

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER
REGARDING THE INTERMODAL FERRY TRANSPORTATION CENTER
CITY OF SOUTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY**

WHEREAS, the City of South Amboy proposes to construct a ferry facility [including access roadway, parking, terminal and in-water improvements] to accommodate up to three ferry vessels in South Amboy, Middlesex County using funds provided by the Federal Highway Administration (FHWA) via the New Jersey Department of Transportation (NJDOT); and

WHEREAS, the FHWA, the New Jersey State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (Council), and the NJDOT executed a Programmatic Agreement in November of 1996 which stipulates how FHWA's Section 106 responsibilities for NJDOT-administered federal aid projects will be satisfied; and

WHEREAS, in accordance with that agreement, the NJDOT has consulted with the SHPO in order to determine the area of potential effect (APE), to identify significant National Register eligible and listed properties, and to assess the effects of the project on both eligible and listed properties within the APE pursuant to the requirements of 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C.470f); and

WHEREAS, background and field research have indicated that physical remains of the Camden and Amboy [ca. 1831 - 1871] and Pennsylvania [ca. 1871- 1965] Railroads persist within and beyond the APE, but the integrity of the physical remains in the APE is low; and

WHEREAS, the historic significance of the property within the APE relates primarily to it being the location of nationally significant events, the feeling or sense of place conveyed by the few physical remains, and the setting of the former rail yard and piers; and

WHEREAS, previous consultation on other projects resulted in an initial June 26, 1975 opinion (and several reiterations of that opinion in the context of federally funded

roadway and other projects) that the Camden and Amboy Railroad (Main Line) Historic District is eligible for listing in the National Register of Historic Places; and

WHEREAS, previous consultation has also indicated that the period of significance for the Camden & Amboy Railroad (Main Line) Historic District spans the tenures of both railroad companies, and that understanding the relationships between the various archeological remains and evaluating their significance is a complex process requiring extensive background research; and

WHEREAS, consultation for other projects affecting the Camden & Amboy Railroad (Main Line) Historic District has focused on identifying and protecting contributing resources and features of the historic district; introducing historically compatible new bridges, stations, and structures; and adequately mitigating the adverse effects resulting from new construction or removal of original features; and

WHEREAS, Hunter Research has compiled an inventory of visible railroad remains within the APE [*The Catenary Structures at the Intermodal Ferry Transportation Center, South Amboy, Middlesex County, New Jersey with a note on Camden and Amboy Railroad Stone Sleepers, Historic Context, Description and Recommendations*; Ian Burrow, December 2002] and found that only catenary structures and displaced stone sleepers, and two coal thawing sheds and associated infrastructure remain intact within the APE of the project; and

WHEREAS, the FHWA has determined that the construction of this project as proposed will have an adverse effect on the Camden & Amboy Railroad (Main Line) Historic District due to the alteration and/or removal of the catenary structures and stone sleepers; and

WHEREAS, the NJDOT and FHWA have considered alternatives to avoid or minimize the adverse effects and have found that they are not feasible; and

WHEREAS, a Camden and Amboy corridor management study entitled *Camden and Amboy Railroad Historic Districts Study, Volume 1 and Volume 2* identified appropriate mitigation strategies and additional opportunities which were considered by the project sponsors in developing a mitigation program to offset the adverse effects of the proposed construction; and

WHEREAS, consultation for the Southern New Jersey Light Rail Transit System (SNJLRTS) has involved extensively researched consideration of appropriate standard

design features for new construction within the Camden and Amboy Railroad (Main Line) Historic District; and

WHEREAS; it is desirable to utilize a single design vocabulary for all projects within the historic district; and

WHEREAS, two public meetings were held on February 8, 2001 and June 27, 2001 in the City of South Amboy to describe the project and the environmental studies which had been conducted to the public, and to allow the public to ask questions and provide comments on the work conducted to date; and

WHEREAS, questions and comments at that meeting related primarily to traffic engineering issues; and

WHEREAS, the FHWA, SHPO, NJDOT and City of South Amboy, have consulted to develop a plan to mitigate the adverse effects; and

WHEREAS, NJDOT on behalf of the FHWA invited the City of South Amboy to concur in the MOA and they have agreed; and

WHEREAS, the NJDOT has participated in the consultation, has been invited to concur in the MOA, and has agreed; and

WHEREAS, the Advisory Council was notified of the adverse effect [March 21, 2002] and has declined to participate in the consultation process;

NOW, THEREFORE, the FHWA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The FHWA will ensure that the following measures are carried out:

The City of South Amboy, using the services of a consultant and prior to the initiation of construction, shall implement the following stipulations.

