Central Corridor

Light Rail Transit

Metropolitan Council

Construction Protection Plan
for Historic Properties
May 2010
Construction Protection Plan for Historic Properties

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<td>Alternatives Analysis</td>
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<td>ACHP</td>
<td>Advisory Council on Historic Preservation</td>
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<td>APE</td>
<td>Area of Potential Effects</td>
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<td>CAR</td>
<td>Council’s Authorized Representative</td>
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<td>CCLRT</td>
<td>Central Corridor Light Rail Transit</td>
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<td>CCPO</td>
<td>Central Corridor Project Office</td>
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<td>CCT</td>
<td>Contractor Construction Team</td>
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<td>CFP</td>
<td>Code of Federal Regulations</td>
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<td>CHT</td>
<td>Cultural Heritage Team</td>
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<td>CPP</td>
<td>Construction Protection Plan</td>
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<td>CRU</td>
<td>Cultural Resources Unit</td>
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<td>Construction Work Plan</td>
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<td>DEIS</td>
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<td>Environmental Quality Board (Minnesota)</td>
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<td>FEIS</td>
<td>Final Environmental Impact Statement</td>
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<td>FONSI</td>
<td>Finding of No Significant Impact</td>
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<td>FTA</td>
<td>Federal Transit Administration</td>
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<td>LPA</td>
<td>Locally Preferred Alternative</td>
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<td>LRT</td>
<td>Light Rail Transit</td>
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<td>MC</td>
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<td>MHS</td>
<td>Minnesota Historical Society</td>
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<td>MIAC</td>
<td>Minnesota Indian Affairs Council</td>
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<td>Mn/DOT</td>
<td>Minnesota Department of Transportation</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
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<td>NOA</td>
<td>Notice of Availability</td>
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<td>NOI</td>
<td>Notice of Intent</td>
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<td>NRHP</td>
<td>National Register of Historic Places</td>
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<td>NVCP</td>
<td>Noise &amp; Vibration Control Plan</td>
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<tr>
<td>OMF</td>
<td>Operations and Maintenance Facility</td>
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<td>OSA</td>
<td>Office of the State Archaeologist (Minnesota)</td>
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<td>PA</td>
<td>Programmatic Agreement</td>
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<td>PMP</td>
<td>Project Management Plan</td>
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<td>PMS</td>
<td>Project Management System</td>
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<tr>
<td>PMT</td>
<td>Project Management Team</td>
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<tr>
<td>PPV</td>
<td>Peak Particle Velocity (inches per second)</td>
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<tr>
<td>QA</td>
<td>Quality Assurance</td>
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<tr>
<td>QAP</td>
<td>Quality Assurance Plan</td>
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<tr>
<td>ROD</td>
<td>Record of Decision</td>
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<tr>
<td>ROW</td>
<td>Right-of-Way</td>
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<td>RPP</td>
<td>Resource Protection Plan</td>
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<tr>
<td>SDEIS</td>
<td>Supplemental Draft Environmental Impact Statement</td>
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<tr>
<td>SHPO</td>
<td>State Historic Preservation Officer (or Office)</td>
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<td>THPO</td>
<td>Tribal Historic Preservation Officer (or Office)</td>
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<tr>
<td>U of M</td>
<td>University of Minnesota</td>
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1.0 Introduction

Construction of the Central Corridor Light Rail Transit (CCLRT) project (PROJECT) must comply with the Programmatic Agreement Among the Federal Transit Administration, Metropolitan Council, the Minnesota State Historic Preservation Office, and Advisory Council on Historic Preservation Regarding the Construction of the Central Corridor Light Rail Transit Project Between Minneapolis and St. Paul, Minnesota (Appendix A). This Construction Protection Plan (CPP) was created under "Stipulation XI. Protection Measures" of the Programmatic Agreement (PA).

As required under Stipulation XI, this CPP includes documentation of existing conditions at the historic properties adjacent to PROJECT construction activities. This CPP also establishes protection measures and procedures, including any contained within the Vibration and Noise Management and Remediation Plan developed pursuant to "Stipulation V. Noise and Vibration Assessment and Mitigation" for the historic properties adjacent to PROJECT construction activities.

As defined in the National Historic Preservation Act (NHPA) of 1966 as amended [16 U.S.C. Section 470(w)(5)], a "historic property…[is] any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register of Historic Places (NRHP)]." Historic properties are identified by applying the NRHP Criteria for Evaluation (36 CFR 60);¹ guidance for applying the criteria for evaluation is provided by the National Register of Historic Places (2002).

Historic properties can be significant in American history, architecture, archaeology, engineering, or culture, or may derive significance from components of more than one of these categories. Attachment A of the PA entitled, "Properties Determined Eligible for or Listed on the National Register of Historic Places" (Appendix A), lists only architectural properties for the CCLRT project. Forty-six (46) individual resources are listed in Attachment A, including multiple individual buildings (one with a transmission tower), eight historic districts, as well as one park, one parkway, and one bridge.

Archaeological areas of interest were limited in Attachment C of the PA entitled, "Archaeological Investigation Plan for the Central Corridor LRT Project, "to early water infrastructure (e.g., Washington Avenue in Minneapolis) and early cable car infrastructure (i.e., along 4th Street in St. Paul)." Historic archaeology concerns along 4th Street in St. Paul are addressed in Stipulation III. Archaeology and have been covered already, outside the scope of this CPP.

Unanticipated archaeological discoveries of interest covered also in Attachment C are "potentially ancient objects (e.g., stone points, pottery, animal or human bones), although it is not likely that any of these survive beneath the modern roadway and fill." This CPP provides guidance and procedures in the unlikely event that unanticipated archaeological discoveries of interest are made during construction of all the other portions of the CCLRT project.

This CPP loosely follows the format of plans approved elsewhere for recent, similar large-scale development projects in urban settings (DMJM Harris/AECOM 2009; Metropolitan Transportation Authority et al. 2003; PB/Bovis a Joint Venture 2005; Port Authority of New York & New Jersey 2005, 2006, 2007a, 2007b; The World Bank 2009; University of Minnesota-Morris 2005).

¹ Historic properties possess integrity of location, design, setting, materials, workmanship, feeling, and association, and: A. are associated with events that have made a significant contribution to the broad patterns of our history; or B. are associated with the lives of persons significant in our past; or C. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or D. have yielded, or may be likely to yield, information important in prehistory or history.
The Central Corridor project is an approximately 11-mile-long light rail transit (LRT) line will serve the Minneapolis and St. Paul downtown areas. It will provide service to major destinations along the corridor, such as the University of Minnesota (U of M) east and west bank campuses in Minneapolis, and the Midway and Capitol areas of St. Paul, as well as offer connections to the local bus network, the Hiawatha LRT line, and the Northstar Commuter Rail line. The CCLRT is designed to establish the core of a seamless regional transit system. There will be 23 stations along the line including five shared with the existing Hiawatha LRT. An operations and maintenance facility (OMF) will be constructed as part of the CCLRT project.

The Metropolitan Council (MC) is the project’s sponsor with funding expected to come, in part, from the Federal Transit Administration (FTA). Since the FTA is part of the U.S. federal government, within the U.S. Department of Transportation, the issuance of any federal funding or permitting for the CCLRT constitutes a federal undertaking. As such, the CCLRT is subject to all federal laws and regulations. The project also must comply with all state and local laws and regulations pertaining to environmental protection.

As described in the 2009 Final Environmental Impact Statement (FEIS), the CCLRT Preferred Alignment is subdivided into five segments; from east to west they are Downtown St. Paul, Capitol Area, Midway East/Midway West, University/Prospect Park, and Downtown Minneapolis. The Preferred Alternative would be primarily at-grade except for aerial structures over I-35W, Trunk Highway 280 (TH 280), Interstate 94 (I-94), and the Washington Avenue Bridge facility over the Mississippi River. In downtown Minneapolis, the Preferred Alternative is proposed to share the Hiawatha LRT alignment. The Preferred Alternative uses an exclusive at-grade alignment and is center-running throughout all segments, except in the Capitol and University/Prospect Park areas.

### 2.1 Preferred Alignment Segments

Each of the five segments is described below. Further information can be found in the 2009 FEIS. The Civil East bid package covers the Preferred Alternative from the Union Depot in downtown St. Paul to the Westgate Station. The Civil West bid package covers the Preferred Alternative from the Westgate Station to the downtown Minneapolis/Metrodome Station.

#### 2.1.1 Downtown St. Paul

The CCLRT’s Preferred Alternative begins at the proposed OMF located east of the Union Depot between 4th Street and Warner Road. A non-revenue connection on 4th Street will connect the OMF with the terminal station on the north side of the Union Depot. The Preferred Alternative will continue from the Union Depot along 4th Street to a point just west of Minnesota Street and turn northwest to continue diagonally through the block bounded by 4th and 5th Streets and by Cedar and Minnesota Streets. The alignment will continue diagonally across the block, emerging onto Cedar Street at a point north of 5th Street. It will provide for a new station along the diagonal. The alignment will continue north along Cedar Street through the rest of the segment.

#### 2.1.2 Capitol Area

The alignment continues north on Cedar, then turns east onto 12th Street East. The alignment runs on the north side of 12th Street East for two blocks, before turning north onto Robert Street. The alignment runs along the west side of Robert Street, then turns west to run along the south side of University Avenue. Between Rice Street and

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2 As defined in 36 CFR 800.16(y), an “undertaking” is “…a project, activity, or program carried out with federal financial assistance; and those requiring a federal permit, license or approval.”
Marion Street, the Preferred Alternative will transition from south-side running on University Avenue to center running.

2.1.3 Midway East/Midway West
The Preferred Alternative for both the Midway East and Midway West segments will run down the center of University Avenue.

2.1.4 University/Prospect Park
The alignment will turn north from University Avenue at 29th Avenue SE and run along the east side of 29th Avenue for two blocks until it arrives at the U of M Transitway. It will run parallel to the U of M Transitway on the south side and proceed to 23rd Avenue and SE/Huron Boulevard near the TCF Bank Stadium. The alignment will turn to travel south/southwest along 23rd Avenue SE/Huron Boulevard across University Avenue, and then turn west to run down the center of Washington Avenue SE. The Preferred Alternative will run at-grade in the middle of Washington Avenue through the East Bank campus in a new transit/pedestrian mall extending from Walnut Street to Pleasant Street. The alignment will cross the Mississippi River using the existing Washington Avenue Bridge and then will cross over I-35W on a new structure.

2.1.5 Downtown Minneapolis
West of the new crossing over I-35W, the Preferred Alternative will interline with the Hiawatha LRT, sharing alignment and five stations between the Downtown East/Metrodome Station and the Downtown Minneapolis Ballpark Station at 5th Street and 5th Avenue.

2.2 Environmental Compliance Framework

The decision-making process in regard to the CCLRT has spanned almost two decades, with rapid transit first explored for the Midway Area in 1991. A Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) Central Corridor Transit Project was published in the Federal Register on June 5, 2001. The Notice of Availability (NOA) of the Central Corridor Scoping Booklet and announcements of the Scoping Meetings were published in the Minnesota Environmental Quality Board (EQB) Monitor on June 11, 2001. Three public scoping meetings and one agency scoping meeting were held, and the formal scoping comment period occurred June 11-July 20, 2001.

The Alternatives Analysis (AA)/Draft Environmental Impact Statement (DEIS) was published in April 2006. In response to comments received on the AA/DEIS and to identified engineering and financial constraints, several design options to the AA/DEIS locally preferred alternative (LPA) were identified requiring further study and public discussion. Prepared to consider these options within the context of the National Environmental Policy Act (NEPA) of 1969, the Supplemental DEIS (SDEIS) was released on June 27, 2008.

Following the review period for the SDEIS, the MC selected a Preferred Alternative, which was described fully in the FEIS. The FEIS was published on June 26, 2009. The FTA’s Record of Decision (ROD), issued August 18, 2009, determined that the requirements of the NEPA have been satisfied for the CCLRT as proposed by the MC.

The NEPA documents discussed above, including the AA/DEIS, the SDEIS, FEIS and ROD, including the Finding of No Significant Impact (FONSI), are available for download from the MC at http://centralcorridor.org
2.2.1 Federal Laws & Regulations – Cultural Heritage

In addition to NEPA, other federal laws must be satisfied and regulations followed for the CCLRT project. For instance, Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. The Section 106 process seeks to accommodate historic preservation concerns within the needs of federal undertakings through consultation among the agency official and other parties. Key players in the Section 106 process are the federal agency, the State or Tribal Historic Preservation Officer (SHPO or THPO), the Advisory Council on Historic Preservation (ACHP), the project sponsor, and consulting parties. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess the effects of the undertaking, and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

2.2.2 State & Local Laws & Regulations – Cultural Heritage

Several state laws pertain to historic properties within the CCLRT project area. Under the Minnesota Environmental Rights Act, "Natural resources shall include, but not be limited to, all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational and historical resources. Scenic and aesthetic resources shall also be considered natural resources when owned by any governmental unit or agency" (MS 116B.02). The state's Environmental Quality Board (EQB) was established under MS 116C, and its jurisdiction allows the Board to initiate interdepartmental investigations into those matters that it determines are in need of study, review programs of state agencies that significantly affect the environment, review environmental rules and criteria for granting and denying permits by state agencies and may resolve conflicts involving state agencies with regard to programs, rules, permits and procedures significantly affecting the environment. The EQB is also authorized to report to the Governor and the Legislature with comments on major environmental proposals of state agencies, such as all proposed legislation of major significance relating to the environment in Minnesota.

