

**PROGRAMMATIC AGREEMENT (PA)  
AMONG THE FEDERAL HIGHWAY ADMINISTRATION (FHWA),  
THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER  
(PASHPO), AND  
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER (NJSHPO)  
PURSUANT TO 36 CFR SECTION 800.6(b)(1)  
REGARDING THE  
I-95/SCUDDER FALLS BRIDGE IMPROVEMENT PROJECT  
LOWER MAKEFIELD TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA AND  
EWING TOWNSHIP, MERCER COUNTY, NEW JERSEY**

WHEREAS, the Delaware River Joint Toll Bridge Commission (DRJTBC) is proposing to construct the I-95/Scudder Falls Bridge Improvement Project (Project) in Lower Makefield Township, Bucks County, Pennsylvania and Ewing Township, Mercer County, New Jersey, described as the Proposed Action in Chapter III, Section D of the Environmental Assessment (EA) entitled "I-95/Scudder Falls Bridge Improvement Project Environmental Assessment" and dated October 2009; and

WHEREAS, the DRJTBC is the Project sponsor and the Federal Highway Administration (FHWA) is serving as the Project lead federal agency pursuant to the National Environmental Policy Act (NEPA, codified as 42 USC 4321 *et seq.*), and is the federal agency responsible for compliance with Section 106 of the National Historic Preservation Act (codified at 16 USC § 470f, and herein "Section 106"); and

WHEREAS the FHWA and the DRJTBC have established the Project's area of potential effect (APE), as defined at 36 CFR Part 800.16(d), as shown in Figure II-4 of the EA (Attachment 1); and

WHEREAS, the FHWA and the DRJTBC, pursuant to 36 CFR Part 800.4(c), have determined in consultation with the PASHPO that the following properties in Pennsylvania are eligible for the National Register of Historic Places (NRHP): Elm Lowne, as described in the Determination of Effect Report, dated September 2008, and the archaeological site 36Bu379, as described in the Phase I Archaeology Report, dated January 2008; and

WHEREAS, the FHWA and the DRJTBC, pursuant to 36 CFR Part 800.4(c), have determined in consultation with the PASHPO that the following property in Pennsylvania is a National Historic Landmark (NHL): the Delaware Canal, as described in the Determination of Effect Report, dated September 2008; and

WHEREAS, pursuant to 36 CFR Part 800.5(a) the FHWA and the DRJTBC have determined in consultation with the PASHPO that the Project will have no adverse effect on Elm Lowne and a conditional no adverse effect on the Delaware Canal, contingent on a review of related Project plans, photographs, architectural drawings, and specifications and their conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and

WHEREAS, pursuant to 36 CFR Part 800.5(a), as a result of Phase I studies conducted for the project, the FHWA and the DRJTBC have determined in consultation with the PASHPO that there is an eligible site, 36Bu379, a Phase III data recovery plan will be conducted at Site 36Bu379; and

WHEREAS, pursuant to 36 CFR Part 800.5(a), the FHWA and the DRJTBC in consultation with the PASHPO have determined that archaeological survey will occur in the area of causeway construction across the southern portion of Park Island in the Delaware River to determine the presence of intact cultural resources and the NRHP eligibility of any such resources. If resources are present and are deemed potentially eligible, a Phase III data recovery plan will be implemented at this location if the resources cannot be avoided or preserved in place; and

WHEREAS, the FHWA and the DRJTBC, pursuant to 36 CFR Part 800.4(c), have determined in consultation with the NJSHPO that the following properties in New Jersey are eligible for the NRHP: the Charles S. Maddock House; and the New Jersey State Police Headquarters Historic District (NJSPHQ), as described in the Historic Structures Survey, Determination of Eligibility and Determination of Effect Report, dated September 2008; and

WHEREAS, the FHWA and the DRJTBC, pursuant to 36 CFR Part 800.4(c), have determined in consultation with the NJSHPO that archaeological site 28Me360, as described in the Phase I Archaeology Report, dated January 2008, requires further testing to assess significance of the site; and