I. Archeological Monitoring

- A. Preconstruction Notice – The City of South Amboy shall ensure that all construction inspectors and contractors are informed about the need for identification, evaluation and protection of historic properties pursuant to Section 106 of the National Historic Preservation Act; and that they are informed of all stipulations in this MOA which may restrict or constrain construction activities. The City shall develop an archeological monitoring/data recovery procedure, which provides for notification and coordination with NJDOT, SHPO and FHWA should historic resources and/or features be uncovered during construction. The procedure shall provide for immediate cessation of construction activities in any areas where undocumented remains are uncovered, notification of qualified archeologists to collect initial information about the resources identified and convene a consultation meeting; and implementation of any data collection/mitigation procedures which might, through consultation, be determined appropriate. FHWA, NJDOT and SHPO staff shall be available for on-site consultation in no more than two days of notification of the need for consultation. The procedure shall be submitted to the SHPO, NJDOT and FHWA for review and comment prior to advertising the construction contract; the revised procedure shall be included in the construction bid package and shall be an item of discussion during the preconstruction conference. SHPO staff will be invited to participate in the preconstruction conference.
- B. Monitoring – A professionally qualified archeological monitor shall be present on-site and shall inspect all excavations/earthmoving operations that may result in subsurface disturbance. Two types of monitoring may be anticipated, and provisions for both types shall be included in the procedures developed as Task A above.
1. Observational monitoring - which entails visual examination of work in progress and the rapid documentation of features or artifacts through photography, survey, and written notes.
 2. Documentary monitoring – requires discontinuation of construction related work for a longer period of time to investigate and document [sufficiently to meet any requirements for archeological mitigation] archeological features which are significant or potentially significant.

II. Photographic Documentation

Documentary photos of the overall rail site and specific perspectives that illustrate the surviving catenary system, remaining pier/wharf pilings, and former locomotive shop area in relation to the surviving coal thawing sheds will be taken for inclusion in the final report.

III. Field Verification of Pier/Wharf Locations

The City of South Amboy will ensure that field verification of the locations of the various piers and wharves in the area of direct impact, as documented in historic maps, will be undertaken. The locations of key pilings will be recorded using global

positioning system (GPS) technology, and ancillary pilings will be mapped using relational techniques. Archival photographs of the pilings will be taken to supplement the mapping effort. Visible hardware will be photographed only if it has the ability to assist in the dating or other interpretation of the pier/wharf features. No artifacts will be retained. The goal of this effort is to verify the locations and construction sequences of the various pier/wharf features that appear on historic maps. Such information will contribute to an understanding of how the rail facility developed and functioned.

IV. Duplication of Documentary Records

Research for the project has been extensive and has been conducted at the following repositories:

New Jersey State Library

New Jersey State Archives

National Archives

Historical Society of Pennsylvania

Hagley Museum and Library

NJDEP- Bureau of Tidelands Management

Pennsylvania Railroad Museum

Historical Collections of the Great Lakes, Bowling Green State University, Jerome Library

Copies of primary documentation and other records collected from the above listed repositories will be provided to no more than five local or regional repositories [including historical and railroad societies]. Other documents identified during any subsequent research will be evaluated to determine if copies can be made for these same repositories within the project budget. A list of potential recipients for these copies [which may include but not be limited to the NJ Archives, the South Amboy and/or Middlesex County Historical Societies, the Camden and Amboy and/or Pennsylvania Railroad Historical Societies, and the Rutgers University Special Collections Library] will be submitted to the SHPO for comment. All copies will be duplicated on archivally stable paper.