Chapter 138 of Minnesota Statutes, entitled "Historical Societies; Sites; Archives; Archaeology; Folklife," contains many provisions of relevance to the CCLRT project. Chapter 138 designates the director of the Minnesota Historical Society (MHS) as the SHPO and places responsibility for Minnesota's historic preservation program with the MHS.

Under the Minnesota Field Archaeology Act (MS 138.31-138.42), the state "reserves to itself the exclusive right and privilege of field archaeology on state lands, in order to protect and preserve archaeological and scientific information, matter, and objects." The position of the State Archaeologist was established by this Act, in part, to perform these duties on lands belonging to the state and its political subdivisions (e.g., counties, cities, etc.). The Act also requires archaeologists to obtain a license from the Office of the State Archaeologist (OSA) to formalize permission and protocols for working on lands belonging to the state and its political subdivisions. The majority of the CCLRT project will be in state-owned right-of-way (ROW) or easements, or on state property, such as the Capitol Mall Area. Among other provisions of this state law, the Act also encourages "persons having knowledge of the location of archaeological sites … to communicate such information to the state archaeologist."

The Minnesota Historic Sites Act (MS 138.661-138.669) establishes the State Historic Sites Network and the State Register of Historic Places, and requires that state agencies, such as the MC, consult with the MHS before undertaking or licensing projects that may affect properties on the Network or on the State or National Registers of Historic Places.

The Minnesota Historic Districts Act (MS 138.71-138.75) designates certain historic districts and enables local governing bodies to create commissions to provide architectural control in these areas. Furthermore, the Municipal

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3 For the CCLRT project, the FTA is the lead federal agency, the SHPO is the Minnesota Historical Society, the project sponsor is the MC, and the consulting parties are the Preservation Alliance of Minnesota, St. Paul Heritage Preservation Commission, City of St. Paul, Historic St. Paul, Prospect Park and East River Road Improvement Association, St. Louis King of France Church, and Central Presbyterian Church.
Heritage Preservation Act (MS 471.193) enables local units of government to establish heritage preservation commissions (e.g., the City of Minneapolis Heritage Preservation Commission and the St. Paul Heritage Preservation Commission). This is the local government level at which many decisions about buildings and districts are made.

A portion of the Minnesota Private Cemeteries Act (MS 307.08) protects all human burials or skeletal remains on public or private land. The Minnesota OSA is responsible for carrying out the provisions of this act, although the State Archaeologist coordinates closely with the Minnesota Indian Affairs Council (MIAC) for matters pertaining to American Indian burials. Although no human burials or skeletal remains are expected along the CCLRT route, it is this state law that protects any found as unexpected discoveries along the route.

2.3 Area of Potential Effects

According to 36 CFR 800.16, the Area of Potential Effects (APE) "means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." Pursuant to 36 CFR 800.4, any federal undertaking, such as this PROJECT, must take into account any direct or indirect effects to historic properties within APE.

The APE was determined for this PROJECT on the basis of the potential for the following potential direct physical impacts and indirect effects:

- ROW acquisitions.
- Changes in access to properties.
- Noticeable traffic volume increases or alterations in traffic patterns and access.
- Perceptible increases in noise.
- Visual effects from changes in grade.
- Increases in vibrations.
- Changes in air quality.
- Impacts to land use and a property’s setting.

According to the Federal Transit Administration and Metropolitan Council (2008, 2009) and the Federal Transit Administration et al. (2006), the APE for the PROJECT was defined as all properties within the construction zones and the first tier of adjacent properties, with the addition of properties potentially affected by secondary redevelopment impacts surrounding the proposed station sites. The basis for the APE was documented in BRW (1995) and The 106 Group Ltd. (2003).

The Federal Transit Administration (2009) in its ROD determined that the requirements of Section 106 were fulfilled through the various cultural resources analyses, consultation and coordination with the SHPO, the ACHP, Indian Tribes and other interested parties and the public and with the execution of the PA in Appendix A.

2.4 Historic Properties in the APE

Historic properties in the PROJECT’s APE are listed in the PA and summarized in Appendix B. The APE includes eight historic districts eligible for or listed on the NRHP. Each of the districts includes contributing and non-contributing elements. The APE also includes 21 additional, individual structures outside of district boundaries that are listed on or eligible for listing on the NRHP.
2.4.1 Archaeological

No known archaeological properties exist within the APE. An Archaeological Investigation Plan was developed for the PROJECT and is included in the PA as Attachment C (Appendix A). In short, the archaeological potential was considered high enough to warrant concern during construction in only two respects.

The first instance involves the potential for wooden water pipes. Along Washington Avenue in Minneapolis, wooden water mains have been documented previously. Background research did not indicate any specific locations where early wooden pipes may have been laid within the PROJECT’s APE. As a cautionary measure, the Archaeological Investigation Plan requires wooden pipes discovered during construction to be considered an unexpected discovery, subject to the terms of Stipulation XIII (Discovery) in the PA.

The second area of concern relates to early cable car infrastructure along 4th Street. Per Stipulation XV of the PA, a federally qualified historical archaeologist will monitor construction excavations along 4th Street. If present, then the Archaeological Investigation Plan dictates that the MC will work with the Minnesota Streetcar Museum to determine whether any components can be salvaged.

The Archaeological Investigation Plan also lists materials that are likely to be encountered during construction excavation. The majority are expected not to be of archaeological interest. In addition to wooden water pipes, potentially ancient objects, such as stone tools, pottery, animal or human bones, will be of archaeological interest but their presence is unlikely under the modern roadway and fill.

2.4.2 Architectural

All of the known historic properties in the APE are listed in the matrix in Appendix B. The historic properties can be grouped into property types:

1. Transportation-related structures, such as bridges, railroads, and Union Depot.
2. Religious buildings, such as churches.
3. Academic buildings, such as those on the University of Minnesota campus.
4. Commercial buildings, such as stores, shops, offices, and banks.
5. Industrial buildings, such as warehouses and manufacturing facilities.
6. Communications-related structures, such as the KSTP production studios and transmission tower.
7. Buildings with a Public Safety function, such as fire stations.
8. Leisure and entertainment-related structures, such as a park, a restaurant, and a music conservatory.
9. Government-related buildings, such as the State Capitol and an associated power plant.
3.0 Responsibilities & Organizational Structure

The following subsections describe each of the organizations responsible for upholding the terms of this CPP. Figure 1 illustrates the organizational structure for the purposes of implementing this CPP and ensuring proper communication during construction.

3.1 Project Management Team

The Construction Management Plan (CMP) provides details of the staff structure, responsibilities, and flow of communications for the Project. There are various layers of managers hierarchically below the Project Director, Deputy Director, and Assistant Project Directors. For instance, there are managers in charge of Safety & Security, Quality, Administration/Document Controls, and Community Outreach.

The Construction Manager reports to the Deputy Project Director. The Assistant Construction Manager reports to the Construction Manager. The Project Director provides the organizational leadership and direction in coordination with the Deputy Project Director and Assistant Project Directors. The Assistant Project Director – Construction and Assistant Project Director – Environmental/Project Controls will be responsible for ensuring the Construction Protection Plan is implemented and followed by the CONTRACTOR.

The Assistant Project Director – Construction group includes Construction Managers, Assistant Construction Managers, and Resident Engineer. Resident Engineers are the Council’s Authorized Representative (CAR) and are responsible for ensuring Construction Contractor (CONTRACTOR) compliance with all construction specifications, including appropriate environmental regulations. Field Engineers/Specialists/Inspectors will be assigned by the CAR on the basis of individual expertise and functional discipline. They will be responsible for monitoring and documenting CONTRACTOR activities on-site. The primary responsibility of the Field Engineers/Specialists/Inspectors is to verify, through daily quality assurance (QA) surveillance, measurement, and testing, that the CONTRACTOR’s work is constructed in conformance with the Contract Documents and regulatory requirements. Performance guidelines are documented in the Quality Assurance Plan (QAP), Project Management Plan (PMP) and various Central Corridor Project Office (CCPO) procedures. The QA Program Manager will perform independent audits on both CCPO and CONTRACTOR personnel to ensure the QA function is being completed per appropriate Quality Plans and Procedures.

The construction phase duties of the Assistant Project Director – Environmental/Project Controls include monitoring and ensuring environmental compliance with all applicable local, State, and Federal environmental regulations and requirements. Construction phase duties and responsibilities include permits, potential mitigation of hazardous waste sites, and environmental monitoring. The Environmental Manager works under the Project Director – Environmental/Project Controls and is the liaison both with the CAR and the Cultural Heritage Team, monitoring implementation of the Construction Protection Plan (CPP).

All environmental compliance issues, including historic properties (archaeological and architectural), will be addressed at every weekly construction progress meeting. Additional information can be found in the CMP subsection on Construction Progress Meetings and in the CCPO Procedures.
3.2 Construction Contractor Team

The Contract Documents cover underground public utilities, drainage, street lighting, light rail track, bridge and retaining wall structures, light rail stations, adjustments to areaways (below-ground building spaces), underground communications, signal, and traction power ducts, pull boxes, above- and below-grade traffic signal facilities, catenary pole foundations, sidewalks, and roadway pavements. The CONTRACTOR shall follow all the requirements pertaining to the protection of historic properties for the duration of the PROJECT as presented in the Contract Documents, including this CPP.

In addition to the requirements provided in the "Health, Safety & Emergency Response" section of the Contract Documents, the CONTRACTOR shall ensure that Site Supervision (Superintendents & Foremen) and their direct supervisors have completed "Cultural Resources Awareness Protocol" Training prior to the commencement of on-site construction work.

As described in the "Temporary Controls" section of the Contract Documents, the CONTRACTOR will provide a Noise and Vibration Control Plan (NVCP), including shop and working drawings, computations, material data and other criteria, for noise and vibration control measures, identified in the Plan. The CONTRACTOR shall provide a weekly report summarizing all the noise measurement readings. All events that exceed PROJECT limits shall be clearly indicated and the corrective action taken to address the cause. The CONTRACTOR also shall perform visual inspections of particularly sensitive historic properties during and after high-vibration construction activities near those properties to identify if vibration-caused problems are developing.

The "Project Meetings" section of the Contract Documents includes another example of the CONTRACTOR’s responsibilities pertaining to the protection of historic properties. This section stipulates the various meetings the CONTRACTOR must attend over the duration of the PROJECT. Construction Work Plans (CWPs) are detailed descriptions of specific locations that will be presented at the Pre-Activity Meetings. CWPs must assimilate the necessary protection measures to be taken by the CONTRACTOR before the MC will authorize construction near the relevant historic properties or in the relevant historic districts. For instance, fencing shall be installed to keep construction vehicles off the lawn of Leif Erikson Lawn (State Capitol Mall Historic District) in downtown St. Paul. Fencing will comply with the standards as set forth in "Security Procedures" of the Contract Documents.

As detailed in the PA and the "Special Procedures" section of the Contract Documents (Section 01 35 00), the CONTRACTOR shall cease all ground-disturbing activities in any area where previously unidentified archeological sites or unidentified buried human remains are discovered. The CONTRACTOR shall implement interim measures to protect the discovery from looting or vandalism. The CONTRACTOR shall work with the MC to develop alternative construction approaches to minimize or eliminate impacts to the Contract Schedule.

3.3 Cultural Heritage Team

The Cultural Heritage Team is one of the many teams responsible for the success of the PROJECT. The Cultural Heritage Team consists of the PROJECT sponsor (the MC), Mn/DOT’s CRU, SHPO, OSA, and other interested parties. This team is responsible for ensuring the terms of this CPP are carried out for compliance with the PROJECT’s PA.

3.3.1 Metropolitan Council

The CCPO Environmental Lead directs the Cultural Heritage Team for this PROJECT. The Environmental Lead is the only person authorized to contact the other members of the PROJECT’s Cultural Heritage Team.

3.3.2 Mn/DOT Cultural Resources Unit

Mn/DOT’s Cultural Resources Unit (CRU) is responsible for upholding Mn/DOT’s responsibilities under state and federal historic preservation laws and regulations (see Section 2.0). In regard to the PROJECT, the CRU also
serves as the local liaison to the FTA in regard to PROJECT-related concerns and obligations in regard to cultural heritage along the CCLRT.

For the duration of the PROJECT, the CCPO Environmental Lead will be the only Cultural Heritage Team member to have direct contact with CRU staff. The Environmental Lead may approve other team members to contact CRU staff on a case-by-case basis for the PROJECT. The CONTRACTOR should contact the CCPO Environmental Lead with any questions or concerns that arise pre-construction, during construction, or post-construction.

3.3.3 State Historic Preservation Office

The authority and role of a SHPO in federal and state regulatory processes is described in Section 2.0. For the duration of the PROJECT, the CCPO Environmental Lead will be the only Cultural Heritage Team member to have direct contact with SHPO staff. The Environmental Lead may approve other team members to contact SHPO staff on a case-by-case basis for the PROJECT. The CONTRACTOR should contact the CCPO Environmental Lead with any questions or concerns that arise pre-construction, during construction, or post-construction.

3.3.4 Office of the State Archaeologist

The authority and role of the OSA in the state regulatory processes is described in Section 2.0. For the duration of the PROJECT, the CCPO Environmental Lead will be the only Cultural Heritage Team member to have direct contact with OSA staff. The Environmental Lead may approve other team members to contact OSA staff on a case-by-case basis for the PROJECT. The CONTRACTOR should contact Ms. O’Brien with any questions or concerns that arise pre-construction, during construction, or post-construction.

