

Cultural Resources Approach for the South Florida East Coast Corridor Transit Analysis Project

PREPARED FOR:

Florida Department of Transportation, District 4
Fort Lauderdale, Florida

PREPARED BY:

Janus Research, Inc.
1107 N. Ward Street
Tampa, Florida 33607

IN CONJUNCTION WITH:

Gannett Fleming, Inc.
7300 Corporate Center Drive
Miami, Florida 33126

MAY 2010

TABLE OF CONTENTS

TABLE OF CONTENTS..... i
INTRODUCTION 1
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966.....3
SECTION 4(f) OF THE US DEPARTMENT OF TRANSPORTATION ACT OF 1966.....4
PREVIOUS CULTURAL RESOURCES WORK FOR THE SFECCTA PROJECT5
RECOMMENDED APPROACH.....6
 Identification and Documentation.....7
 Assessing Effects8
CONCLUSIONS.....10
APPENDIX A: MINUTES FROM DECEMBER 2009 MEETING

INTRODUCTION

The South Florida East Coast Corridor Transit Analysis (SFECCTA) project area is centered along the FEC Railway corridor, bounded on the south by the Central Business District (CBD) of the City of Miami in Miami-Dade County and on the north by the Town of Jupiter in Palm Beach County, for a linear distance of approximately 83 miles. Additionally, multiple potential connection alternatives to the South Florida Rail Corridor (SFRC) where Tri-Rail operates, referred to as SFRC-FEC Railway connections are included within the project area. There are 14 potential SFRC-FEC Railway connections considered for a combined linear distance of approximately 24 miles. Also included within the SFECCTA project area is the proposed connection to the Miami Intermodal Center (MIC), located adjacent to Miami International Airport (MIA) and a Transportation System Management (TSM) alternative proposed for the northern portion of the study area. Connection to the MIC would likely occur at the existing MD2 North Miami/Little River FEC Spur and utilize the southern portion of the SFRC to access the MIC, for an additional linear distance of approximately 3 miles.

The entire SFECCTA project area, which includes the FEC Railway corridor, proposed SFRC-FEC Railway connection alternatives, proposed MIC connection and the TSM alternative, totals approximately 127 linear miles. The project area is located in the highly urbanized eastern portions of Miami-Dade, Broward, and Palm Beach counties, which constitutes Southeast Florida and is known as the Tri-county area. Also located in the project area are three major CBDs of the Tri-county area, (the City of Miami, the City of Fort Lauderdale and the City of West Palm Beach), as well as MIA and Fort Lauderdale International Airport (FLL). The project corridor traverses 28 municipalities, mostly through their CBDs, where there are major activity and employment centers, recreational facilities, educational centers, and hospital/medical facilities.

Ubiquitous linear historic resources, particularly historic railroads such as the FEC Railway, waterways, and canals, are at the forefront of critical cultural resource issues facing major state and federal agencies. These types of resources are encountered on a regular basis during the course of cultural resource assessment surveys. Prior to the recent work conducted for the Florida Department of Transportation (FDOT), Federal Transit Administration (FTA), Federal Rail Administration (FRA), South Florida Water Management District (SFWMD) and United States Army Corps of Engineers (USACE), where large portions of railroads or canals were documented and evaluated under Section 106 of the *National Historic Preservation Act of 1966 (NHPA)*, these resources were typically addressed in limited portions or segments. It is recognized that railroads differ from the other linear historic resources, and consequently, as part of the SFECCTA project, FDOT is in the unique position to provide a holistic and logical review of the context and issues surrounding the historic FEC Railway, a National Register of Historic Places (National Register) eligible resource.

Agencies such as the FDOT, FTA, Federal Highway Administration (FHWA), and the Florida Division of Historical Resources (FDHR)/Florida State Historic Preservation Office (SHPO) have begun to collaborate in order to develop a consistent documentation protocol

and approach for evaluating linear resources' eligibility for inclusion in the National Register, assessing integrity, and determining how various projects or actions will affect significant railroads. Historic linear resources, such as railroads, are generating considerable interest and challenges for FDOT, cultural resource managers, and historic preservation practitioners and advocates, because of the recognition that these resources differ from most historic individual resources and districts and often present uncertainties during the Sections 106 and 4(f) processes.