WHEREAS, the FHWA and the DRJTBC, pursuant to 36 CFR Part 800.4(c), have determined in consultation with the NJSHPO that the following property in New Jersey was listed in the NRHP on May 11, 1973: the Delaware and Raritan Canal; and

WHEREAS, pursuant to 36 CFR Part 800.5(a) the FHWA and the DRJTBC have determined in consultation with the NJSHPO that the Project will have no adverse effect on the Charles S. Maddock House and the New Jersey State Police Headquarters Historic District (NJSPHQ); and

WHEREAS, pursuant to 36 CFR Part 800.5(a), the FHWA and the DRJTBC have determined in consultation with the NJSHPO that the Project will have an adverse effect on the Delaware and Raritan Canal; and

WHEREAS, pursuant to 36 CFR Part 800.5(a), the FHWA and the DRJTBC in consultation with the NJSHPO have determined that for areas previously inaccessible for archaeological testing that will be affected by the project, including any detention or retention basin(s) is to be located in the southern loop of the NJ Route 29 interchange with I-95, preliminary archaeological investigations will be conducted to determine the presence or absence of intact cultural resources and the NRHP eligibility of any such resources. If resources are present and deemed eligible, a Phase III data recovery plan will be implemented at this location. Further, if piers are placed within or in the immediate vicinity of the Trenton Water Power Channel, preliminary archaeological investigations will be conducted to expose and record construction features including channel profile; and

WHEREAS, pursuant to 36 CFR Part 800.6(a), the FHWA and the DRJTBC have consulted with the NJSHPO to resolve the adverse effect of the Project on historic properties; and

WHEREAS, pursuant to 36 CFR Part 800.6(a), the FHWA and the DRJTBC have determined in consultation with the PASHPO and the NJSHPO that it is necessary to develop protection measures to protect the Delaware Canal and the Delaware and Raritan Canal, respectively during construction activities; and

WHEREAS, pursuant to 36 CFR Part 800.6(a), the FHWA has invited the Advisory Council on Historic Preservation (ACHP) to participate in the Section 106 process for the I-95/Scudder Falls Bridge Improvement Project; and in a response letter dated July 29, 2009, the ACHP has declined to be a signatory to this PA; and

WHEREAS, pursuant to 36 CFR Part 800.6(a), the FHWA has consulted with the PASHPO, NJSHPO, U.S. Army Corps of Engineers (USACE) – Philadelphia District, the Delaware Canal State Park, the Friends of the Delaware Canal, the Elm Lowne Preservation Committee, the Society for Pennsylvania Archaeology, the Lower Makefield Township Board of Supervisors, State Representative Honorable David J. Steil, and the Pennsylvania Archaeological Council in Pennsylvania; and Ewing Township, the Delaware and Raritan Canal Commission (D&RCC), Mercer County, New Jersey Green Acres Program and the Division of Parks and Forestry in New Jersey to resolve the adverse effects of the Project on historic properties; and

WHEREAS, pursuant to 36 CFR Part 800.6(c), the FHWA has also invited the PASHPO, NJSHPO, DRJTBC, the Pennsylvania Department of Transportation (PennDOT), the New Jersey Department of Transportation (NJDOT), and federally recognized Indian Tribes (Tribes) that may attach religious and/or cultural significance to any affected property within the APE pursuant to 36 CFR Part 800.3(f)(2), namely the Absentee-Shawnee Tribe of Oklahoma, the Delaware Nation, and the Shawnee Tribe, to participate in the consultation and to concur in this PA; and

WHEREAS, pursuant to 36 CFR Part 800.6(c), the DRJTBC, PennDOT, and NJDOT have agreed to be concurring parties in this PA; and

WHEREAS, the FHWA has involved, and will continue to involve the public, the Tribes, and historic interest groups, as stipulated under the NEPA of 1969, as amended, and the National Historic Preservation Act (NHPA) as amended [16 U.S.C. § 470], and its implementing regulations (36 CFR Part 800) in a manner consistent with PennDOT's and NJDOT's Public Involvement Procedures and PennDOT's procedures for Native American Coordination and Consultation;

NOW, THEREFORE, the FHWA, the PASHPO, and the NJSHPO agree that upon FHWA's decision to proceed with the Project, FHWA shall ensure that the following stipulations are implemented in order to take into account the adverse effect of the undertaking on historic properties.