3.3.5 Contractor

The selected Civil East and Civil West CONTRACTORs will be required to carry out and coordinate as directed various responsibilities as described in this *Construction Protection Plan* within their construction area.

3.3.6 Interested Parties

Consulting Parties to the PA include the following entities:

- Preservation Alliance of Minnesota.
- Historic St. Paul.
- Prospect Park and East River Road Improvement Association.
- St. Louis King of France Church.
- Central Presbyterian Church.
4.0 Historic Properties Protection Plan

Specific historic properties are to be protected by the CONTRACTOR for the duration of the PROJECT. The property-specific guidance results from terms of the PA, conversations with local preservation experts (architectural history, conservation, and historic architecture), and the investigation reports resulting from the NEPA process (e.g., DEIS, SDEIS, FEIS). Some, not all, of the historic properties requiring protection are located in designated historic districts. Protective measures to be taken by the CONTRACTOR will occur at various stages of the PROJECT: pre-construction, during construction, and post-construction. All protection measures are summarized in the matrix presented in Appendix B, and they are discussed in further detail by phase in the following sections.

4.1 Pre-Construction

Before construction can begin, several measures need to be completed to ensure protection of individual buildings, structures, or architectural elements. The CONTRACTOR will submit a Noise and Vibration Control Plan, including shop and working drawings, computations, material data and other criteria, for noise and vibration control measures. The CONTRACTOR will follow the specifications in the “Temporary Controls” section of the Contract Documents (Section 01 57 00). In addition, Construction Work Plans (CWPs) are detailed descriptions of specific locations that will be presented at the Pre-Activity Meetings. CWPs must address the necessary protection measures to be taken by the CONTRACTOR before the MC will authorize construction near the affected historic properties or in the affected historic districts. Additionally, the CONTRACTOR will complete a Pre-Construction Inspection Survey of all the historic properties listed in Appendix B. Further specific guidance can be found in the following section and the “Photographic Documentation” section of the Contract Documents (Section 01 32 33).

4.1.1 Baseline Conditions

The CONTRACTOR will complete a Pre-Construction Inspection Survey to document baseline conditions for those historic properties within 50 feet of each side of the PROJECT. The CONTRACTOR also will retain a Historic Architect who meets the U.S. Secretary of the Interior’s Qualifications Standards (36 CFR 61) to complete the Pre-Construction Inspection Survey of 15 historic properties (listed as numbers 1-15 in Appendix B). Special provisions are known for 11 of these properties (see section 4.1.2).

Historic Properties with Known Special Provisions

#4: 2505 W. Univ. Av. / Mack International Motor Truck Co. Bldg.
#5: 2356-2362 W. Univ. Av. / Northwestern Furniture & Stove Exposition Bldg. (Specialty Bldg.).
#7: 1885 W. Univ. Av. / Krank Bldg. (Iris Park Place).
#8: 1884 W. Univ. Av. / Porky's Drive-In Restaurant.
#9: 105 W. Univ. Av. / Norwegian Evangelical Lutheran Church (Christ Lutheran Church).
#10: 75 Rev. Dr. Martin Luther King, Jr. Blvd./Minnesota State Capitol
#11: 500 Cedar St. / Central Presbyterian Church.
#12: 506 Cedar St. / St. Louis, King of France Church and Rectory.
#13: 26 Exchange St. / St. Agatha's Conservatory of Music and Fine Arts (Exchange Bldg.).
#14: 340 Cedar St./Saint Paul Athletic Club.
#15: 141 E. 4th St. / Endicott Bldg.
A Historic Architect has not yet completed a preliminary visit to the other four (4) historic properties; therefore, additional special provisions may arise from the Pre-Construction Inspection Survey to be completed by the CONTRACTOR’s Historic Architect at the following addresses (numbers correlate to each property’s listing in **Appendix B**):

**Historic Properties with Special Provisions, if any, To Be Determined**

#1: 224 Church St. SE / Ford Hall.
#2: 225 Pleasant St. SE / Kolthoff Hall.
#3: 3400-3408 W. Univ. Av. / Prospect Park Pharmacy.
#6: 2341 W. Univ. Av. / Simmons Mattress Co. Warehouse.

### 4.1.2 Special Provisions

Several of the historic properties and cultural heritage sites require special attention prior to construction:

- **Prospect Park Triangles** - the CONTRACTOR shall store temporarily off-site for the duration of construction the rock marker now within one of the triangles (Special Provision B).

- **Leif Erikson Statue** – the CONTRACTOR shall retain a qualified Conservator to complete an inspection of the statue in Leif Erikson Lawn (State Capitol Mall Historic District) and install protection measures, if necessary (Special Provision A).

- **Leif Erikson Lawn** - the CONTRACTOR shall install protective fencing around the perimeter of the park’s lawn to prevent vehicular traffic during construction (Special Provision B).

- **St. Louis King of France Church** - the CONTRACTOR shall retain a qualified firm or company to remove and safely store or secure the glass shades of wall sconces for the duration of construction; firm or company must be pre-approved by the CAR and St. Louis of France Church (Special Provision C).

- **St. Agatha’s Conservatory of Music and Fine Arts** – the CONTRACTOR shall retain a qualified firm or company to repair or secure loose sheet metal; firm or company must be pre-approved by the CAR and St. Louis of France Church (Special Provision D).

Per Stipulation XV of the PA, all work to be carried out pursuant to the PA will meet the *U.S. Secretary of the Interior's Standards for Archaeology and Historic Preservation*.

### 4.2 Construction

After obtaining an approved CWP from the MC for PROJECT segments near affected historic properties or cultural heritage sites, or in affected historic districts, the CONTRACTOR can begin construction. Noise- and vibration-specific protective measures as well as special provisions are detailed for affected properties in the following subsections.

#### 4.2.1 Noise

All activities, including the CONTRACTOR’s monitoring program, will comply with the CONTRACTOR’s NVCP that will have been approved by the MC prior to construction. The CONTRACTOR shall provide a weekly report summarizing all the noise measurement readings. All events that exceed PROJECT limits shall be clearly indicated and the corrective action taken to address the cause.

Measures have been suggested to protect specific historic properties from noise effects caused by the PROJECT:

- Original equipment manufacturer (OEM) or high-performance mufflers shall be used on equipment.
• Construction machinery will be regularly inspected and maintained.
• Machinery in use on-site will be limited to the minimum necessary.
• Noisier activities will be completed off-site until infeasible or impossible.
• Proper machinery usage and power will be employed – no machinery overkill.
• Noise barriers and machinery enclosures will be used where feasible.

Appropriate protection measures for noise will be utilized by the CONTRACTOR for all of the historic properties listed in Appendix B.

4.2.2 Vibration

Vibration monitoring has been suggested to protect specific historic properties from vibration effects caused by the PROJECT at the following historic properties:

Limit 0.50 peak particle velocity (PPV) inches/second (in/sec)

- KSTP Studios & Transmission Tower.
- Mack International Motor Truck Company Building – University-Raymond Commercial Historic District.
- Northwestern Furniture & Stove Exposition Building (Specialty Building) – University-Raymond Commercial Historic District.
- Krank Building (Iris Park Place).
- Porky’s Drive-In Restaurant.
- Norwegian Evangelical Lutheran Church (Christ Lutheran Church).
- Minnesota State Capitol Building – State Capitol Mall Historic District.
- Endicott Building.
- St. Paul Union Depot – Lowertown Historic District.
- Gordon & Ferguson Building – Lowertown Historic District.
- Michaud Brothers Building – Lowertown Historic District.
- Hackett Block – Lowertown Historic District.
- Chicago, St. Paul, Minneapolis & Omaha Railroad Office Building – Lowertown Historic District.
- Northern Pacific Railway Warehouse – Lowertown Historic District.
- unnamed historic bldg. (Samco Sportswear Co. Building) – Lowertown Historic District.

Limit 0.12 PPV in/sec

- Central Presbyterian Church.
- St. Louis, King of France Church and Rectory.
- St. Agatha’s Conservatory of Music and Fine Arts (Exchange Building).

All activities, including the CONTRACTOR’s monitoring program, will comply with the CONTRACTOR’s NVCP that will have been approved by the MC prior to construction. The CONTRACTOR shall perform visual inspections of
particularly sensitive historic properties during and after high-vibration construction activities near those properties to identify if vibration-caused problems are developing.

4.2.3 Unanticipated Discoveries

The CONTRACTOR shall cease all ground-disturbing activities in any area where previously unidentified archeological sites or unidentified buried human remains are discovered. The CONTRACTOR shall implement interim measures to protect the discovery from looting or vandalism. The CONTRACTOR shall work with the MC to develop alternative construction approaches to minimize or eliminate impacts to the Contract Schedule while the proper experts or authorities deal with the unanticipated discoveries on-site.

4.2.3.1 Salvage/Data Recovery

In such situations where an unanticipated discovery is made, the Cultural Heritage Team will coordinate to consider all options and procedures. Significant archaeological finds and human remains will require scientific removal via hand-excavation by archaeologists. Generally a data recovery plan needs to be prepared and approved by the appropriate agencies prior to archaeologists proceeding with salvage excavations. If the human remains are culturally affiliated with Native Americans, then representatives from the MIAC or federally recognized tribes will participate.

4.3 Post-Construction

Immediately following the completion of construction, the CONTRACTOR will be responsible for fully addressing special provisions at the following historic properties and cultural heritage sites:

- **Prospect Park Triangles** – retrieve the rock marker from temporary, off-site storage then reset the marker in the reconstructed triangle from which it came (Special Provision I).

- **Leif Erikson Statue** – retain a qualified Conservator to complete post-construction inspection and to implement post-construction recommendations as determined by the Conservator prior to construction (Special Provision L).

- **Leif Erikson Lawn** – remove lawn security from the park’s perimeter (Special Provision I).

- **St. Louis, King of France Church and Rectory** – the CONTRACTOR shall retain a qualified firm or company to re-secure the glass shades of wall sconces, if removed and stored for the duration of construction; firm or company must be pre-approved by the CAR and St. Louis of France Church (Special Provision J).

In addition, a post-construction survey will be completed by the CONTRACTOR’s federally qualified Historic Architect at the 11 historic properties (Special Provision K) listed in Appendix B, except for the Leif Erikson Statue (see the special provision above).

4.3.1 Unanticipated Damage

The CONTRACTOR is responsible for submitting a Post-Construction Inspection Report before contract obligations will be considered by the MC to be fully completed. CONTRACTOR will work with MC’s Historic Architect to develop estimated costs of repairs and a timeline for the repairs.

4.3.2 Repairs to Historic Architectural Elements and Statuary

The CONTRACTOR is responsible for completing all repairs to unanticipated damage to historic properties, including architectural elements and statuary, such as the rock marker (Prospect Park Triangles) and the Leif Erikson Statue (State Capitol Mall Historic District). All such repairs will meet the U.S. Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67); the proposed repairs need to be pre-authorized by the MC and completed under close supervision by the CONTRACTOR’s federally qualified Historic Architect or a certified Conservator, as appropriate.
4.4 Curation of Cultural Heritage Materials & Records

All cultural heritage materials collected on-site shall be delivered by the CONTRACTOR to the MC upon completion of construction. Additionally, all records and reports pertaining to historic properties, historic districts, and cultural heritage sites, including statuary shall be delivered by the CONTRACTOR to the MC before contract obligations will be considered by the MC to be fully completed.

Pursuant to Attachment C of the PA, any cable car system components salvaged from the PROJECT will be coordinated with the Minnesota Streetcar Museum. Pursuant to Stipulation XIII of the PA, the MC will coordinate with the OSA and possibly also the MIAC in regard to the final disposition of any human remains, if any are found as unanticipated discoveries during construction. The MC will coordinate with Mn/DOT’s CRU and SHPO for final disposition of all other cultural heritage materials and records (Stipulation XIII). The MHS meets federal curation standards (36 CFR 79). The MC agreed in the PA that where curation is required, the cost of curation shall be borne by the PROJECT (Stipulation III).
5.0 Management Controls

The Administration Manager and Document Management Analyst have primary responsibility for document control and management on the PROJECT. All PROJECT personnel also have varying levels of responsibility for document control and management. Specific levels of responsibility are detailed in Procedure 225-01 Document Control Management and in Appendix 11-A Document Management Handbook.

5.1 Compliance Process

Assessment of the CONTRACTOR’s compliance with PROJECT management controls will be completed regularly via Quality Control (QC) and Quality Assurance (QA) procedures. Quality Control activities will be performed by both the CCPO and the CONTRACTOR. Quality Assurance and Verification will be completed by the CCPO. Responsibilities of each party are clearly identified in the Testing and Inspection Responsibility Matrix included in the CMP.

5.2 Cultural Heritage Awareness & Sensitivity Training

Prior to commencing on-site construction activities, the CCPO and CONTRACTOR staff will complete PROJECT-specific Cultural Heritage Awareness Protocol Training.

5.3 Compliance Tracking & Reports

As described in detail in the CMP, the delivery of PROJECT documents and/or records may be accomplished by email, mail, courier, or other delivery method; transfer via SharePoint or FTP site, CD, through the project management system (PMS), and will when appropriate occur under standard letter of transmittal. Delivery of Project documents and/or records also may occur at the main office location or at the construction field offices.