V. Design Considerations - Site Design

A Landscape Architect with a demonstrated interest in historic preservation will be added to the project design team to assist with the development of the site. The goal of this individual's involvement will be to ensure that, to the degree possible, all pertinent features, of the facility will be compatible with the historic architecture and engineering characteristics, features, and setting of the Camden and Amboy Railroad (Main Line) Historic District. The design shall be responsive to the standards, guidelines, and recommended approaches for new construction affecting historic properties as set forth in the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Historic compatibility considerations shall include design, location, size, scale, materials, color, workmanship, and visual impacts. Design features such as fencing, lighting, handrails, signage, etc. selected for the SNJLRTS

shall be considered for use in the current project. Specific tasks to be accomplished with the involvement of the Landscape Architect include

- A. Developing a site plan which utilizes and interprets historic railroad artifacts [including the stone sleepers currently located in the shoreline area adjacent to the site of the Explosives Pier], and which minimizes the visual impacts of the new construction on the remaining landscape features of the historic rail facility.
- B. Developing a “gateway” to the intermodal transportation facility that preserves two types of catenary structures--a Portal Bridge [C15a/b] and one or more Bracket Arm Bridge Structures [C20 or C21].
- C. Developing on-site interpretive materials or displays that are consistent with other such features currently being developed by NJ Transit and NJDOT for use within the Camden & Amboy Railroad (Main Line) Historic District, and responsive to the quality of the available historical materials. An emphasis will be placed on in-situ interpretation of artifacts and landscape features when feasible.

The overall site plan and design details for the gateway; and specifications [including plans as needed] for the removal of the railroad features, evaluation as necessary, rehabilitation, reuse, and re-erection will be submitted to the SHPO for review as soon as possible, but at least prior to advertisement, to determine if proposed designs are compatible with historic properties. Any design compatibility issues raised by the SHPO will be addressed and resolved through consultation among the City, SHPO, NJDOT, and FHWA prior to the advertisement of the job and/or prior to the initiation of any actions which may compromise the integrity of the railroad features. Any railroad artifacts that will not be used in the gateway or as landscape features will be retained, stored, and offered to appropriate state, county, municipal, local or other organizations capable of accepting, preserving, and interpreting the artifact(s). Such donations will be subject to preservation agreements developed in consultation with the SHPO. Any artifacts not re-used or donated will be photographically documented in their original setting prior to removal.

VI. Reporting

The City shall ensure that appropriate reporting of the research conducted for the project is completed. The following will be accomplished:

- A. Additional Research – Historical research completed to date has been sufficient to satisfy the identification and assessment components of the Section 106 process. Additional research will be conducted as partial mitigation for the adverse effects to the Camden and Amboy Railroad (Main Line) Historic District. This research will address materials in the collections of the Pennsylvania State Archives, Hagley Museum, New Jersey State Library/Archives, New Jersey Historical Society and other repositories that may be identified as the result of the review of *The Camden and Amboy Railroad and*

Transportation Company, A Bibliography [1947]. Research will be undertaken in order to collect information from primary and secondary sources pertinent to the understanding of the development of the South Amboy rail facility in the years between 1831 and 1911. This research will place the facility within regional economic and transportation contexts. The region is roughly defined as the area between the Ports of New York and New Jersey to the north and Philadelphia to the south. No more than 20 person-days shall be expended on this effort.

- B. Technical Report - The results of all historical and archeological research conducted for this project will be presented in an analytical and narrative report, which conforms to professional reporting standards. The narrative section of the report will place the facility in the overall context of the Camden and Amboy and Pennsylvania Railroad operations, and also present the specific history and development of the South Amboy facilities. The report shall specifically address the development and functioning of the rail-maritime connection, and the evolution of the physical configuration and operations of the South Amboy facility. Photographic documentation of the various site elements as compiled for interim survey/management reports and as described in Task II above will also be included in the technical report.
- C. Artifact Curation - The City shall ensure that all artifacts recovered during fieldwork are curated at an appropriate facility. Artifacts not reused in the context of the current project will be offered initially to the NJ State Museum, secondly to the NJ Transportation Museum [currently under development] and lastly to an appropriate local or railroad focused facility.
- D. Popular report – A non-technical report of investigations will be prepared which describes the history of the rail facility and places it within the larger context of the Camden and Amboy and Pennsylvania rail systems.
- E. Public Presentation – The Consultant will make a public presentation in South Amboy to local residents, groups, and individuals. Organizations with an interest in local railroading history may also be invited to the presentation. The presentation will be non-technical in nature, but will provide synthetic information about the site that has been derived from the current research. Videotape of the presentation will be made. Three copies will be provided to NJDOT for distribution to the SHPO and FHWA; one copy will be retained by the City for use by constituents and other interested individuals/groups.