## STIPULATIONS

All parties to this PA have reviewed the Project with regard to historic resource mitigation, interpretation and acquisition issues, and as a consequence of the same, the DRJTBC agrees to the following stipulations. The FHWA shall ensure that the following stipulations are implemented by the DRJTBC.

- I. Archaeological Resources
  - A. The DRJTBC will undertake geoarchaeological assessment investigations at the southern loop of the NJ Route 29 interchange with I-95 if a detention or retention basin is placed in this loop. Such investigations will be followed by archaeological investigations and/or data recovery investigations if the geoarchaeological assessment indicates such approaches are warranted.
  - B. The DRJTBC will conduct a geomorphological assessment of the area of the causeway construction across the southern end of Park Island in the Delaware River followed by Phase I archaeological testing if warranted. If archaeological resources are identified in this area, Phase II testing will be conducted to evaluate these resources and determine if they are eligible for listing in the NHRP. If eligible archaeological resources are present and cannot be avoided by construction or preserved in place, Phase III data recovery will be conducted.
  - C. The DRJTBC will implement Phase I archaeological testing in an area of high potential in the T2 Terrace in Pennsylvania that is adjacent to and possibly associated with 36Bu379 (see Stipulation I.G) and has not yet been surveyed because access to the property has been limited. If archaeological resources are identified in this area, Phase II testing will be conducted to evaluate these resources and determine if they are eligible for listing in the NRHP. If these resources are determined to be eligible for the NRHP, a Data Recovery Workplan will be prepared. The workplan will include research, fieldwork, analysis, report preparation, and public outreach. The Data Recovery Workplan will be developed by the FHWA and the DRJTBC in consultation with the PASHPO.
  - D. The DRJTBC will implement a Phase II excavation at 28Me360 with the purpose of assessing the NRHP eligibility of the site. If the site is determined eligible and if the FHWA and the DRJTBC in consultation with the NJSHPO determine that a sufficient portion of the site remains to warrant further excavation, a Data Recovery Workplan will be prepared. The workplan will include research, fieldwork, analysis, report preparation, and public outreach. The Data Recovery Workplan will be developed by the FHWA and the DRJTBC in consultation with the NJSHPO.

- E. If, during final design, the NJDOT, in consultation with the NJHPO, determines that the Trenton Water Power Channel will be impacted by the project, FHWA and the DRJTBC will develop a plan for the archaeological recordation of construction features related to the Trenton Water Power Channel. This plan shall be submitted to the NJHPO for review and approval. Such approval will not be unreasonably withheld.
- F. The DRJTBC will undertake preliminary archaeological investigations to record construction features including the channel profile related to the Trenton Water Power Channel under the Scudder Falls Bridge in New Jersey in accordance with the approved plan for archaeological recordation referenced above, if it is determined by the NJHPO during final design that the proposed bridge pier construction will impact the location of the channel.
- G. The DRJTBC will implement a Data Recovery Workplan for 36Bu379 including research, fieldwork, analysis, report preparation, and public outreach, or an alternative mitigation program. The Data Recovery Workplan or alternative mitigation program will be developed by the FHWA and the DRJTBC in consultation with the PASHPO.
- H. If any human remains and grave-associated artifacts are encountered during the archaeological investigations, FHWA will bring this to the attention of the PASHPO and NJSHPO, as appropriate, and any federally recognized Tribes that may attach religious and/or cultural significance to the affected property within 24 hours of the discovery. No activities that might disturb or damage the remains will be conducted until all parties have determined whether excavation is necessary and or/desirable. All procedures will follow the guidance outlined in the National Park Service Publication *National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places*, the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601), as appropriate, and the PASHPO's *Policy for the Treatment of Burials and Human Remains* (1993) and/or NJSHPO's *Archaeology and Ethnology Guidelines* (2005), as appropriate.
- I. The DRJTBC or their consultant will prepare reports on the data recovery excavations for review and comment by the FHWA, the PASHPO, and NJSHPO, as appropriate, and any interested federally recognized Tribes. The report shall meet professional standards set forth by the Department of the Interior's *Format Standards for Final Reports of Data Recovery Program* (42 FR 5377-79) and will be consistent with the Bureau for Historic Preservation/Pennsylvania Historical and Museum Commission's *Cultural Resource Management in Pennsylvania: Guidelines for Archaeological Investigations* (July 1991) for reports prepared for the PASHPO. Reports prepared for the NJSHPO will be consistent with *Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources, Guidelines for Preparing Cultural Resources Management Archaeological Report Submitted to the Historic Preservation Office*, and the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, September 29, 1983. A draft report will be completed within one year of the conclusion of fieldwork. Any comments provided by the PASHPO and NJSHPO, as appropriate, or