There are two important questions to consider in the evaluation of historic linear resources. Why are historic linear resources different than the typical historic homes, commercial buildings, or districts encountered during projects? What makes historic highways, canals, and railroads a unique class of historic resource?

- 1) Linear resources are dynamic systems that continually change and are modified to remain viable and functional. Therefore, they have been altered over time by wear, routine maintenance, and rebuilding and improvement activities.
- 2) They extend over large distances and often outside of a particular project area. Therefore, typically only a segment may exist within a particular project area and this segment is looked at in isolation rather than as part of a larger system.
- 3) Linear resources are difficult to date. They lack the aesthetic or design features that can be associated with a particular time period. Records for many are difficult to find, and many records of initial construction and early maintenance have been lost.
- 4) Alterations and modifications are difficult to identify and not easily recognized during fieldwork or research.
- 5) They are time-consuming to document due to the nature and extent.
- 6) Research can be a lengthy process because materials are not typically found in libraries or institutions with a research mission or collection ethic.
- 7) In the past, there have been contradictory and inconsistent documentation requirements and determinations of National Register eligibility from the FDHR/SHPO.
- 8) Findings of effect according to the Section 106 Criteria of Effect must recognize the nature of the railroads and the efforts and improvements needed to keep them viable and functional.

The SFECCTA project aims to once again provide passenger rail service on a historic rail line that originally transported people up and down the east coast of Florida. In order to see these projects to fruition, agencies are faced with balancing engineering requirements, transportation needs, safety, and the support and development of livable communities, while ensuring compliance with federal and state environmental laws, which includes historic preservation laws. Cultural Resource Managers are striving to balance responsible stewardship with transportation needs by addressing linear resources in an objective and

reasonable manner consistent with agencies' treatment of other types of historic resources and historic preservation law and regulations.

Based on local meetings held as part of the SFECCTA project, affected parties, FDHR/SHPO, and local communities are supportive of the restoration of passenger rail service but concerned that there will be effects to historic resources due to certain aspects of the project. A significant outcome of the meetings with FDHR/SHPO and the local communities was the preliminary agreement that restoring passenger service on the FEC Railway in and of itself would not constitute an adverse effect under Section 106 of the National Historic Preservation Act of 1966 or a taking under Section 4(f) of the United States Department of Transportation Act. This essential agreement is important to the overall project because it will allow for a more efficient schedule as the project moves through the various processes, and also focuses efforts on the FEC Railway corridor as the selected alternative and discontinue exploring avoidance alternatives. Typically under Sections 106 and 4(f), if there is a potential adverse effect various avoidance alternatives would be developed. However, since there was an agreement that certain improvements on the FEC Railway will not result in adverse effects, the further development of avoidance alternatives is unnecessary for purposes of Sections 106 and 4(f). This decision will also permit effects analysis to center on resources adjacent to the railway, such as historic districts and stations, and other project aspects, including grade separations and new bridge crossings.

This paper presents an approach for the historic railway that realistically considers project needs while complying with pertinent historic preservation laws. As stated previously, this will help avoid costly project delays and ad-hoc decision-making. A workable protocol and practical treatment for addressing the historic railway that balances preservation and transportation needs, particularly related to the permitting process, will be essential to the success of these large-scale projects.

SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

A body of federal and state laws dictates that proposed projects or undertakings must take into account effects to significant historic or archaeological resources. A major law governing this process includes the National Historic Preservation Act (NHPA) of 1966 (Public Law 89-665, as amended) and its implementing regulations (36 CFR 800). The basic process for performing cultural resource assessments is provided by Section 106 of the NHPA of 1966. Section 106 pertains to actions or undertakings performed, assisted, permitted, or licensed by a federal agency. Such agencies under the U.S. Department of Transportation include FHWA, USCG, FAA, FTA, and FRA. The FDHR has incorporated the Section 106 process into the State's historic compliance review program. The compliance review program is ultimately overseen by the SHPO.

Section 106 of the NHPA will be applicable to the SFECCTA project and the railroad itself is considered a significant property under Section 106. The steps that make up the Section 106 process will be followed during the next phases (previously tiers) of these projects. Part 2, Chapter 12 of the PD&E Manual as well as CRM Handbook provides detailed descriptions of the Section 106 process and the documentation and analysis needed to satisfy this process.