5.4 Communications with the Public

Day-to-day internal communications among CCPO staff and the CONTRACTOR will take place on an informal basis and will be complemented by more formal communications, which become matters of record. In addition, the CCPO will be the central communicator with external parties, including elected officials, partner agencies, stakeholders and the general public. The CMP details the procedures to be used by the CONTRACTOR for the duration of the project.

5.5 Emergency Response

The CMP details controls in place for compliance with Safety and Security measures. An Emergency Management Plan (EMP) will be developed by the CONTRACTOR prior to the beginning of construction.
6.0 References

ATS Consulting
2009  
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BRW, Inc.
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Trans-Hudson Express (THE) Tunnel Cultural Resources Management Plan. Prepared for New Jersey Transit Corporation. DMJM Harris/AECOM is a member of THE Partnership along with Parsons Brinckerhoff and STV.

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2003  
Environmental Analysis Framework for Federal Transportation Recovery Projects in Lower Manhattan. Adopted by the Metropolitan Transportation Authority (MTA), New York State Department of Transportation (NYDOT), Port Authority of New York and New Jersey (PANYNJ), and Lower Manhattan Development Corporation (LMDC).

National Register of Historic Places
1990  
1997  How to Complete the National Register Registration Form. Bulletin 16A.

1983  Lowertown Historic District National Register Nomination Form. Published February 21, 1983.


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St. Paul Heritage Preservation Commission
2004  University-Raymond Commercial Historic District: Preservation Program and Design Review Guidelines. Part I: District Description and Part II: District Significance, including property descriptions and significance.

The 106 Group, Ltd.
2004  Phase II Architectural History Investigation for the Proposed Central Transit Corridor, Hennepin and Ramsey Counties, Minnesota. Submitted to Ramsey County Regional Railroad Authority.

2003  Phase I Architectural History Investigation for the Proposed Central Transit Corridor, Hennepin and Ramsey Counties, Minnesota. Volume I. Submitted to Hennepin County Department of Transit and Community Works.

The World Bank

University of Minnesota-Morris
Appendix A

Programmatic Agreement
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
METROPOLITAN COUNCIL,
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE CONSTRUCTION OF
THE CENTRAL CORRIDOR LIGHT RAIL TRANSIT PROJECT
BETWEEN MINNEAPOLIS AND ST. PAUL, MINNESOTA

WHEREAS, the Metropolitan Council (MC) is proposing to construct the Central Corridor Light Rail Transit Project (PROJECT) located between Minneapolis and St. Paul, Minnesota as more fully described in the Draft Environmental Impact Statement (DEIS) of June 2006 and the Supplemental Draft Environmental Impact Statement (SDEIS) of June 2008 and the proposed Final Environmental Impact Statement (FEIS); and

WHEREAS, MC is proposing to use funding assistance from the Federal Transit Administration (FTA) to implement the PROJECT, assistance that would render the PROJECT a Federal undertaking pursuant to Section 106 of the National Historic Preservation Act (Section 106), 16 U.S.C. Section 470(f), as amended; and

WHEREAS, FTA has consulted with the Minnesota State Historic Preservation Officer (MnSHPO) pursuant to federal regulations at 36 CFR Part 800 implementing Section 106; and

WHEREAS, the FTA and MC have also consulted with a wide variety of agencies, organizations, and other persons who have an interest in this project’s effects on historic properties; and

WHEREAS, the Preservation Alliance of Minnesota, the St. Paul Heritage Preservation Commission, Historic St. Paul, the Prospect Park and East River Road Improvement Association, St. Louis King of France Church, and Central Presbyterian Church have elected to participate as consulting parties in the consultation process for this PROJECT and have been invited to concur with this AGREEMENT; and

WHEREAS, the full range of effects on historic properties will not be known prior to the approval of grant funds, and this AGREEMENT provides for ongoing consultation to assess effects and resolve adverse effects in fulfillment of the requirements of Section 106 in accordance with 36 CFR 800.14(b)(1)(ii).

WHEREAS, the FTA and Minnesota Department of Transportation, Cultural Resources Unit (Mn/DOT CRU), in consultation with MnSHPO, have determined the Area of Potential Effect (APE) for the project as all properties within the construction zones and the first tier (all properties fronting the alignment, including buildings, structures, and objects) of adjacent properties, with the addition of properties potentially affected by secondary redevelopment impacts around the proposed station sites, as shown in Attachment B, recognizing that the APE may need to be adjusted as additional project elements are identified pursuant to Stipulation XII of this AGREEMENT; and
WHEREAS, FTA and MnDOT/CRU, in consultation with MnSHPO have identified historic properties in the PROJECT’s APE which are listed in or eligible for the National Register of Historic Places (as listed in Attachment A to this AGREEMENT), and MnSHPO has concurred with these determinations; and

WHEREAS, upon initiation of the Section 106 consultation process and in accordance with 36 CFR 800.2(c)(2)(i), the FTA contacted potentially affected Indian tribes (The Lower Sioux Indian Community, Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community) inviting their participation in consultation via formal letter, phone call, and e-mail; and

WHEREAS, this AGREEMENT was developed with appropriate public involvement (pursuant to 36 CFR 800.2(d) and 800.6(a)) coordinated with the scoping, public review and comment, and public hearings conducted by FTA and MC to comply with NEPA and its implementing regulations; and

WHEREAS, a Community Advisory Committee (CAC) was formed in January 2007 consisting of representative of neighborhood organizations, district planning councils, business representatives, advocacy groups, educational institutions, ethnic communities and religious organizations to keep these organizations informed about the PROJECT and to provide feedback on issues related to the planning, design, and construction of the PROJECT; and

WHEREAS, the FTA invited the Advisory Council on Historic Preservation (ACHP) to participate in the development of this AGREEMENT and the ACHP indicated it would participate in consultation by letter of June 17, 2008, to the Federal Transit Administrator; and

WHEREAS, the purpose of this Programmatic Agreement (AGREEMENT) is to assess effects on historic properties (where such determination cannot be made at this time) and to identify measures to avoid, minimize, or mitigate adverse effects, as agreed with consulting parties; and

WHEREAS, the FTA will be responsible for ensuring that all aspects of PROJECT implementation meet the terms of this AGREEMENT, in collaboration with the MnDOT/CRU , which assisted the FTA in the preparation of information, analysis and recommendations regarding Section 106 consultation; and

WHEREAS, the Ramsey County Regional Rail Authority and the Hennepin County Regional Rail Authority will be providing local funding for the PROJECT; and

WHEREAS, the MC will administer the implementation of the PROJECT and will complete the stipulations of the agreement; and

NOW, THEREFORE; the FTA, the MC, MnSHPO, and the ACHP agree that the PROJECT will be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.
STIPULATIONS

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

I. PROJECT DESIGN DEVELOPMENT

A. The PROJECT design will effectively meet the project purpose and need, while avoiding, minimizing, and/or mitigating adverse impacts to the environment, including adverse effects to historic properties. Avoidance of adverse effects is preferable and will be considered to the extent feasible.

B. The PROJECT areas listed below have been identified as those where MC shall consult further regarding effects on historic properties as part of the design process. In these areas, all elements of the PROJECT design, including but not limited to, stations, platforms, shelters, ramps, walkways, tracks, poles, catenaries, public art, and associated streetscape improvements, will meet the Secretary of the Interior’s Standard for Archaeology and Historic Preservation (SOI STANDARDS), taking into account the suggested approaches to new construction in historic areas in the Secretary of the Interior’s Standards for the Rehabilitation of Historic Properties (SOI REHABILITATION STANDARDS).

1. Union Depot Station area (from the Central Corridor LRT Operations and Maintenance Facility to Jackson Street). Historic properties in this area include the Lowertown Historic District and the Union Depot. In addition to general design compatibility of project elements in this area, consultation will address potential impacts on the Union Depot’s approach and relationship to associated streetscaping, landscape, and principal interior spaces of the headhouse; any easements to facilitate associated streetscaping and landscaping will include provisions to protect the historic character of the areas covered.

2. 4th Street Station area (block bounded by 4th Street, Cedar Street, 5th Street and Minnesota Street). Historic properties in this area include the St. Paul Athletic Club, the First National Bank Building, the Minnesota Building, and the St. Paul Urban Renewal Historic District.

3. 10th Street Station area (from 7th Street to 12th Street). Historic properties in this area include St. Louis King of France Catholic Church and rectory, Central Presbyterian Church, Shubert (Fitzgerald) Theatre, St. Agatha’s Conservatory (Exchange Building), and Cedar Avenue lawn panels that contribute to the State Capitol Historic District. In addition to general design compatibility of project elements in this area, consultation will address potential impacts on access to St. Louis King of France Church and to Central Presbyterian Church (also see Section IV for vibration issues).

4. Rice Street Station/State Capitol area (from 14th Street to Marion Street). Historic properties in this area include the State Capitol Historic District (including the State Capitol, Power Plant, and Leif Erickson Park), the Ford Motor Company Building, and the Norwegian Evangelical Lutheran Church (Christ Lutheran Church) (also see Section IV for vibration and noise issues).

5. Snelling Avenue Station area (from Asbury Street to Snelling Avenue). Historic properties include the Quality Park Investment Company Building (Midway Books).
6. **Fairview Avenue Station area** (from Fairview Avenue to Lynnhurst Avenue). Historic properties in this area include the Krank Building; Porky’s Drive-In Restaurant; and the Griggs, Cooper, and Company Sanitary Food Manufacturing Plant.

7. **Raymond Avenue Station area** (from Pillsbury Street to Highway 280). Historic properties in this area include the University-Raymond Avenue Historic District (also see Section IV for parking and traffic issues).

8. **Prospect Park area** (from Westgate Station to the 29th Avenue Station) Historic properties include KSTP Production Studies and Transmission Tower, the Prospect Park Residential Historic District and The Prospect Park Water Tower/Tower Hill Park (also see Section VI for parking and traffic issues).

9. **East Bank Station area** (from Oak Street to the Mississippi River). Historic properties in this area include the University of Minnesota Mall Historic District, the University of Minnesota Old Campus Historic District, East River Parkway, the Washington Avenue Bridge (including buildings/structures built/designed as part of the bridge approaches on both banks), the Mines Experiment Station Building, Grace Lutheran Church, and Pioneer Hall (see Section VI for parking and traffic issues).

10. **West Bank Station area** (from the Mississippi River to I-35W). Historic properties include the Washington Avenue Bridge (including buildings/structures built/designed as part of the bridge approaches on both banks) and Fire Station G/Engine House No. 5 (Mixed Blood Theatre).

11. **Traction Power Substations.** The following traction power substations are proximate to historic properties: TPSS 13/14, TPSS 12, TPSS 11, TPSS 08, TPSS 05, and TPSS 02.

12. **Signal Bungalows.** The following signal bungalows are proximate to historic properties: UNI, AVO, RMI, WAX, WBI, and SPY.

13. **Poles and Catenaries** proximate to historic properties (see Attachment A to this AGREEMENT) throughout the project.

14. **Associated streetscaping** proximate to historic properties (see Attachment A to this AGREEMENT) throughout the project.

C. MC will develop the PROJECT design for these areas in close consultation with MnSHPO and with other consulting parties (Preservation Alliance of Minnesota, St. Paul Heritage Preservation Commission, Historic St. Paul, the Prospect Park and East River Road Improvement Association, St. Louis King of France Church, and Central Presbyterian Church) and other local and state agencies. Consultation will occur throughout the design process so that historic values are integrated, incorporated and implemented into the project design. MC will submit plans to MnSHPO and other consulting parties for review and comment at minimum at the 30 and 60 percent completion stages. A set of 30-percent complete plans will be provided prior to the MC submitting application to FTA to enter into final design. A set of 60-percent complete plans will be provided by December 31, 2009. All design consultation commitments, as detailed in this stipulation, will be complete prior to receipt of a full funding grant agreement (FFGA) from the FTA (anticipated to occur in the third quarter of 2010). MnSHPO and other consulting parties will provide comments to MC within 30 days of receipt of the plans or MC may presume they have no comments. MC

Programmatic Agreement
Central Corridor Light Rail Transit Project

June 15, 2009

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shall use the Central Corridor project Web site to inform signatories and consulting parties of the project schedule, milestones, and review deadlines so that all parties are duly notified of the PROJECT design development and other reviews.

D. MC will take into consideration any timely comments received in developing final designs for all PROJECT elements in historic areas. MC will submit final designs to MnSHPO for review and written concurrence regarding effects on historic properties and notify consulting parties of the availability of the plans for review. All final designs will be submitted prior to receipt of a full funding grant agreement (FFGA) from the FTA (anticipated to occur in the third quarter of 2010). MnSHPO shall have 30 days to provide comments on final designs as submitted. Where MC is unable to integrate the MnSHPO’s comments into final designs, MC shall provide a written explanation to MnSHPO and to FTA within 30-days of receipt of MnSHPO’s written comments.

E. If there are any portions of the PROJECT areas where it is not feasible to reach a design that meets the SOI REHABILITATION STANDARDS, the project improvements at issue will be considered to have an adverse effect, and mitigation measures will be developed and implemented in accordance with Stipulation IV of this AGREEMENT.

F. If there are any portions of the PROJECT areas where it is not feasible to reach a design that meets the MnSHPO’s written comments based on factors other than the SOI REHABILITATION STANDARDS, FTA, in consultation with MnSHPO, will make a determination on whether the project improvements at issue will have an adverse effect and, if so, mitigation measures will be developed and implemented in accordance with Stipulation IV of this AGREEMENT.