other consulting parties will be considered in the preparation of the final report. A final report will be completed and submitted within one year of the close of the comment period.

- J. All records and materials resulting from the archaeological investigations that are not privately owned will be curated in accordance with 36 CFR § 79 and the curation guidelines developed by the PASHPO (June 2003) or NJSHPO's Archaeology and Ethnology Guidelines (2005), as appropriate. If the DRJTBC has not purchased the Right-of-Way at the time of the Data Recovery excavations, the DRJTBC shall request that the property owner sign a gift agreement donating the artifacts to the State Museum of Pennsylvania or the New Jersey State Museum, as appropriate. In Pennsylvania, all records and all artifacts not privately owned will be curated by the DRJTBC at the PASHPO in Harrisburg, or its designee, following the policies of that institution. The DRJTBC will be responsible for the curation fee of three hundred-fifty dollars (\$350) per cubic foot. In New Jersey, if the site is determined by the NJSHPO to have statewide or national significance, the DRJTBC will curate all records and all artifacts not privately owned to the NJ State Museum, or if the site is determined to have local significance, to an undetermined designee selected in consultation with the NJSHPO, following the policies of the selected institution. The DRJTBC will be responsible for any related fees at the selected institution. If the final repository of the artifacts recovered in New Jersey is determined to be the NJ State Museum, then the DRJTBC will be responsible for the curation fee of three hundred-fifty dollars (\$350) per Hollinger storage box.

## II. Historic Structures

### A. The Delaware and Raritan Canal and the Delaware Canal

DRJTBC, in consultation with consulting parties, shall develop an appropriate and compatible design for the replacement structure that is sensitive to historic properties in the immediate vicinity, as per the measures outlined in Stipulations II.A.1, II.B, and II.C.

#### 1. Minimization through Design

- a) To minimize visual impacts to the Delaware and Raritan Canal, the DRJTBC will design the piers of the I-95/Scudder Falls Bridge and NJ Route 29 interchange bridges to be the smallest size allowed by engineering design. The piers will be treated with an aesthetic finish to be agreed upon in consultation with the NJSHPO and consulting parties during the final design phase of the Project. Guidelines for the appearance of the aesthetic finish, including any available photographs and specifications, will be provided to the DRJTBC in advance of the preparation of test panel(s). Test panels will be constructed by the contractor, as many times as are reasonable and necessary, for review and approval by representatives of the NJSHPO, D&RCC, and Delaware and Raritan Canal State Park. Such approval will not be unreasonably withheld.

- b) To preserve openness along the Delaware and Raritan Canal under the bridges, the DRJTBC will use pier configurations that will accommodate concerns of openness and are consistent with FHWA and NJDOT design standards.
- c) To minimize impacts to the earthen embankment adjacent to the Delaware and Raritan Canal along Upper River Road beneath the proposed I-95/Scudder Falls Bridge, the DRJTBC will design the Project to consider methods to reduce erosion of the embankment.
- d) To minimize runoff of water into the Delaware and Raritan Canal, the DRJTBC will design the drainage system for the new roadways to divert water flow away from the canal prism to the maximum extent possible.
- e) To minimize effects on the Delaware and Raritan Canal, the proposed action will eliminate public use of the existing ramp from River Road (NJ Route 175) to I-95 northbound. The ramp will be gated for use by the NJ State Police.