However, for the purpose of this document a summary of the Section 106 steps is outlined; these steps are meant to guide the project to avoid, minimize, and/or mitigate for adverse effects. The Section 106 process begins with the identification and evaluation of historic and archaeological resources; this typically takes the form of a cultural resources assessment survey (CRAS). If a significant resource (i.e. linear resource, individual structure, or historic district) that is listed or determined eligible for listing in the National Register is located within the Area of Potential Effect (APE), then the effects of the project on the resource are determined by applying the National Register Criteria of Effect; this typically takes the form of a Section 106 Determination of Effects Case Study Report. At this point in time, it is already known that there will be numerous significant resources in the APE of these projects, including the FEC Railway. The effects assessment may result in a finding of “No Adverse Effect,” or “Adverse Effect.” In cases where it is determined that the project will have an adverse effect, consultation with the Advisory Council on Historic Preservation (ACHP) is initiated most commonly through letter correspondence. Following agreement among the consulting parties on the appropriate means of mitigating adverse effects, a Memorandum of Agreement (MOA) is developed and executed. Upon acceptance of the MOA by the consulting parties/MOA signatories, the terms of the MOA are implemented. The Section 106 process is completed with the initiation of the transportation undertaking.

It is important to note that public involvement is a required element of the Section 106 process, and the FDOT has in many cases successfully used cultural resources committees (CRC) to bring together the affected and interested consulting parties at key project milestones. During Phase II of the SFECCTA project, early coordination took place within each county in order to understand upfront the specific historic resources and areas of concern. This early coordination coupled with consultation with FDHR/SHPO will help to guide the projects into the next phases, which involve more detailed survey and analysis work as well as discussions of effects and development of measures to avoid, minimize, and mitigate effects.

SECTION 4(F) OF THE US DEPARTMENT OF TRANSPORTATION ACT OF 1966

Section 4(f) is a national policy which states that programs or projects can be approved if there is no feasible or prudent alternative to using land which includes public parks, recreation areas, wildlife and waterfowl refuges of significance, or historic sites of significance, or the program or project included all possible planning to minimize harm to the types of resources listed above. Part 2, Chapter 13 of the PD&E Manual as well as CRM Handbook provides detailed descriptions of the Section 4(f) process and the documentation and analysis needed to satisfy this process.

Resources (historic structures, districts, and archaeological sites) that are listed in or eligible for the National Register must be considered as part of the Section 4(f) process. Section 4(f) evaluates the use of a significant resource against the proposed project improvements. This evaluation utilizes findings of the Section 106 Effects Case Study Report and the concurrence letter on the Case Study Report from the SHPO (the official with jurisdiction) to determine “use” under this law. Direct use can include the permanent acquisition of right-of-way from a significant property that will be incorporated into a transportation project. An

indirect or constructive use can include proximity impacts from the transportation project, such as noise or visual effects, that will substantially impair the purposes for which the resource exists.

If it is determined during the Section 106 Effects Case Study Report that the transportation project does not have an adverse effect (no use) on the significant resources, and the SHPO concurs with this finding, the lead agency can determine that Section 4(f) does not apply and the process is complete. However, if it does appear that the transportation project will have an effect (direct or indirect use) on the significant resources, further Section 4(f) documentation will be necessary. This documentation can take the form of a Programmatic Section 4(f) Evaluation for significant bridges or an Individual Section 4(f) Evaluation for historic districts or individual historic and archaeological resources. These documents are then routed through the appropriate divisions of FHWA or FRA, at the state and oftentimes national level.

In some cases, a de minimis finding is appropriate. De minimis impacts related to historic resources are defined as the determination of either "no adverse effect" or "no historic properties affected" in compliance with Section 106 of the NHPA. In addition, the views of consulting parties obtained through the Section 106 process should be considered. If there are minimal or minor takings of property from significant historic resources as part of the rail project there may be a de minimis finding, and then documentation in the form of a Programmatic Section 4(f) Evaluation or an Individual Section 4(f) Evaluation will be unnecessary. De minimis findings are often documented in a letter, which clearly states that there is no adverse effect on the properties, and therefore, no direct or constructive use that impacts the property.

When proceeding through the Section 4(f) process it is essential to note that meshing the Section 4(f) documentation with the overall schedule can be challenging. The documentation itself is not necessarily overly time-consuming, but engineering and right-of-way acquisition is often not determined until later in the process; however, the identification and analysis of significant resources and issues must take place early in process to avoid the delay of necessary NEPA documents.