II. DESIGN OF FUTURE STATIONS AT HAMLINE, VICTORIA AND WESTERN

A. The PROJECT will include all below-grade infrastructure to facilitate future construction of LRT stations at Hamline Avenue, Victoria Street, and Western Avenue in the City of St. Paul, but no detailed station design or construction for these locations will be completed as part of this PROJECT.

B. If funding becomes available to design and construct stations at Hamline Avenue, Victoria Street, and/or Western Avenue during the duration of this AGREEMENT, MC will consult with MnSHPO and other consulting parties according to the process set forth in Stipulation I.C. of this AGREEMENT. Consultation will occur throughout the design process to allow PROJECT designers to effectively integrate historic values into the PROJECT design.

C. MC shall submit final designs for any of these stations to MnSHPO for review and written concurrence regarding effects on historic properties. MnSHPO shall have 30 days to provide comments on final designs as submitted. Where MC is unable to integrate the MnSHPO’s comments into final designs, MC shall provide a written explanation to MnSHPO and FTA within 30-days of receipt of MnSHPO’s written comments.

D. If any of these designs fail to meet the suggested approaches to new construction in historic areas in the SOI STANDARDS, the project will be considered to have an adverse effect, and mitigation measures will be developed and implemented in accordance with Stipulation IV of this AGREEMENT.
E. If there are any portions of the PROJECT areas where it is not feasible to reach a design that meets the MnSHPO’s written comments based on factors other than SOI STANDARDS, FTA, in consultation with MnSHPO, will make a determination on whether the project improvements at issue will have an adverse effect and, if so, mitigation measures will be developed and implemented in accordance with Stipulation IV of this AGREEMENT.

F. If federal funding for any or all of these stations shall be secured following the expiration of this AGREEMENT, MC shall request an amendment to the AGREEMENT in accordance with Stipulation XVII or conduct an individual Section 106 review that recognizes the relationship of the future stations to this original PROJECT.

III. ARCHAEOLOGY

A. The MC will ensure that a qualified historical archaeologist (meeting the Secretary of the Interior’s Professional Qualifications Standards (36 CFR 61)) monitors excavation along 4th Street in downtown St. Paul to ascertain whether all or portions of early cable car infrastructure (the cable conduit) remain. If this feature does remain, the MC will ensure that it is documented through photographs, measured drawings, and descriptive text. Following documentation, the MC will work with the Minnesota Streetcar Museum to determine whether any cable car system components can be salvaged for potential interpretive use by the museum.

B. MC agrees that where curation is required, the cost of curation shall be borne by the PROJECT. If required, MC will work with MnSHPO to identify a repository for curation that shall meet federal repository standards established under 36 CFR Part 79.9, and as outlined on the MHS web site: http://www.mnhs.org/collections/archaeology/curation.htm.

C. Any archaeological work and documentation will be in accordance with the Secretary of the Interior’s Guidelines for Archaeological Documentation and carried out under the direct supervision of an individual meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology. (See Attachment C to this agreement for a copy of the Archaeological Investigation Plan for the Central Corridor LRT Project, February 2, 2009, which was developed in consultation with MnSHPO.)

D. Any cultural or archaeological materials discovered would be handled pursuant to measures established in Stipulation XIII of this AGREEMENT.

IV. RESOLUTION OF ADVERSE EFFECTS

A. In any instance where the final design of PROJECT components does not meet the SOI REHABILITATION STANDARDS, or if, in consultation with MnSHPO, FTA and MC determine it is not practicable to avoid other adverse effects, MC will consult with MnSHPO and other consulting parties to develop a mitigation plan appropriate to the historic property and type and degree of effect.

B. MC shall notify consulting parties to this AGREEMENT when a mitigation plan will be prepared pursuant to this stipulation. The mitigation plan shall be developed within 60 calendar days of such notification. If more time is required to develop the mitigation plan, MC will notify consulting parties to this AGREEMENT regarding the reason for the delay and the anticipated timeframe for mitigation plan
distribution. MC will provide a copy of the draft mitigation plan to consulting parties for a 30-day comment period during which consulting parties may provide written comments to MC.

C. MC agrees to take into account any timely comments of consulting parties in the development of final mitigation plans. A mitigation plan will be final upon acceptance by FTA and MnSHPO. Consulting parties will receive copies of all final mitigation plans and may also be invited to concur in mitigation plans.

V. NOISE AND VIBRATION ASSESSMENT AND MITIGATION

A. The MC will develop and implement a historic properties Vibration and Noise Management and Remediation Plan (VNMRP) to address issues related to vibrations and noise caused during LRT construction and operations. The VNMRP will be developed in consultation with parties to this AGREEMENT consistent with procedures stipulated in Subparagraph E of this stipulation.

1. Pre-construction survey. The VNMRP will develop a schedule and methodology for a pre-construction survey of all historic properties within fifty feet of the PROJECT track alignment (including contributing properties in historic districts). This survey will provide a baseline of existing structural conditions to facilitate later identification of any structural and/or cosmetic damage caused by PROJECT construction. A post-construction survey of all properties will identify any changes from pre-construction condition and assess possible cause of these changes.

The list of properties to be included in this survey follows:

<table>
<thead>
<tr>
<th>Property</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Station G, Engine House 5 (Mixed Blood Theatre)</td>
<td></td>
</tr>
<tr>
<td>University of Minnesota Campus Mail Historic District</td>
<td></td>
</tr>
<tr>
<td>Prospect Park Residential Historic District</td>
<td></td>
</tr>
<tr>
<td>University-Raymond Commercial Historic District</td>
<td></td>
</tr>
<tr>
<td>KSTP Production Studios &amp; Transmission Tower</td>
<td></td>
</tr>
<tr>
<td>Fire Station No. 20</td>
<td></td>
</tr>
<tr>
<td>Great Lakes Coal and Dock Company Office Building</td>
<td></td>
</tr>
<tr>
<td>Krank Building (Iris Park Place)</td>
<td></td>
</tr>
<tr>
<td>Porky's Drive-In Restaurant</td>
<td></td>
</tr>
<tr>
<td>Griggs, Cooper &amp; Company Sanitary Food Manufacturing Plant</td>
<td></td>
</tr>
<tr>
<td>Quality Park Investment Company Building</td>
<td></td>
</tr>
<tr>
<td>St. Paul Casket Company Factory</td>
<td></td>
</tr>
<tr>
<td>Brioschi-Minuiti Company Building</td>
<td></td>
</tr>
<tr>
<td>Rath's, Mills &amp; Bell Company Building</td>
<td></td>
</tr>
<tr>
<td>Fire Station No. 18</td>
<td></td>
</tr>
<tr>
<td>Owens Motor Company Building</td>
<td></td>
</tr>
<tr>
<td>Minnesota Milk Company Building</td>
<td></td>
</tr>
</tbody>
</table>
Ford Motor Company Building  
Norwegian Evangelical Lutheran Church  
State Capitol Mall Historic District  
Minnesota State Capitol  
Minnesota Historical Society Building  
State Capitol Power Plant  
Central Presbyterian Church  
St. Louis, King of France Church and Rectory  
St. Agatha's Conservatory of Music and Fine Arts  
St. Paul Athletic Club  
Minnesota Building  
St. Paul Urban Renewal Historic District  
Pioneer Press Building  
First National Bank Building  
Endicott Building  
Lowertown Historic District  
St. Paul Union Depot  
Including elevated railroad track deck (determined eligible)

2. **Vibration from PROJECT construction.** The VNMRP will outline a methodology for monitoring vibration during PROJECT construction at certain historic properties. It will specify thresholds for vibration during construction and will include details about the process, equipment (including crack-monitoring gauges), documentation standards, and frequency of monitoring. Thresholds will be set using guidance from FTA. If different thresholds are set, MC will submit to FTA documentation to support a different threshold for FTA's review and approval.

The following historic properties will be monitored during PROJECT construction: Lowertown Historic District (contributing properties within 50 feet of light rail track); St. Paul Athletic Club; Central Presbyterian Church; St. Agatha’s Conservatory of Music and Fine Arts; Church of St. Louis, King of France and Rectory; Minnesota State Capitol; Norwegian Evangelical Lutheran Church; and University of Minnesota Campus Mall Historic District.

3. **Groundborne Noise from PROJECT operations.** The VNMRP will document special PROJECT design features (including aspects of the track bed) incorporated to mitigate groundborne noise near certain historic properties. It will also include a methodology for monitoring the effectiveness of those measures after the PROJECT has been put into operation.

The following historic properties are adjacent to these PROJECT design features: Central Presbyterian Church; Church of St Louis, King of France and Rectory; and KSTP Production Studios.

4. **Airborne Noise from PROJECT operations.** The VNMRP will document the specific measures that will be included as part of the LRT standard operating procedures to reduce and/or mitigate
airborne noise near historic properties. Measures to ensure adherence to these procedures will be included. These procedures will be developed for operations in the vicinity of Central Presbyterian Church, St. Louis, King of France Church, and any other historic properties identified in the VNMRP.

5. The VNMRP will include provisions for timely reporting of the results of the pre-construction survey and construction monitoring efforts to MnSHPO and owners of historic properties. It will also include a process to notify MC of any observed vibration or noise effects on the above-referenced properties and, if problems are identified, identify specific provisions to address those problems (including, but not limited to, cessation of construction activity, repair of damage, and other appropriate measures).

C. All owners of historic properties will be consulted regarding the provisions of the VNMRP. This consultation will provide information on the purpose of, and process for completing, the pre-construction survey and other work under the plan, and the process for substantiating damages and for seeking remediation for substantiated damage claims should damage result from construction or operations of the PROJECT. Any agreements with owners of historic properties that contain provisions related to vibration or noise issues will be consistent with the provisions of the VNMRP. Copies of such agreements will be made a part of the VNMRP and/or forwarded to MnSHPO.

D. The team preparing the VNMRP will include a historian or architectural historian meeting the Secretary of the Interior’s Professional Qualifications Standards.

E. The VNMRP will be developed by the MC in consultation with MnSHPO and the draft plan will be submitted to MnSHPO and other consulting parties for a 30-day review and comment period. The MC shall consider all comments received in a timely fashion prior to issuing a final report. FTA will approve the final VNMRP. The final plan will be submitted to MnSHPO for concurrence regarding effects on historic properties by December 31, 2009.

VI. PARKING AND TRAFFIC

A. The closure of Washington Avenue to automobile traffic on the East Bank of the University of Minnesota will cause changes to traffic patterns within and adjacent to the following historic properties: University of Minnesota Old Campus Historic District, the University of Minnesota Campus Mall Historic District, the Grand Rounds Parkway System (East River Parkway), Pioneer Hall, Grace Lutheran Church, and the Prospect Park Residential Historic District.

1. Changes to the street system (including new lanes, signals, widening, signage, and other modifications) that will be installed as part of PROJECT construction will be reviewed under the provisions of Stipulation 1 of this AGREEMENT.

2. Previous studies completed by the MC indicate that traffic modifications to be installed during PROJECT construction are projected to adequately accommodate forecasted traffic volumes. To assess actual traffic volumes and to address any potential effects to the above historic properties from any needed additional modifications, MC will conduct a traffic monitoring study.
   a. The study will measure actual traffic volumes at selected locations within and adjacent to the above-referenced historic properties, at specified time intervals between the

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c. The MC will develop a scope of work for the traffic monitoring study outlined in A and B above in consultation with the MnSHPO, the University of Minnesota, other consulting parties, and other local and state agencies. The scope of work will include identifying tasks, deliverables, and a schedule for implementation. Special consideration will be given to ensuring that tasks, especially the scheduling of traffic counts, will minimize disruptions to University of Minnesota campus activities and reflect traffic patterns at a time when classes are in session. The scope of work with be shared with MnSHPO, the University of Minnesota and other consulting parties for a 30-day review and comment period. The MC shall consider all comments received in a prior to completing a final scope of work.

d. The team completing the study will include a Historian or Architectural Historian who meets the Secretary of the Interior's Professional Qualifications Standards. The final study will be submitted to MnSHPO for a 30-day review and request for concurrence regarding effects on historic properties.

B. The location of a PROJECT station near the Prospect Park Historic District has the potential to adversely affect the district through an increase in the number of vehicles parked in the district. To assess the actual increase in parking and address any resulting potential adverse effects to the district, MC will complete a parking study.

1. The study will measure the number of vehicles parked in the historic district by non-resident drivers. The assessment will be done approximately one year after the beginning of revenue-service operations of the PROJECT.

2. The study will assess effects, including cumulative effects of any increased parking volumes on the historic district, including but not limited to effects on the livability of the neighborhood, which could lead to devaluation and neglect. Recommended measures will be developed to avoid or reduce adverse effects; when avoidance of adverse effects is not feasible, MC will develop and implement mitigation measures in consultation with MnSHPO and other consulting parties.

3. The study will be developed in consultation with MnSHPO, the Prospect Park East River Road Improvement Association, other consulting parties to this AGREEMENT and other agencies who may have a role in implementing the recommended measures. The team completing the study will include a Historian or Architectural Historian who meets the Secretary of the Interior's Professional Qualifications Standards. The final study will be submitted to MnSHPO for 30-day review and concurrence regarding effects on historic properties.
C. The removal of a substantial amount of on-street parking on University Avenue has the potential to adversely affect commercial historic properties in the University-Raymond Historic District and several individual commercial historic properties located along University Avenue.