ADMINISTRATIVE CONDITIONS

I. Professional Qualifications

The City and NJDOT, on behalf of FHWA, will ensure that all work is carried out by/under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualifications Standards [48 FR 44738-44739]*.

II. Dispute Resolutions

At any time during the implementation of the measures stipulated in this MOA, should an objection to any such measure or its manner of implementation be raised, FHWA will notify all signatories to the agreement, take the objection into account, and consult as needed to resolve the objection.

Disputes regarding the completion of the terms of this agreement as necessary shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, the FHWA shall then initiate appropriate actions in accordance with the provisions of 36 CFR 800.6(b) and 800.7 as appropriate.

Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.

III. Design Changes

If any changes to the Intermodal Ferry Transportation Center project design occur which have the potential to affect historic properties, the City of South Amboy shall notify the NJDOT. NJDOT, with the assistance of the FHWA, shall consult with the SHPO in accordance with the provisions of 36 CFR Part 800. For any such changes, the City shall submit a plan sheet or design sketch showing the proposed change; a written description of why the change is needed; and a description of alternatives considered to achieve the same goals. If formal consultation is initiated the SHPO shall provide written comments to the City, FHWA, NJDOT [Bureau of Environmental Services and Local Aid] within five working days of receipt of documents. Review comments shall evaluate the change for its potential to affect historic properties and its conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

IV. Project Completion

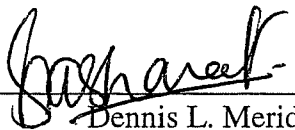
- A. **Project Completion** - All work required to complete the tasks enumerated in Stipulations I through V will be completed prior to the initiation of construction. Work required as part of Stipulation VI will be accomplished according to a schedule developed during negotiations for the cultural resources work.
- B. **Documentation of Satisfaction of Stipulations** - The City shall submit a short narrative report with appropriate illustrations to all consulting parties demonstrating satisfaction of any mitigation requirements which will not be included in the archeological reports within 90 days of completion of construction or according to an alternate schedule negotiated immediately after the pre-construction meeting.

V. Review of Implementation

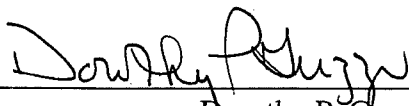
This agreement shall become null and void if construction is not initiated within five years from the date of execution unless the signatories agree in writing to an extension. If, after five years without action the FHWA chooses to continue with the undertaking, it shall re-initiate its review in accordance with the provisions of 36 CFR Part 800.

Execution of this Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Council an opportunity to comment on the Intermodal Ferry Transportation Center project and its effects on historic properties, and that the FHWA has taken in to account the effects of the project on historic properties.

FEDERAL HIGHWAY ADMINISTRATION


By:  Date: 7/25/03
Dennis L. Merida, P.E.
Division Administrator, NJ Division Office

NEW JERSEY STATE HISTORIC PRESERVATION OFFICE

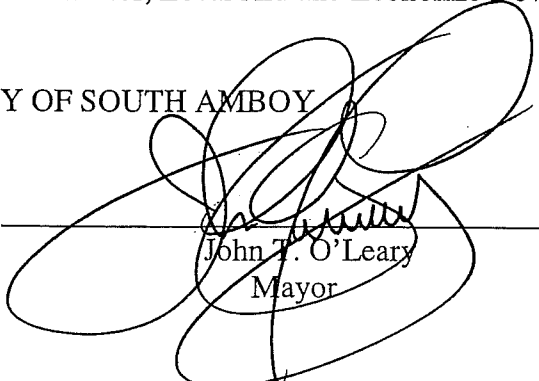
By:  Date: 7/23/03
Dorothy P. Guzzo
Deputy State Historic Preservation Officer

Concur:

NEW JERSEY STATE DEPARTMENT OF TRANSPORTATION

By:  Date: 7-23-03
David A. Kuhn, P.E.
Director, Local Aid and Economic Development

CITY OF SOUTH AMBOY

By:  Date: 7/21/03
John T. O'Leary
Mayor