PREVIOUS CULTURAL RESOURCES WORK FOR THE SFECCTA PROJECT

Due to the magnitude of study area for the SFECCTA, the project has been conducted in phases as part of a Draft Programmatic Environmental Impact Study (PEIS). Since 2006, the cultural resources studies for the large-scale SFECCTA project have been conducted. In 2006, the first phase study was undertaken, and the Cultural Resources Reconnaissance Study of the SFECCTA Study in Miami-Dade, Broward, and Palm Beach counties, Florida was the result of the Phase I work. During Phase I of the project the Cultural Resources Reconnaissance Study was performed to provide preliminary cultural resource information to assist in the avoidance of resources listed in, determined eligible for, or considered potentially eligible for the National Register or National Historic Landmark properties.

With the addition of potential connecting spurs such as possible links to intermodal centers and seaports, the study area for Phase I encompassed 100 linear miles (approximately 14.5 miles potential connecting tracks). With a one-mile buffer offset, this resulted in a total of approximately 203 mi² within the study area. In combination with the background research for archaeological and historic resources, a judgmental historic resources reconnaissance study was conducted in the study area in order to identify potential significant historic resources that were not previously documented. The reconnaissance investigation was conducted in January and February of 2006. This reconnaissance consisted of a “windshield” investigation of areas of high probability for significant historic resources as well as the areas surrounding the main historic transportation corridors such as the FEC Railway, US-1, and the Dixie Highway. The SHPO concurred with the findings in the Phase I report on November 9, 2006.

In 2009-2010 the Phase II Cultural Resources Reconnaissance Study of the SFECCTA study in Miami-Dade, Broward, and Palm Beach counties, Florida was undertaken. Building upon the cultural resources work conducted during Phase I, the Phase II Cultural Resources Reconnaissance Study was performed in order to locate National Register-listed, National Register-eligible, and potentially National Register-eligible resources. Locally listed and significant properties were also noted in the results of this reconnaissance survey. A study area of 500 feet from either side of the FEC Railway corridor was studied at this time. It was believed this study area would encompass all cultural resources possibly affected by the proposed alternatives and possible technology that would be selected, and assist in guiding the selection of an alternative, station locations and types, and other ancillary facilities. At this time, the Phase II report is being reviewed by the SHPO, and their concurrence with the findings should be received in the near future.

As part of both the Phase I and II projects, the FEC Railway was an acknowledged historic resource of significance. The FEC Railway corridor was preliminarily addressed in these studies, but in both documents it was stated that further review of the approach to this historic linear resource should be conducted as segments of the project are developed, and the types of improvements and possible effects are determined. These studies again brought the FEC Railway to the forefront of the cultural resources issues related to the project, and created the impetus to meet with the FDHR/SHPO in December of 2009 and develop a this approach to the railway resource in light of the SFECCTA project. Another result of the previous two reconnaissance studies was the identification of associated railroad resources adjacent to the rail line that may still be extant. These resources, which can include stations to warehouses, may also contribute to the overall significance of the FEC Railway history and will be evaluated in greater detail as the project moves forward.

RECOMMENDED APPROACH

Because the focus of several large-scale and high-profile projects such as SFECCTA and Amtrak are the historic railways themselves, issues related to these historic linear resources can be the greatest cultural resources influence on the overall projects. The previous studies of railways have involved varying degrees of documentation and a range of determinations from the FDHR/SHPO.

With the exception of more recent SFWMD and USACE projects involving canals, dealing with historic linear resources through the present day has typically been performed in a manner where small segments of a larger linear resource located within a project APE were documented and evaluated. However, after consideration it appears that a holistic approach to the railway for the SFECCTA project will result in a more efficient identification process and objective assessment. The following suggested approach recognizes linear resources, specifically the FEC Railway for the SFECCTA project, are challenging. This approach also recognizes the preliminary agreements made at the December 2009 meeting among the FDHR/SHPO, FDOT, and FDOT EMO.

Identification and Documentation

The project area is centered along the FEC Railway corridor, bounded on the south by the CBD of the City of Miami in Miami-Dade County and on the north by the Town of Jupiter in Palm Beach County. Additionally, multiple potential connection alternatives to the SFRC, referred to as SFRC-FEC Railway connections, are included within the project area. Also included within the project area is the proposed connection to the MIC, located adjacent to MIA and a TSM alternative proposed for the northern portion of the study area.

