPO requested that additional consideration be given to measures to minimize harm to the Livingston Avenue Bridge, such as retaining or rebuilding components of the bridge.

- On November 10, 2015, NYSDOT submitted to SHPO an evaluation of additional alternatives and measures to minimize harm requested by SHPO.
- In December 2015, SHPO responded via telephone that they would issue comments on the effect determination after a public information session and additional outreach to Consulting Parties. Also in December 2015, NYSDOT coordinated with officials from the City of Albany to inquire whether they would like to acquire the structure as a recreational structure.
- FRA invited organizations to participate in consultation pursuant to Section 106 (see list of consulting parties included in **Attachment C**).
- FRA and NYSDOT prepared an assessment of effects based on ACHP's Criteria of Adverse Effect (36 CFR § 800.5(a)) and determined that the Project would result in an adverse effect on the historic Livingston Avenue Bridge, but no other historic resources.
- FRA and NYSDOT re-initiated Section 106 consultation with SHPO by letter dated August 24, 2020, including updated Finding Documentation regarding the Project's effects on historic properties. This updated Finding Documentation made a determination that the Project would have an adverse effect due to the proposed removal of the NR-eligible Livingston Avenue Bridge. In a letter dated September 23, 2020, SHPO concurred with FRA and NYSDOT's determination of adverse effect on the Livingston Avenue Bridge, and requested that the City of Albany be contacted to determine their interest in retaining the western portion of the bridge; NYSDOT contacted the City of Albany on this topic in a letter dated October 27, 2020.
- FRA and NYSDOT contacted the THPOs with whom they had consulted earlier to notify them of the adverse effect and provide another opportunity to continue consultation under Section 106 in August 2020. Two of the THPOs responded and identified that they had no concerns but requested that they be notified if human remains or objects of cultural patrimony are encountered during construction of the Project. The other THPO did not respond.
- FRA is currently notifying the ACHP of the determination of adverse effect for the historic Livingston Avenue Bridge.
- FRA and NYSDOT have considered alternatives that would avoid and/or minimize adverse effects and will identify measures to mitigate adverse effects. These measures will be set forth in a MOA, which will be provided to SHPO and any participating THPOs and consulting parties for review and comment.

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:

NYSDOT maintains a Project website at the following address:
<https://www.dot.ny.gov/display/projects/livingstonavebridge>

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

No

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

- Section 106 consultation correspondence
- Maps, photographs, drawings, and/or plans

- Additional historic property information
- Consulting party list with known contact information
- Other: [Click here to enter text.](#)

Attachment A
Area of Potential Effect and Historic Properties

Attachment B
List of Consulting Parties

Attachment C
Correspondence

Attachment D
Final Section 106 Finding Document