1. In partnership with the City of St. Paul, MC has developed the report “Mitigating the Loss of Parking in the Central Corridor” (April 2009) (Report). The Report identifies strategies and responses for implementation by the City of St. Paul to address parking loss on University Avenue.

2. The MC will support the City of St. Paul in implementing strategies identified to address parking issues in the University-Raymond Commercial Historic District, including identifying sources of potential funding, providing staff support for writing grant applications, and administering grants received, if appropriate. In addition, MC will support the City of St. Paul in implementing measures recommended in the Report, including providing MC staff support for public outreach and information efforts and conducting workshops on parking for critical areas (as identified in the Report) along University Avenue.

VII. RECORDATION OF 360 CEDAR STREET AND REDEVELOPMENT DESIGN GUIDELINES

A. MC shall demolish the Midwest Federal Building (aka First Federal Savings and Loan) at 360 Cedar Street, a contributing element of the St. Paul Urban Renewal Historic District, as part of the PROJECT. Prior to demolition, MC will record this building to the standards of the Minnesota Historic Property Record. The documentation will be completed in consultation with MnSHPO, and will be submitted to MnSHPO for review and approval before demolition activities are initiated.

B. MC will develop design guidelines for future development of the site of the block bounded by Cedar, 4th, 5th and Minnesota streets. These guidelines will establish parameters for new construction, consistent with the SOI STANDARDS, with reference to the St. Paul Athletic Club, the First National Bank Building, the Minnesota Building, and the St. Paul Urban Renewal Historic District. MC will consult with the City of St. Paul, the Saint Paul Heritage Preservation Commission, and the MnSHPO to draft the guidelines. MC will submit the guidelines to MnSHPO for review and concurrence.

C. If design guidelines are completed prior to adoption of the 4th and Cedar Streets Station Area Master Plan being prepared by the City of St. Paul, the guidelines will be integrated into the Master Plan. If completed after the adoption of this Plan, the MC shall propose to the City of St. Paul that the Plan be amended to include the design guidelines. Development of this block will be guided by the Station Area Master Plan and approved by the City of St. Paul.

VIII. NATIONAL REGISTER NOMINATION FORMS

A. MC will prepare National Register nomination forms, in conformance with the guidelines of the National Park Service and MnSHPO, for the following historic properties located along the project corridor: First National Bank Building; St. Paul Athletic Club; St. Louis King of France Church and Rectory; Norwegian Evangelical Lutheran Church; Ford Motor Company Building; Minnesota Milk Company Building; Owens Motor Company Building; Fire Station No. 18; Brioschi-Minuti Company Building; Raths, Mills, Bell and
Company Building; St. Paul Casket Company Factory; Quality Park Investment Company Building; Griggs, Cooper & Company Sanitary Food Manufacturing Plant; Porky’s Drive-In Restaurant; Great Lakes Coal and Dock Company Building; Fire Station No. 20; KSTP Production Studios and Transmission Tower; University of Minnesota Mall Historic District; Pioneer Hall; Mines Experiment Station Building; Washington Avenue Bridge; Fire Station G; and Minnesota Linseed Oil & Paint Company Building.

B. The nomination forms will be completed in consultation with MnSHPO, and will be submitted to MnSHPO for review and concurrence regarding effects on historic properties. MC will complete all nomination forms before the Central Corridor LRT line begins revenue service operations.

C. Actual nomination of these properties to the National Register of Historic Places will be at the discretion of MnSHPO and will follow the established procedures of the National Park Service (36 CFR Part 60). Property owners will be given the opportunity to object to nominations in accordance with 36 CFR Part 60.6(g).

D. Listing of historic properties in the National Register would enable the owners and developers of these properties to access certain financial incentives for preservation, including the federal preservation tax incentives. MC will encourage historic rehabilitation of the properties as part of the development of station areas and the project as a whole through the educational effort in Stipulation IX.B.

IX. PUBLIC EDUCATION

A. MC will develop an educational Field Guide of the historic properties (including historic districts) along the Central Corridor line. The Field Guide will highlight the historic properties identified in Attachment A of this AGREEMENT, as well as those located along the portion of the Central Corridor line which parallels the Hiawatha Line in downtown Minneapolis. The Field Guide will be developed in consultation with MnSHPO and other consulting parties, and the final draft will be submitted to MnSHPO for review and concurrence. MC will make the Field Guide available to the public in both print and electronic formats. The Field Guide will be completed and available before the Central Corridor LRT line begins revenue service operations.

B. In consultation with MnSHPO and other consulting parties, MC will develop and implement an educational effort to encourage the rehabilitation of historic properties located along the Central Corridor line. This effort will include an information packet with information about proper rehabilitation practices and financial resources as well as the benefits of pursuing National Register listing for eligible properties. It will also include individual consultations with owners of historic properties and/or public workshops, as appropriate. At the conclusion of the consultations and workshops, MC will submit a report on the effort to MnSHPO and other consulting parties.

C. The MC will develop a scope of work for the public education tasks in A and B above in consultation with the MnSHPO prior to the initiation of major project construction activities (defined as installation of LRT tracks, stations, catenary poles, traction power substation, signal bungalows and other major LRT system components). The scope of work will include an outline of the specific tasks to be carried out and products to be delivered as a part of the public education effort, a timeline for the completion of all tasks in relationship to the PROJECT development schedule, and a distribution plan.

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D. All public education efforts, in this Stipulation will be complete before the Central Corridor LRT Line begins revenue service operations.

X. PUBLIC INFORMATION AND INVOLVEMENT

A. The MC will make information available to the public about the activities stipulated in this AGREEMENT consistent with procedures in the Central Corridor LRT Communication and Public Involvement Strategic Plan and will include, at a minimum, posting of materials on the Central Corridor project Web site.

B. During implementation of the measures stipulated in this AGREEMENT, should a member of the public raise an objection pertaining to this AGREEMENT or the effect of any activity on historic properties, MC shall notify the parties to this AGREEMENT and take the objection into account, consult with the objector and, should the objector so request, consult with any of the parties to this AGREEMENT to resolve the objection.

XI. PROTECTION MEASURES

A. Before major PROJECT construction begins (defined as installation of LRT tracks, stations, catenary poles, traction power substation, signal bungalows and other major LRT system components), MC shall develop a construction protection plan in consultation with FTA, MnSHPO, and other consulting parties as appropriate detailing all measures to protect historic properties from physical damage or indirect adverse effects during the construction of the PROJECT. Identified protection measures shall be clearly identified in construction documents. MC will include the construction protection plan within specific contract packages to inform contractors of their responsibilities relative to historic properties. Copies of the construction protection plan will also be provided to the consulting parties of this AGREEMENT. The construction protection plan will consist of the following:

1. Inspection and documentation of existing conditions at the historic properties adjacent to PROJECT construction activities
2. Establishment of protection measures and procedures
3. Any documentation and protection measures contained within the vibration monitoring plan developed pursuant to Stipulation V.

B. Before PROJECT construction begins, MC shall meet with the construction contractor to review the construction protection plan and ensure that construction plans are consistent with the PROJECT design as reviewed by MnSHPO.

D. MC will monitor PROJECT construction to ensure that the measures in the construction protection plan are implemented and shall provide a record of monitoring activities in the quarterly reports prepared pursuant to Stipulation XIV.

XII. PROJECT MODIFICATIONS

A. FTA and MC shall not make substantial changes to the PROJECT, defined as activities that could result in adverse effects to historic properties, such as changing LRT track alignment, changing the location of
associated project infrastructure such as traction power substations and signal bungalows, and substantially changing components of design such as catenary pole type and station design components, without first affording the parties to this AGREEMENT the opportunity to review the proposed change and to determine whether amendments to the AGREEMENT are required, based on the proposed changes. Should changes be proposed to the PROJECT after consultation has been completed, MC shall submit revised project drawings to the MnSHPO. Prior to initiation of major project construction, this review process shall take place consistent with the design review procedures and processes as described in Stipulation I of this AGREEMENT. If occurring during major project construction, the review process shall take place consistent with the requirements of project construction and in such a manner to minimize construction delay. Consultation on such changes shall occur in accordance with the steps identified in Stipulation I of this AGREEMENT.

XIII. DISCOVERY

A. A plan for the unexpected discovery of archaeological remains entitled Archaeological Investigation Plan for the Central Corridor LRT Project, February 2, 2009 was developed in consultation with MnSHPO and is included to this AGREEMENT as Attachment C.

1. If previously unidentified historic properties are discovered unexpectedly during construction of the PROJECT, all ground-disturbing activities will cease in the area where any historic property is discovered as well as in the immediately adjacent area. The contractor will immediately notify MC and the MnDOT/CRU of the discovery and implement interim measures to protect the discovery from looting and vandalism. The MnDOT/CRU will record, document, and provide an opinion on the National Register eligibility of the discovery to FTA within seventy-two (72) hours of receipt of notification and will notify MnSHPO, ACHP, and other consulting parties, including any Indian tribes that may attach religious and cultural significance to the property, of the discovery.

2. FTA will have ten (10) business days following notification provided in accordance with Stipulation XIII.A. to determine the National Register eligibility of the discovery after considering timely filed views (received within seven (7) business days of notification) of the MnSHPO, MnDOT/CRU, and other consulting parties. FTA may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR 800.13(c).

3. For properties determined eligible, the MnDOT/CRU, in consultation with the MnSHPO, MC, and the FTA, will design a plan for resolving adverse effects taking into account the nature of identified properties and the feasibility of resolving the adverse effects. Consulting parties will have forty-eight (48) hours to provide their views on the proposed actions. FTA will ensure that the timely filed recommendations of consulting parties are taken into account prior to granting approval of the measures that MC will implement to resolve adverse effects. MC will carry out the approved measures prior to resuming ground-disturbing work in the area of discovery.

B. If any previously unidentified human remains are encountered during PROJECT construction, all ground-disturbing activities will cease in the area where such remains are discovered as well as in the immediately adjacent area. The contractor will immediately notify appropriate law enforcement agencies in order to determine whether the site discovered is a crime scene. The contractor will also notify MnDOT/CRU of the discovery of human remains. MnDOT/CRU will immediately notify FTA of the discovery. The FTA (with the assistance of the MnDOT/CRU) will consult with the Office of the State Programmatic Agreement
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Archaeologist (OSA) and Indian tribes to develop treatment measures for the remains. In the event that a determination is made that the remains are of Native American origin, treatment measures will accord with the ACHP’s Policy Statement on the Treatment of Burial Sites, Human Remains and Funerary Objects (February 23, 2007). The MnDOT/CRU will develop a treatment plan in consultation with the FTA, the OSA, the MnSHPO, and, if appropriate, the Minnesota Indian Affairs Council (MIAC). Treatment measures will be consistent with the Minnesota Private Cemeteries Act (Minn. Stat. Sect. 307.08); the Native American Graves Protection and Repatriation Act of 1990, as amended; and the Archaeological Resource Protection Act of 1979, as amended. FTA will take into account the recommendations of consulting parties prior to granting approval of the plan. The FTA will ensure that MC has fully implemented the terms of any treatment plan prior to allowing ground-disturbing work to proceed in the area of discovery.

C. The MC will include in appropriate construction contracts provisions to ensure that the stipulations established above are carried out by the contractor.

XIV. QUARTERLY REPORT ON AGREEMENT IMPLEMENTATION

A. Beginning three months from the execution of this AGREEMENT, MC shall submit a quarterly report to the signatories of the AGREEMENT detailing the measures carried out pursuant to its terms. MC shall submit the quarterly reports until all the terms of the AGREEMENT have been satisfied.

B. The quarterly report will itemize all actions required to be taken by MC during the preceding months to implement the terms of this AGREEMENT, identify what actions MC has taken during the reporting period to implement those actions, identify any problems or unexpected issues encountered during that time, any disputes and objections submitted or resolved, any changes recommended in implementation of the AGREEMENT, and any scheduling changes. The quarterly reports shall also include a timetable of activities proposed for implementation within the following three months.

C. The signatories shall review the quarterly reports and provide any comments to FTA within thirty (30) days of receipt of the report.

D. MC shall notify consulting parties and the public about the publication of the quarterly reports and make those reports available for their inspection and review on the Central Corridor project Web site. MC shall share any comments received from consulting parties and the public with the signatories.

E. At its own discretion or at the request of any signatory to this AGREEMENT, MC shall convene a meeting to facilitate review and comment on the semi-annual reports, and to resolve any questions about its content and/or to resolve objections.

XV. STANDARDS

A. All work carried out pursuant to this AGREEMENT will meet the Secretary of the Interior’s Standards for Archaeology and Historic Preservation, taking into account the suggested approaches to new construction in historic areas in the SOI REHABILITATION STANDARDS. In instances where this is not feasible, mitigation measures will be developed pursuant to Stipulation IV of this AGREEMENT.
B. MC shall ensure that all work carried out pursuant to this AGREEMENT will be done by or under the direct supervision of historic preservation professionals who meet the Secretary of the Interior’s Professional Qualifications Standards (36 CFR 61 Appendix A). The MnDOT/CRU, assisting in AGREEMENT implementation through the FTA, meets these standards. FTA and MC shall ensure that consultants retained for services pursuant to the AGREEMENT shall meet these standards.