Prior to the survey work and Cultural Resources Assessment Survey (CRAS) document, an APE will be established to determine what resources are identified, documented, and evaluated further as part of the Section 106 process. The determination of the APE must consider the aspects of the project, such as the improvements to the mainline and ancillary improvements including stations and connections to associated transportation facilities. A significant project improvement that will be addressed by the APE is the possible grade changes along the mainline. Possible effects of the project are considered; these effects can include the obvious direct impacts involved with right-of-way acquisitions, and then indirect effects caused by increases in noise, visual changes, and perhaps vibration. When setting the APE, agencies and affected parties concerns will be taken into account as well, and the early coordination with the locals in Miami-Dade, Broward and Palm Beach counties as part of Phase II greatly assisted in relaying these concerns.

The APE along the mainline can be specifically determined once more precise information is provided about the improvements. It will be important to know if the mainline will be on structure; how high the grade elevations will be at the railway/roadway intersections; if a tunnel or high level bridge will be constructed at the North New River location in Fort Lauderdale; and if new sidings will be added. The SFECCTA project travels through highly urbanized areas in South Florida and there will be many intersection crossings. At this time, a preliminary APE of 350 feet from the mainline railroad right-of-way can be suggested. Again, this APE may need to be expanded or contracted due to better project information, including the structure heights at the intersections.

This APE will include the National Register–eligible historic railway itself plus adjacent resources within the 350 feet, which should also include most remaining resources that were directly related to the FEC Railway. Individual resources (buildings, structures, cemeteries,

etc.) will be recorded on Florida Master Site File (FMSF) forms. Historic bridges, which are part of the historic railway and located along the rail line, will be recorded as well. Historic districts will also be identified and documented. If the boundaries extend outside the APE, boundary maps will be produced and general photographs of the resources will be taken. All contributing resources outside the APE but within the districts will not receive FMSF forms—this is a practice accepted by the SHPO and FMSF office. The FEC Railway was instrumental in the development of communities up and down the east coast of Florida, and in some cases the rail line bisects historic concentrations of resources. Thus, documentation of these existing and potential historic districts will be an essential part of the CRAS level recordation.

For proposed station locations, the APE will include all properties within the station locations and immediately adjacent parcels to the station locations. Again, in the case of historic districts, it will be necessary to understand historic districts and boundaries, but it is unnecessary to record all resources within the entire historic district that may fall outside of the APE. The same approach that was discussed above would be appropriate in which maps of the boundaries and representative photographs would be produced.

It is understood that there is no access to the rail line itself and all documentation and photography must take place from outside the rail corridor. Therefore, no archaeological testing will occur along the tracks at the CRAS level. Testing can occur at the station locations in areas of high sensitivity. However, extensive background research and desktop analysis will be undertaken throughout the corridor. During the December 2009 meeting, Ms. Laura Kammerer specifically requested that old maps, photographs, and other historical documentation be utilized to obtain information about former FEC Railway related resources along the rail line that are no longer extant but could provide historic era site information.

Assessing Effects

Most importantly, a treatment needs to be developed that defines what constitutes effects under Section 106 to a significant rail line and the other documented significant resources, including the SFRC-FEC connections. This treatment will address maintenance and construction activities that may or may not affect the overall integrity of the railroad and associated SFRC-FEC connections, ultimately resulting in a no adverse effect determination. Once instituted, maintenance activities and select construction activities could take place without the time-consuming consultation between the various agencies. With the above suggested approach, it would be appropriate when assessing effects that modifications to segments of a railroad may not be adverse if they do not compromise the significance of the railroad system as a whole.

A result of the meeting with FDHR/SHPO in December of 2009 and the various meetings with local communities was the preliminary agreement that **restoring passenger service on the FEC Railway in and of itself would not constitute an adverse effect under Section 106 of the National Historic Preservation Act of 1966 or a taking under Section 4(f) of the United States Department of Transportation Act.** This agreement affects the overall project because it will allow for a more efficient schedule as the project moves through the

various processes, and also focuses efforts on the FEC Railway corridor as the selected alternative and discontinue exploring avoidance alternatives. Typically under Sections 106 and 4(f), if there is a potential adverse effect various avoidance alternatives would be developed. However, since there was an agreement that certain improvements on the FEC Railway will not result in adverse effects, the further development of avoidance alternatives is unnecessary for purposes of Sections 106 and 4(f). This decision will also permit effects analysis to center on resources adjacent to the railway, such as historic districts and stations, and other project aspects, including grade separations and new bridge crossings.

