



July 1, 2013

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Re: Comments submitted at 6.17.13 Section 106 Consulting Party Meeting for Headquarters Road
Bridge over Tincum Creek

Dear Ms. Otto and Mr. Ryan:

The Delaware Riverkeeper Network would like to submit these additional comments to supplement those submitted the evening of June 17, 2013 at the 106 Consulting Party meeting. In addition, we would like you to know that we have engaged a series of experts who are reviewing materials as they become available and are preparing expert reports that we will be submitting as they become available. The timeliness of these expert reports will of course depend upon our ability to get full access to the project files and documentation.

We would like to begin by reiterating what was repeatedly discussed at the June 17, 2013 106 Consulting Party meeting: we would like full access to the full public record and all files that are part of the Headquarters Road project. Documents can be provided or we are happy to come to your offices to sit down and review the files on location, whatever is most expedient. While we appreciate that there are documents on the Project Path website, this is not the full array of documents that have been used to consider, discuss or inform PennDOT thinking on the Headquarters Road project and so should not be seen as being fully responsive to our request.

We are unable to specifically name all of the documents we would like to receive because we are not fully informed about what exists in your files, and therefore submit a blanket request.

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At the 106 Consulting Party meeting on June 17th, there was specific discussion about the following materials (but again, this list is not the full breadth of documentation we want to review, we would like to review the whole file):

- Copies of all powerpoint documents from meeting (already provided);
- Any documents from Urban Engineers regarding their February 2013 site visit, including but not limited to all letters, emails, memos, reports or documents regarding that site visit and in the possession of PennDOT;
- All inspection reports for the bridge in the possession of PennDOT;
- An update on the status of DRN's Right to Know request;
- All past, present and current traffic counts with identification of which of these figures were used in PennDOT decision-making to date;
- Any information on the emergency vehicles as pertains to the Bridge; and
- All past and present accident data for the Bridge.

Project's Purpose and Need Statement Deficient: As asserted in our previous comment, we believe the project's Purpose and Need Statement is deficient and fails to best serve the 106 process. The Purpose and Need Statement provided for the June 17 meeting is more a statement of condition than a statement need. A revised Purpose and Need Statement should include:

- A safe bridge that can serve the traffic needs of the Tinicum Township community in a timely fashion.
- Preservation of the historic characteristics of the bridge so it can continue to serve the Historic District designation, support the economic values it brings to the community, and continue to support the goal of environmental protection including supporting the Wild & Scenic designation of which it is a part.
- Protection of private property rights as is in keeping with the policies and goals of the Commonwealth of Pennsylvania.
- Elimination of current text in the Purpose and Need Statement that precludes bridge rehabilitation as a viable option and presumes bridge replacement as the superior option.

At the meeting, the FHWA representative said that the purpose and needs statement for this project was developed through the DVRPC and the TIP process. He also said, "So the purpose and needs statement is not supposed to be so concise or specific so as to prevent looking at alternatives but it is supposed to direct or drive decision making towards certain decisions." Given that the purpose and need is in fact intended to drive decision making towards certain decisions, decisions that were reached through an alternative process that included DVRPC and PennDOT in the TIP process, we are concerned about the quality and quantity of information and public participation that was part of that process. And so we ask in the first instance that we are provided a full copy of the public record associated with the creation of the purpose and need to date, and ask that once that information has been received and digested, that the issue be visited at a future 106 Consulting Party meeting as a formal agenda item for which adequate time for consideration is given.

It is important that PennDOT is also considering preservation of the deck structure as well as the piers and substructure of the bridge, as the 1919 deck structure supports the characteristics that are the focus of the Historic District designation.

PennDOT talked about the Bridge being functionally obsolete: please define this term for us so we may respond.

We reiterate that the assertion of heavy scour and impacts to structural elements such as wingwalls cannot be used to justify the invasive removal and reconstruction of the bridge. These are issues that will affect any bridge, albeit in different ways, and so to the extent they are to be raised as issues of concern PennDOT needs to include how these issues, upstream and instream, would be handled any differently with a new bridge as compared to a rehabilitated one, and why a new bridge is required in order to take those steps of addressing stream flows.

During the presentation, the Urban Engineers representative said that they used the 2008 AASHTO Standards versus 2006. Was PennDOT aware of this use? How does PennDOT justify the use of 2008 by Urban Engineers when PennDOT itself uses the 2006 standards? Did PennDOT approve of the use of the 2008 standards?

PennDOT Maintenance Deficiencies and Historical Recognition: The Urban Engineers presentation at the meeting made clear that much of the asserted degradation of the bridge was the result of the maintenance practices, and lack thereof, of PennDOT. PennDOT must not be allowed to benefit from its own maintenance shortcomings and be allowed to use them as a means for securing the pre-determined outcome it has already reached (i.e., new oversized bridge in total).

In the presentations at the meeting it was suggested, through the materials and information referenced, that the Headquarters Road bridge was not an individually contributing factor to the Historic District designation. This is a false premise based on inaccurate information regarding the age of the bridge that has been debunked on the record and so we ask that at the next meeting a clear concise statement as to PennDOT's current position regarding the contributing status of the bridge be presented so that we can understand its position and challenge it or support it as appropriate.

Proposed Agenda Items: PennDOT asked that we provide recommendations for agenda items for upcoming meetings. To that end, we make the following recommendations:

The next meeting agenda should include:

- Discussion of the Purpose and Need document with a goal of a statement that all consulting parties can agree upon;
- Discussion of how FHWA plans to expand the review process to include Section 4(f) review and NEPA review, including disclosure of any plans regarding NEPA categorical exclusion claims;
- Urban engineers finishing up their presentation;
- A presentation by McMullen Associates.

Subsequent meeting agendas should include:

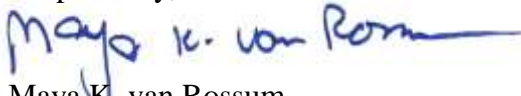
- Presentation by the Delaware Riverkeeper Network's two hired experts focused on the historic elements of the bridge;
- Presentation by the Delaware Riverkeeper Network's hired expert examining daily traffic and safety issues surrounding the structure;

- Presentation by John Nystedt, Delaware Riverkeeper Network Restoration Director, regarding stream scour and erosion issues;
- Presentation by the Delaware Riverkeeper Network's hired engineer looking at stream flow issues.

We also suggest that future 106 meetings are held for a longer duration and at a more convenient location.

We also would like all future meetings to be videotaped; the Delaware Riverkeeper Network is fully prepared to provide that service, or PennDOT can provide it. But videotaping the meetings to ensure an accurate accounting of what was discussed is important, particularly for such a controversial issue as this one. The suggestion that handwritten notes taken by folks in the room will suffice is not responsive to the need for accurate reporting -- especially when some of the folks who raised their hands to indicate they were among those taking the meeting minutes were also presenters during the meeting (specifically the representative from AD Marble Company). If videotaping is not agreeable then we ask that a stenographer be present.

Respectfully,

A handwritten signature in blue ink that reads "Maya K. van Rossum". The signature is written in a cursive, flowing style.

Maya K. van Rossum
the Delaware Riverkeeper