XVI. DISPUTE RESOLUTION

A. Should any signatory to this AGREEMENT, including any invited signatory, object at any time to any actions proposed or the manner in which the terms of this AGREEMENT are implemented, FTA shall consult with such party to resolve the objection. FTA consultation shall take place within 10 days of receipt of said objection and shall be documented in the form of meeting notes and/or a written letter of response. If FTA determines, within 30 days of documenting consultation efforts with the objectioning party that the objection cannot be resolved, FTA shall:

1. Forward all documentation relevant to the dispute, including the FTA’s proposed resolution, to the ACHP. The ACHP shall provide FTA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FTA shall prepare a written response that takes into account any advice or comments from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. FTA will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period after receipt of adequate documentation, FTA may render a final decision regarding the dispute and proceed accordingly. In reaching its decision, FTA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the AGREEMENT, and provide them and the ACHP with a copy of such written response.

3. FTA’s responsibility to carry out all other actions subject to the terms of this AGREEMENT that are not the subject of the dispute remains unchanged.

XVII. AMENDMENTS

Any signatory or invited signatory to this AGREEMENT may request that it be amended, whereupon the signatories and consulting parties shall consult to consider such amendment. Any amendments shall be in writing and signed by all signatories to be effective.

XVIII. TERMINATION OF AGREEMENT

Any signatory to this AGREEMENT may terminate it by providing thirty (30) days notice to the other parties. The parties must consult with each other during the notice period in an attempt to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FTA will comply with 36 CFR §§800.3 through 800.13 with regard to the undertaking covered by this AGREEMENT.
XIX. DURATION OF AGREEMENT

This AGREEMENT will terminate December 31, 2015 or upon mutual agreement of the signatories. Prior to such time, FTA may consult with the other signatories to reconsider the terms of the AGREEMENT and revise, amend, or extend it in accordance with Stipulation XVII.
Execution of this AGREEMENT and implementation of its terms is evidence that the FTA has afforded the ACHP a reasonable opportunity to comment on the PROJECT and that the FTA has taken into account the effects of the PROJECT on historic properties.

SIGNATORIES:

FEDERAL TRANSIT ADMINISTRATION

By: Marisol Simon, Region V Administrator  
Date: 6/16/09

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler, Executive Director  
Date: 6/18/09

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: Nina Archabal, State Historic Preservation Officer  
Date: 6/17/09

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INVITED SIGNATORIES:

METROPOLITAN COUNCIL

By: [Signature]  
Tom Weaver, Regional Administrator  

Date: 6/16/09
CONCURRING PARTIES:

I concur with the Programmatic Agreement among the Federal Transit Administration, the Advisory Council on Historic Preservation, the Minnesota State Historic Preservation Office and the Metropolitan Council regarding the Central Corridor Light Rail Transit project.

PRESERVATION ALLIANCE OF MINNESOTA

By: Bonnie McDonald  Date: June 16, 2009

Bonnie McDonald, Executive Director
I concur with the Programmatic Agreement among the Federal Transit Administration, Minnesota State Historic Preservation Office, the Advisory Council on Historic Preservation and the Metropolitan Council regarding the Central Corridor Light Rail Transit project.

PROSPECT PARK AND EAST RIVER ROAD IMPROVEMENT ASSOCIATION

By: Richard Poppele, President

Date: 6/16/09
I concur with the Programmatic Agreement among the Federal Transit Administration, Minnesota State Historic Preservation Office, the Advisory Council on Historic Preservation and the Metropolitan Council regarding the Central Corridor Light Rail Transit project.

HISTORIC ST. PAUL

By: [Signature]  
Carol Carey, Executive Director  
Date: 6/16/09

Programmatic Agreement  
Central Corridor Light Rail Transit Project
I concur with the Programmatic Agreement among the Federal Transit Administration, Minnesota State Historic Preservation Office, the Advisory Council on Historic Preservation and the Metropolitan Council regarding the Central Corridor Light Rail Transit project.

ST. LOUIS KING OF FRANCE CHURCH

By: Paul F. Morrissey, Pastor

Date: 6/16/09

Programmatic Agreement
Central Corridor Light Rail Transit Project
I concur with the Programmatic Agreement among the Federal Transit Administration, Minnesota State Historic Preservation Office, the Advisory Council on Historic Preservation and the Metropolitan Council regarding the Central Corridor Light Rail Transit project.

CENTRAL PRESBYTERIAN CHURCH

By: [Signature] Jeff Jones, President

Date: 6/17/2009

Programmatic Agreement
Central Corridor Light Rail Transit Project
I concur with the Programmatic Agreement among the Federal Transit Administration, Minnesota State Historic Preservation Office, the Advisory Council on Historic Preservation and the Metropolitan Council regarding the Central Corridor Light Rail Transit project.

ST. PAUL HERITAGE PRESERVATION COMMISSION

By: ___________________________  Date: 6/17/09

John Manning, Chair
On behalf of the City of Saint Paul, I concur with the Programmatic Agreement among the Federal Transit Administration, the Advisory Council on Historic Preservation, the Minnesota State Historic Preservation Office and the Metropolitan Council regarding the Central Corridor Light Rail Transit project.

CITY OF SAINT PAUL

By: ___________________________ Date: __7/22/2009__

Christopher B. Coleman, Mayor
<table>
<thead>
<tr>
<th>Inventory No.</th>
<th>Property Name</th>
<th>Address</th>
<th>National Register Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>HE-MPC-0615</td>
<td>Minnesota Linseed Oil &amp; Paint Company Building (Valspar Building)</td>
<td>1101 3rd St. S., Mpls.</td>
<td>Determined eligible (1)</td>
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<tr>
<td>HE-MPC-4636</td>
<td>Fire Station G, Engine House 5 (Mixed Blood Theatre)</td>
<td>1501 4th St. S, Mpls.</td>
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<td>HE-MPC-4918</td>
<td>Washington Avenue Bridge</td>
<td>Washington Ave., between Pleasant St. SE and 21st Ave. S., Mpls.</td>
<td>Determined eligible (3)</td>
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<tr>
<td></td>
<td>East River Parkway</td>
<td>East River Parkway, Mpls.</td>
<td>Contributing to eligible Grand Rounds (3)</td>
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<tr>
<td>Historic District</td>
<td>University of Minnesota Campus Mall Historic District (The Knoll)</td>
<td>U of M Minneapolis Campus</td>
<td>Determined eligible (1) (3)</td>
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<tr>
<td>HE-MPC-3046</td>
<td>University of Minnesota Old Campus Historic District (The Knoll)</td>
<td></td>
<td>Listed (3)</td>
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<tr>
<td>HE-MPC-3265</td>
<td>Mines Experiment Station Building</td>
<td>56 East River Road, Minneapolis</td>
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<tr>
<td>HE-MPC-3171</td>
<td>Pioneer Hall</td>
<td>615 Fulton St. SE, Minneapolis</td>
<td>Determined eligible (3)</td>
</tr>
<tr>
<td>HE-MPC-3315</td>
<td>Grace Evangelical Lutheran Church</td>
<td>324 Harvard St., SE Minneapolis</td>
<td>Listed</td>
</tr>
<tr>
<td>Historic District</td>
<td>Prospect Park Residential Historic District</td>
<td>Vicinity of I-94, SE Williams Ave, University Ave SE and Emerald St SE. Mpls</td>
<td>Determined eligible (2) (3)</td>
</tr>
<tr>
<td>HE-MPC-3052</td>
<td>Listed with HE-MPC-3177 and included in historic district</td>
<td>Prospect Park Water Tower</td>
<td></td>
</tr>
<tr>
<td>HE-MPC-3177</td>
<td>Listed with HE-MPC-3052 and included in historic district</td>
<td>Tower Hill Park</td>
<td>Rayburn Ave, St. Paul, Mpls</td>
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</tbody>
</table>

Attachment A – Programmatic Agreement
Central Corridor Light Rail Transit Project
<table>
<thead>
<tr>
<th>Inventory No.</th>
<th>Property Name</th>
<th>Address</th>
<th>National Register Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic District</td>
<td>University-Raymond Commercial Historic District</td>
<td>Along University Ave. W between Hampden and Cromwell Aves, St. Paul</td>
<td>Determined eligible (2); Certified local historic district</td>
</tr>
<tr>
<td>RA-SPC-6105</td>
<td>KSTP Production Studios &amp; Transmission Tower</td>
<td>3415 University Ave. W., St. Paul</td>
<td>Determined eligible (2)</td>
</tr>
<tr>
<td>RA-SPC-3931</td>
<td>Fire Station No. 20</td>
<td>2179 University Ave. W., St. Paul</td>
<td>Determined eligible (2)</td>
</tr>
<tr>
<td>RA-SPC-6103</td>
<td>Great Lakes Coal and Dock Company Office Building</td>
<td>2102 University Ave, W. St. Paul</td>
<td>Determined eligible (2)</td>
</tr>
<tr>
<td>RA-SPC-6309</td>
<td>Minnesota Transfer Railway Company including Main Line, yard A, University Ave. bridge, round house and leads</td>
<td>East and west of Cleveland and Transfer Road, University Ave.</td>
<td>Determined eligible (1) (2) (3)</td>
</tr>
<tr>
<td>RA-SPC-6310</td>
<td>Minnesota Transfer Railway Company University Avenue Bridge</td>
<td>Bridge over University Ave near Prior St., St. Paul</td>
<td>Determined eligible (2) (3)</td>
</tr>
<tr>
<td>RA-SPC-3927</td>
<td>Krank Building (Iris Park Place)</td>
<td>1885 University, St. Paul</td>
<td>Listed</td>
</tr>
<tr>
<td>RA-SPC-6102</td>
<td>Porky's Drive-In Restaurant</td>
<td>1884 University Ave, W. St. Paul</td>
<td>Determined eligible (2)</td>
</tr>
<tr>
<td>RA-SPC-3923</td>
<td>Griggs, Cooper &amp; Company Sanitary Food Manufacturing Plant</td>
<td>1821 University Ave. W., St. Paul</td>
<td>Determined eligible (2)</td>
</tr>
<tr>
<td>RA-SPC-3912</td>
<td>Quality Park Investment Company Building</td>
<td>1577-1579 University Ave. W., St. Paul</td>
<td>Determined eligible (2) (3)</td>
</tr>
<tr>
<td>RA-SPC-3903</td>
<td>St. Paul Casket Company Factory</td>
<td>1222 University Ave, W., St. Paul</td>
<td>Determined eligible (2)</td>
</tr>
<tr>
<td>RA-SPC-3895</td>
<td>Brioschi-Minutti Company Building</td>
<td>908-910 University Ave, W., St. Paul</td>
<td>Determined eligible (2)</td>
</tr>
<tr>
<td>Inventory No.</td>
<td>Property Name</td>
<td>Address</td>
<td>National Register Status</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td>Rath's, Mills &amp; Bell Company Building</td>
<td>823 University Ave. W., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3)</td>
</tr>
<tr>
<td>RA-SPC-3887</td>
<td>Fire Station No. 18</td>
<td>681 University Ave. W., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2)</td>
</tr>
<tr>
<td>RA-SPC-3889</td>
<td>Owens Motor Company Building</td>
<td>709-719 University Ave. W., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2)</td>
</tr>
<tr>
<td>RA-SPC-3877</td>
<td>Minnesota Milk Company Building</td>
<td>370-378 University Ave. W., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) (3)</td>
</tr>
<tr>
<td>RA-SPC-3868</td>
<td>Ford Motor Company Building</td>
<td>117 University Ave. W., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2)</td>
</tr>
<tr>
<td>RA-SPC-3867</td>
<td>Norwegian Evangelical Lutheran Church</td>
<td>105 University Ave. W., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2)</td>
</tr>
<tr>
<td>RA-SPC-5619</td>
<td>State Capitol Mall Historic District</td>
<td>University Ave and Robert St., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1) (2) (3)</td>
</tr>
<tr>
<td>RA-SPC-0229</td>
<td>Minnesota State Capitol</td>
<td>75 Constitution Ave., St. Paul</td>
<td>Listed</td>
</tr>
<tr>
<td>RA-SPC-0557</td>
<td>Minnesota Historical Society Building</td>
<td>690 Cedar St, St. Paul</td>
<td>Listed</td>
</tr>
<tr>
<td>RA-SPC-6109</td>
<td>State Capitol Power Plant</td>
<td>691 Robert St., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td>Note: also included in historic district (RA-SPC-5619)</td>
<td></td>
<td>(2)</td>
</tr>
<tr>
<td>RA-SPC-0553</td>
<td>Central Presbyterian Church</td>
<td>500 Cedar St, St. Paul</td>
<td>Listed</td>
</tr>
<tr>
<td>RA-SPC-0554</td>
<td>St. Louis, King of France Church and Rectory</td>
<td>506 Cedar St., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1)</td>
</tr>
<tr>
<td>RA-SPC-1200</td>
<td>St. Agatha's Conservatory of Music and Fine Arts</td>
<td>26 Exchange St., St. Paul</td>
<td>Listed</td>
</tr>
<tr>
<td>RA-SPC-5452</td>
<td>Shubert (Fitzgerald) Theater</td>
<td>10 Exchange St. and 494 Wabasha Street</td>
<td>Determined eligible</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>(1) (3)</td>
</tr>
<tr>
<td>RA-SPC-5222</td>
<td>Minnesota Building</td>
<td>46 E. 4th St., St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1) (3)</td>
</tr>
<tr>
<td>Historic District</td>
<td>St. Paul Urban</td>
<td>Approximately</td>
<td>Determined eligible</td>
</tr>
</tbody>
</table>

Attachment A – Programmatic Agreement
Central Corridor Light Rail Transit Project
## ATTACHMENT A
Properties Determined Eligible for or Listed on the National Register of Historic Places