The following is a partial list of possible activities and improvements that may or may not affect the National Register eligibility of the FEC Railway.

- Routine maintenance involving grading, replacement of rail and ties, and other work related to safety requirements on the rail corridor has occurred throughout the life of the railway and is essential to its viability and functionality; therefore, these activities would not necessarily constitute an adverse effect since they will not affect the attributes that make the railway eligible for the National Register, which typically includes associations with transportation, community planning and development, and engineering. The extent of these activities will need to be defined;
- The compatible addition of tracks or sidings within the corridor;
- Utilization or compatible improvements to historic rail bridges; and
- Limited crossing of the railway with modern bridges, roads etc.

The following group of activities may rise to the level of adverse effect for portions or segments of the railway and may require some level of consultation:

- Major re-routing of the railway;
- Elevated segments of the railway or tunneling the railway;
- Construction of new railway bridges that are incompatible with the historic physical integrity aspects of the railway and associated elements;
- Disruption of the railway by cutting it off;
- Severing of railway from other related historic spur lines and railways, which results in change of historic function; and
- Removal of historic ancillary structures original to railway's design and purpose (i.e. stations). The removal of one structure (if it is not individually National Register-eligible) may not be sufficient to substantially compromise the resource's integrity but the removal of several could collectively inhibit the railway's ability to convey its significance.

Effects evaluation will also cover the significant resources and districts within the overall mainline APE and station locations APE. Activities that should be considered when assessing effects to these resources include but are not limited to the following:

- Acquisition of right-of-way from significant resources or historic districts or demolition of such properties—perhaps for the construction of new stations;
- Construction of compatible new stations in historic areas;
- Rehabilitation/Adaptive reuse of historic stations;
- Increased noise at crossings for horns;
- Vibration caused by trains;
- Visual impacts from the introduction of new structures along the line, such as a new bridge or station; and
- Access to historic resources

CONCLUSIONS

Based on the issues and challenges of railways as a resource type and the focus of many projects requiring compliance with the Section 106 process, a meeting was held in Tallahassee on December 14, 2009, which included representatives from FDHR/SHPO, FDOT, FDOT EMO and Janus Research, consultants to FDOT. Major goals of the meeting were to understand the SFECCTA project, Phase II Cultural Resources Reconnaissance Study, National Register eligibility of the FEC Railway, and possible Section 106 effects to the railway. The complete set of meeting minutes can be found in Appendix A.

The meeting resulted in the following conclusions:

- The active FEC Railway, including the rail ties, ballast, etc., is constantly undergoing maintenance and replacement of its elements, and therefore, we must look at it as a dynamic and changing resource.
- This project will be restoring passenger rail service—providing improved and additional service on this line.
- Downtown Fort Lauderdale is an area of concern. There is an existing bridge, but an appropriate method to cross the river downtown is being explored. A bascule bridge or a fixed 55-60 foot high bridge may be options. A fixed high level bridge could result in substantial impacts to the adjacent historic resources, as this is a sensitive area.
- The reconnaissance has already identified “hot spots,” areas with concentrations of historic resources or resources of a sensitive nature.
- There will be important issues involved in areas where the improvements will be on structure and areas where there will be grade separation.

- There will be various station types along the rail line; the surrounding environment, existing historic resources, and community input will assist with the selection of appropriate stations. There is also the opportunity to utilize historic stations in a sensitive manner.
- The period of significance for the FEC Railway must be established and supported in future documentation. It may extend through the present day.
- Identification and analysis of the bridges along the rail line must also be undertaken in the next phase of work. The bridges may not all be of the rail line's earliest period but may still be significant to the line.
- The changes that have occurred to the railway over time are part of its history, and these should be considered in the evaluation. It is possible these changes contribute to its importance and do not necessarily compromise the integrity.
- Due to the proposed improvements, there may be archeological resources associated with the rail line, such as areas where there were turntables, section houses etc. Therefore, it will be important to develop a strong history of the rail line in the project area, and what resources were formerly associated with this portion of the rail line.
- At this time, it appears that placing new sidings where there were sidings would not be a significant impact to the resource. However, if the rail line is elevated at certain locations, the effects determination is uncertain at this time.
- The use of this historic rail line and restoration of historic passenger rail on the line would not constitute a Section 106 adverse effect or a Section 4(f) taking.
- It can be assumed that the rail line is eligible, and then studies will continue looking at the components associated with the rail line that may be individually significant, such as historic bridges or stations.
- It is a possibility to reuse historic stations but it must be done in a sensitive manner. Station rehabilitations could be viewed as a mitigation measure.
- The APE will need to be formally determined and it will evolve so that it may be wider or narrower in different areas, depending upon the proposed improvements.
- Archaeology within the rail corridor is problematic because of the limited access. It will be necessary to infer presence or absence of archaeological resources through known adjacent resources. Architectural history survey work is also limited because of the inability to survey on the actual rail line.

APPENDIX A:
MINUTES FROM DECEMBER 2009 MEETING



SFECC Phase 2

Meeting Summary Memorandum Cultural Resources Meeting

Date: December 14, 2009
Place: Burns Building
605 Suwannee Street
Tallahassee, Florida

Attending:

Roy Jackson	Florida Department of Transportation (FDOT)- Environmental Management Office
George Ballo	FDOT-Environmental Management Office
Xavier Pagan	FDOT-Environmental Management Office
Rusty Ennemoser	FDOT-Environmental Management Office
Josh Boan	FDOT-Environmental Management Office
Vicki Sharpe	FDOT-Environmental Management Office
Brian Yates	State Historic Preservation Officer (SHPO)/Florida Division of Historical Resources (FDHR)
Laura Kammerer	SHPO/FDHR
Jennifer Ross	SHPO/FDHR
Alyssa McManus	SHPO/FDHR
Carlos Cejas	Gannett Fleming, Inc.
Rob McMullen	Gannett Fleming, Inc.
Ken Hardin	Janus Research
Amy Streelman	Janus Research
Ann Broadwell	FDOT, District 4-via video conference
Scott Seeburger	FDOT, District 4-via video conference
Sharon Cino	FDOT, District 4-via video conference
Lynn Kelley	FDOT, District 4-via video conference

Background and Purpose

The intent of this meeting was to conduct coordination as part of the transit planning/Alternatives Analysis and early scoping per the National Environmental Policy Act (NEPA), as well as Section 106 processes. Major items on the agenda included presentation of the project, cultural resources reconnaissance study, and local public involvement. Another central focus of this meeting was to discuss the historic linear resource, the Florida East Coast (FEC) Railway, and suggested approaches to identifying and evaluating this resource.

Meeting Summary

Following introductions, Rob McMullen showed the Flagler Memorial Bridge video presentation. This video presentation was developed for mitigation for the upcoming replacement of the Flagler

Memorial Bridge in Palm Beach County. This video provided relevant background related to Henry Morrison Flagler and his FEC Railway, as well as FDOT, District 4's experience with challenging projects and significant cultural resources.

Following the video presentation, a PowerPoint presentation was provided by Rob McMullen. This presentation covered the proposed overall transit project and the studies that are being undertaken as part of this project.

During the course of the PowerPoint presentation, Ken Hardin provided a general overview of the cultural resources work, the project objectives, and the types of potential cultural resources issues associated the project.

Ken Hardin noted that District 4 made a commitment to early Section 106 consultation with affected parties, which provided information for the reconnaissance report and this meeting. Mr. Hardin discussed the public involvement that occurred during this phase of work, with the historic preservation entities in Miami-Dade, Broward, and Palm Beach counties. The meetings provided an opportunity for the parties to express their concerns regarding cultural resources; but overall each county was generally positive about the project and voiced their ongoing cooperation with the identification of significant resources and assistance with minimizing adverse effects. Laura Kammerer approved of the Section 106 consultation that had taken place, but noted that SHPO is concerned about the cemeteries in the West Palm Beach/Northwood area.

Mr. Hardin was followed by Amy Strelman, who provided a more detailed overview of the cultural resources efforts to date, and the types of identified cultural resources, which were shown as part of the PowerPoint presentation. The draft cultural resources reconnaissance study was discussed at this time, and it was noted that this document is currently under review by FDOT. The reconnaissance report focuses on the significant (National Register of Historic Places-listed, eligible, or locally-listed) cultural resources. These significant resources are listed in tables by county, shown on maps, and photographs were also provided.

Once the general discussion of the project and cultural resources was concluded, the discussion focused on the historic railroad and the treatment of this historic linear resource.