<table>
<thead>
<tr>
<th>Inventory No.</th>
<th>Property Name</th>
<th>Address</th>
<th>National Register Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA-SPC-3167</td>
<td>Renewal</td>
<td>Wabasha, Kellogg, Robert, and East 6th St., St. Paul</td>
<td>(3)</td>
</tr>
<tr>
<td>RA-SPC-4645</td>
<td>Pioneer Press Building</td>
<td>336 Robert St N, St. Paul</td>
<td>Listed</td>
</tr>
<tr>
<td>RA-SPC-5223</td>
<td>First National Bank Building</td>
<td>107 E. 4th St, St. Paul</td>
<td>Determined eligible</td>
</tr>
<tr>
<td>RA-SPC-4580</td>
<td>Endicott Building</td>
<td>141 E. 4th St, St. Paul</td>
<td>Listed</td>
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<tr>
<td>RA-SPC-5225</td>
<td>Lowertown Historic District</td>
<td>Vicinity of Kellogg Blvd &amp; Jackson, 7th and Broadway Sts, St. Paul</td>
<td>Listed (2)</td>
</tr>
<tr>
<td></td>
<td>Also included in Lowertown Historic District</td>
<td>St. Paul Union Depot Including elevated railroad track deck (determined eligible)</td>
<td>214 E. 4th St, St. Paul</td>
</tr>
</tbody>
</table>

1 Property studied in: *Phase I and II Cultural Resources Investigations of the Central Corridor, Volume I*, BRW, Inc., 1995

2 Property studied in: *Phase II Architectural History Investigation for the Proposed Central Transit Corridor Study*, The 106 Group, Inc. 2003-2004

Central Corridor LRT Project
Section 106 - Area of Potential Effect

Central Corridor LRT Programmatic Agreement (West Project Area)
Attachment B1
Central Corridor LRT Project
Section 106 - Area of Potential Effect

Central Corridor LRT Programmatic Agreement (East Project Area)
Attachment B2
Archeological Investigation Plan
for the
Central Corridor LRT Project
February 2, 2009

The Mn/DOT Cultural Resources Unit staff conducted documentary research and discussed their findings with SHPO staff and two local experts on the Twin Cities streetcar system in December 2008. The parties agreed that the water, sewer and streetcar infrastructure beneath streets to be opened during LRT construction is largely understood. However, two areas of archaeological interest were identified. These are potential remnants of Minneapolis’ and Saint Paul’s early wooden water mains systems and a metal conduit housing the cable that operated Saint Paul’s early (1880s) cable car system along 4th Street.

- All archeological work and documentation will be carried out under the direct supervision of an individual meeting the Secretary of the Interior’s Professional Qualification Standards for a professional in historic archaeology (31 CFR 60).

Early Water Infrastructure
Municipal records and Twin Cities’ histories document a water mains system constructed of cast iron and cement, vitrified clay, and brick. Wood was likely used to construct systems that predated record keeping; for example, in one known instance, along Washington Avenue in Minneapolis. Although background research did not indicate any specific locations where early wooden pipes are likely to have been laid within the LRT area of potential effect (APE), there is some limited potential for such features to be present.

- If wooden pipes are discovered during construction, the Metropolitan Council (MC) will ensure that the procedures outlined in Stipulation XI.A of the MOA are implemented.

Early Cable Car Infrastructure - 4th Street
The cable that operated cars along 4th Street was housed beneath the surface of the street in a cast-iron collar or within a series of cast-iron yokes. The conduit system was likely located down the center of the street and may have been enclosed in brick or concrete. The MC is currently planning to begin LRT related work along 4th Street during 2009.

- The MC will ensure that a qualified historical archaeologist (Secretary of the Interior’s Standards 36 CFR 61) monitors excavation along 4th Street to ascertain whether all or portions of the cable conduit remain.
- If this feature does remain, the MC will ensure that it is documented through photographs, measured drawings, and descriptive text.
- Following documentation, the MC will work with the Minnesota Streetcar Museum to determine whether any cable car system components can be salvaged for potential interpretive use by the museum.
All Other Areas
Deeper LRT construction excavation will occur within areas that have historically been streets. Beyond the 4th Street cable car conduit and the possibility for remnants of early wooden pipes, there is no basis to anticipate archaeological resources directly associated with anything other than well-documented transportation activities and utility construction. Materials that are likely to be encountered but are not of archaeological interest include:

- Remnants of the old streetcar tracks and pavers
- Remnants of clay, cast iron, concrete or steel pipes
- Artifacts scattered in fill or occasional isolated artifacts (e.g., bricks, bottles, broken dishes, coal cinders, nails, pieces of lumber, etc.)

It is possible, although not likely, that construction excavation will encounter features or materials that are of archaeological interest. If any of the materials below are discovered during construction, the MC will ensure that the procedures outlined in Stipulation XI.A of the MOA are implemented.

- Wooden water main pipes (as discussed above)
- Potentially ancient objects (e.g., stone points, pottery, animal or human bones), although, it is not likely that any of these survive beneath the modern roadway and fill
Appendix B

Summary Matrix of Historic Properties, Statuary, and Protection Procedures
### Appendix B. Summary Matrix for the Construction Protection Plan

#### Central Corridor Light Rail Transit (CCLRT) Project

<table>
<thead>
<tr>
<th>Property</th>
<th>PRE-CONSTRUCTION Survey</th>
<th>CONSTRUCTION</th>
<th>POST-CONSTRUCTION / OPERATIONS¹</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Special Provisions</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Vibration Monitoring</td>
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</tr>
<tr>
<td></td>
<td>Ground-borne Vibration Mitigation</td>
<td></td>
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<tr>
<td></td>
<td>Aerial Noise Mitigation</td>
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<td>Special Provisions</td>
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</tr>
<tr>
<td></td>
<td>Limit (PPV in/sec)</td>
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<table>
<thead>
<tr>
<th>Project</th>
<th>Pre-Construction Survey</th>
<th>Construction</th>
<th>Post-Construction / Operations¹</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Special Provisions</td>
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<td></td>
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<tr>
<td></td>
<td>Vibration Monitoring</td>
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<td></td>
<td>Ground-borne Vibration Mitigation</td>
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<tr>
<td></td>
<td>Aerial Noise Mitigation</td>
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<td></td>
<td>Special Provisions</td>
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</tbody>
</table>

1. **Operations**: this category is included in the CPP, because construction will implement measures to mitigate adverse effects to particular historic properties in the Area of Potential Effects (APE).

2. **Historic districts**: Only contributing elements are listed here by street address/historic name, as available, and (modern name), as available.
### Appendix B. Summary Matrix for the Construction Protection Plan

#### Central Corridor Light Rail Transit (CCLRT) Project

<table>
<thead>
<tr>
<th>Property</th>
<th>Pre-Construction Survey</th>
<th>Special Provision</th>
<th>CONSTRUCTION</th>
<th>Noise Mitigation</th>
<th>Special Provision</th>
<th>POST-CONSTRUCTION / OPERATIONS</th>
<th>Ground-Borne Vibration Mitigation</th>
<th>Airborne Noise Mitigation</th>
<th>Special Provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Central Corridor Light Rail Transit (CCLRT) Project</strong></td>
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<tr>
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<td><strong>Limit (PPV in/sec)</strong></td>
<td>0.12</td>
<td>0.50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Minnesota Transfer Railway Co. Historic District**

- Main Line north & west sides of W. Univ. Av. crossing
- Bridge over W. Univ. Av.
- 1885 W. Univ. Av. / Kunik Bldg. (Iris Park Place)
- 1884 W. Univ. Av. / Pick's Drive-In Restaurant
- 1821 W. Univ. Av. / Griggs, Cooper & Co. Sanitary Food Manufacturing Plant
- 1777-1579 W. Univ. Av. / Quality Park Investment Co. Bldg. (Midwest Books)
- 1222 W. Univ. Av. / St. Paul Casket Co. Factory
- 831 W. Univ. Av. / Fire Station No. 18
- 1750-1778 W. Univ. Av. / Minnesota Milk Co. Bldg.
- 105 W. Univ. Av. / Norwegian Evangelical Lutheran Church (Christ Lutheran Church)

**State Capitol Mall Historic District**

- 25 Rev. Dr. Martin Luther King, Jr. Blvd./Minnesota State Capitol
- 25 Rev. Dr. Martin Luther King, Jr. Blvd./Minnesota Historical Society Bldg. (Judicial Center)
- 691 Robert St./State Capitol Power Plant
- 100 W. Univ. Av./Leif Erikson Lawn, including Leif Erikson Statue

**Saint Paul Urban Renewal Historic District**

- 15 Exchange St. / St. Agatha's Conservatory of Music and Fine Arts (Exchange Bldg.)
- 500 Cedar St. / Central Presbyterian Church
- 506 Cedar St. / St. Louis, King of France Church and Rectory
- 50 Cedar St. / First Federal Savings & Loan Bldg.
- 332 Minnesota St./First National Bank Bldg.
- 340 Cedar St./Saint Paul Athletic Club
- 141 E. 4th St. / Endicott Bldg.

---

1. **Operations**: this category is included in the CPP, because construction will implement measures to mitigate adverse effects to particular historic properties in the Area of Potential Effects (APE).

2. **Historic districts**: Only contributing elements are listed here by street address/historic name, as available, and (modern name), as available.
# Appendix B. Summary Matrix for the Construction Protection Plan  
**Central Corridor Light Rail Transit (CCLRT) Project**

## PROTECTION MEASURES

<table>
<thead>
<tr>
<th>Property</th>
<th>PRE-CONSTRUCTION</th>
<th>CONSTRUCTION</th>
<th>POST-CONSTRUCTION / OPERATIONS&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Survey</td>
<td>Special Provision</td>
<td>Limit (PPV in/sec)</td>
<td>Noise Mitigation</td>
</tr>
<tr>
<td>Lowertown Historic District&lt;sup&gt;2&lt;/sup&gt;</td>
<td></td>
<td></td>
<td>0.12</td>
<td>0.50</td>
</tr>
<tr>
<td>214 E. 4&lt;sup&gt;th&lt;/sup&gt; St. / St. Paul Union Depot, including elevated railroad track deck</td>
<td>X</td>
<td>-</td>
<td>X</td>
<td>E</td>
</tr>
<tr>
<td>331-141 Sibley St. at NW corner of Sibley &amp; E. 4&lt;sup&gt;th&lt;/sup&gt; Sts. / Gordon &amp; Ferguson Bldg.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>249-253 E. 4&lt;sup&gt;th&lt;/sup&gt; St. / Michaud Brothers Bldg.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>262-270 E. 4&lt;sup&gt;th&lt;/sup&gt; St. / Hackett Block</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>275 E. 4&lt;sup&gt;th&lt;/sup&gt; St. / Chicago, St. Paul, Minneapolis &amp; Omaha Railroad Office Bldg.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
</tr>
<tr>
<td>300 E. 4&lt;sup&gt;th&lt;/sup&gt; St. / St. Paul Rubber Co. Bldg.</td>
<td>-</td>
<td>-</td>
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<td>X</td>
</tr>
<tr>
<td>308 Prince St. / Northern Pacific Railway Warehouse</td>
<td>-</td>
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<td>X</td>
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<tr>
<td>205-213 E. 4&lt;sup&gt;th&lt;/sup&gt; St. / unnamed historic bldg. (Samco Sportswear Co. Bldg.)</td>
<td>-</td>
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</tr>
</tbody>
</table>

### Key to Symbols

#### Pre-Construction

- **X**: Historic property to be documented by the CONTRACTOR within 50 feet of the CCLRT route.
- **A**: Conservator to complete baseline inspection of statue and install protection measures, if necessary.
- **B**: Secure lawn (Leif Erikson Park) with protective fencing; temporarily store off-site rock marker from Prospect Park triangle.
- **C**: Remove or secure glass shades of wall sconces.
- **D**: Repair or secure loose sheet metal.

#### Construction

- **X**: The vibration limit and where monitoring will be performed. The limit of 0.5 in/sec PPV is applicable to all of the other buildings.
- **E**: Use original equipment manufacturer (OEM) or high-performing mufflers on equipment; regular inspection & maintenance of construction machinery; limiting machinery on-site; perform noisier activities off-site until infeasible or impossible; stick to proper machinery usage & power - no machinery overkill; specify noise barriers and machinery enclosures where feasible.
- **F**: Refrain from routine horn use and limit horn use to emergency situations; reduce calibrated sound level of bell or reduce bell duration; ensure consistency of horn & bell sound pressure level throughout the fleet.

#### Post-Construction/Operations

- **G**: Use high-resilience direct-fixation fasteners to mitigate ground-borne vibration impacts during operations.
- **H**: Use floating slab-trackbed or design equivalent to mitigate ground-borne vibration impacts during operations.
- **I**: Remove lawn security from Leif Erikson Park and reset rock marker in reconstructed Prospect Park triangle.
- **J**: Reinstall glass shades of wall sconces, if removed pre-construction.
- **K**: Historic Architect to complete post-construction survey of historic property.
- **L**: Conservator to complete post-construction inspection of Leif Erikson statue and recoat statue with protective covering (wax or equivalent).

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<sup>1</sup> **Operations:** This category is included in the CPP, because construction will implement measures to mitigate adverse effects to particular historic properties in the Area of Potential Effects (APE).

<sup>2</sup> **Historic districts:** Only contributing elements are listed here by street address/historic name, as available, and (modern name), as available.