Discussion Points

The following comments and discussion occurred during the course of the meeting:

- The group acknowledged that the active FEC Railway, including the rail ties, ballast, etc., is constantly undergoing maintenance and replacement of its elements, and therefore, we must look at it as a dynamic and changing resource.
- This project will be restoring passenger rail service—providing improved and additional service on this line.
- Downtown Fort Lauderdale is an area of concern. There is an existing bridge, but an appropriate method to cross the river downtown is being explored. A bascule bridge or a fixed 55-60 foot high bridge may be options. During this discussion, Laura Kammerer noted that a fixed high level bridge could result in tremendous impacts to the adjacent historic resources, as this is a sensitive area.
- Laura Kammerer felt that the work to date was moving in the right direction, as the reconnaissance already identified “hot spots”, areas with concentrations of historic resources or resources of a sensitive nature.

- Ken Hardin noted important issues involved areas where the improvements will be on structure and areas where there will be grade separation.
- There will be various station types along the rail line; the surrounding environment, existing historic resources, and community input will assist with the selection of appropriate stations. There is also the opportunity to utilize historic stations in a sensitive manner.
- Laura Kammerer stated that the period of significance for the FEC Railway must be established and supported in future documentation. She felt that the period of significance may extend through the present day.
- Further evaluation of the historic resources still must take place as part of the upcoming phase of work, as well as the analysis of effects.
- Identification and analysis of the bridges along the rail line must also be undertaken in the next phase of work. Laura Kammerer noted the bridges may not all be of the rail line's earliest period but may still be significant to the line.
- Laura Kammerer also noted that the changes that have occurred to the railway over time are part of its history, and these should be considered in the evaluation. It is possible these changes contribute to its importance and do not necessarily compromise the integrity.
- The project team noted that the improvements may include the addition of a new line or sidings.
- Laura Kammerer pointed out that due to the proposed improvements, there may be archeological resources associated with the rail line, such as areas where there were turntables, section houses etc. Therefore, it will be important to develop a strong history of the rail line in the project area, and what resources were formerly associated with this portion of the rail line.
- Laura Kammerer said that at this time it appears that placing new sidings where there were sidings would not be a significant impact to the resource. However, if the rail line is elevated she is unsure of the effects determination at this time.
- Roy Jackson pointed out the methodology that was employed with the Interstate Highway System's evaluation of significance could be helpful during the evaluation process for the rail line—looking at significant features or components of the overall system.
- Ken Hardin noted during the discussion that everyone was in agreement that the use of this historic rail line and restoration of historic passenger rail on the line would not constitute a Section 106 adverse effect or a Section 4(f) taking.
- We can work under the assumption that the rail line is eligible and then we will continue looking at the components associated with the rail line that may be individually significant, such as historic bridges or stations.
- As part of the project, bridges may need to be replaced or parallel bridges may need to be constructed.
- Scott Seeburger stated that it is a possibility to reuse historic stations but it must be done in a sensitive manner, and Laura Kammerer responded by saying that station rehabilitations could be viewed as a mitigation measure.
- Roy Jackson said that the Area of Potential Effect (APE) will need to be formally determined and it will evolve so that it may be wider or narrower in different areas, depending upon the proposed improvements.
- Ann Broadwell added that this rail methodology would be useful for the upcoming Amtrak project. It was noted that as part of the Amtrak project there may be a spur connection in the Northwood area in West Palm Beach and possibly the Lemon City area in Miami. A quick discussion covered how the team would work to minimize or avoid harm to historic cemeteries as well as the Quonset huts in the Northwood area.

- Laura Kammerer voiced their willingness to further assist the team in working on effects in the upcoming phase. The next step will involve a comprehensive Cultural Resource Assessment Survey (CRAS) within the APE. Ken Hardin noted that archaeology within the rail corridor is problematic because of the limited access. It will be necessary to infer presence or absence of archaeological resources through known adjacent resources. Architectural history survey work is also limited because of the inability to survey on the actual rail line.
- At the conclusion of the meeting, Ann Broadwell asked how the meeting should be memorialized, and Laura Kammerer responded that meeting minutes would be the best method to capture the main points of the meeting.
- For future meetings, it was suggested that the lead agencies are included, which may be Federal Transit Administration (FTA) and/or Federal Railroad Administration (FRA).