## 2. Interpretation and Acquisitions

To mitigate for adverse effects of the project on the Delaware and Raritan Canal Historic District, including the acquisition of a portion of the National Register listed property, DRJTBC shall deposit \$2 million to a mitigation fund established in the New Jersey Historic Preservation Office to be used to construct an interpretive swing bridge and/or for other interpretation of the Delaware and Raritan Canal. The \$2 million includes the compensation for the acquisition of State Park property, subject to the approval of the State House Commission. The funds shall be deposited prior to the start of construction within the Delaware and Raritan Canal Historic District. The DRJTBC has completed consultation with the NJHPO, the Delaware and Raritan Canal State Park, and Green Acres, and other than as a consequence of unanticipated discoveries as set forth in Section III(B) of the PA, no additional monies shall be required from DRJTBC.

## B. Consultation Relative to Design Elements

The DRJTBC will consult with the NJSHPO, PASHPO, D&RCC, Delaware Canal State Park, and the Delaware and Raritan Canal State Park, as applicable, concerning the design of the bridge, noise walls, and pedestrian/bicycle facility along the Delaware Canal in Pennsylvania and the Delaware and Raritan Canal in New Jersey.

### C. Construction Protection Plan

To avoid project-related construction damage, the DRJTBC, in consultation with FHWA, the PASHPO, the NJSHPO, the D&RCC, the Delaware Canal State Park and the Delaware and Raritan Canal State Park, will develop for the approval of the PASHPO, NJSHPO, the D&RCC, and the Delaware Canal State Park a construction protection plan for work along the Delaware Canal in Pennsylvania and the Delaware and Raritan Canal in New Jersey prior to any destructive construction activity in the immediate vicinity of the canals. The plan will set forth specific measures that will protect the canal prisms, towpaths, and any related features during the construction period. The construction protection plan will include measures to protect the dry-laid stone wall along the eastern side of the Delaware Canal prism and towpath, immediately north of the existing I-95/Scudder Falls Bridge. The protection plan will provide measures for minimizing direct impacts to the canal prisms and towpaths during the removal of the piers of the existing I-95/Scudder Falls Bridge. In addition, to the extent possible, the plan will indicate that construction areas will be located outside the canal prism and towpath features and will be separated for the safety of towpath users. All areas of known archaeological sensitivity shall be marked on/or referenced in the plans and specifications.

## III. Administrative Stipulations

### A. Personnel Qualifications

All archaeological work carried out pursuant to this agreement will be by or under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualification Standards for Archaeology* and Historic Preservation and all historic preservation work carried out pursuant to this agreement will be by or under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualification Standards* (61 CFR Appendix A).. All work shall conform with the *Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation*, and the New Jersey Historic Preservation Office Guidelines and Pennsylvania guidelines.

### B. Late Discoveries

If any unanticipated discoveries of archaeological sites or historic properties are encountered during the implementation of this undertaking, DRJTBC shall suspend work in the area of the discovery, and FHWA shall comply with 36 CFR Part 800.13 by consulting with the PASHPO or NJSHPO, as appropriate, and, if applicable, federally recognized Tribes that attach religious and/or cultural significance to the affected property. The FHWA will notify the PASHPO or NJSHPO, as appropriate, and, if applicable, any such federally recognized Tribes within one working day of the



discovery. The FHWA, DRJTBC, the PASHPO or NJSHPO, as appropriate, and, if applicable, any such federally recognized Tribes will meet at the location of the discovery within seventy-two (72) hours of the initial notification to determine appropriate treatment of the discovery prior to the resumption of construction activities within the area of discovery.

C. Review Periods

The review period for all submissions will be thirty (30) calendar days from receipt of submission for review. The review of test panels will be accomplished within an immediate and reasonable response time, not to exceed seven (7) days from the date of notification for review.

D. Amendments

Any party to this PA may propose to FHWA that this agreement be amended, whereupon FHWA shall consult with the other parties to this PA to consider such an amendment. 36 CFR Part 800.6(c)(7) shall govern the execution of any such amendment.

E. Resolving Objections

1. Should any party to this PA object in writing to FHWA regarding any action carried out or proposed with respect to the Project or implementation of this PA, FHWA shall consult with the objecting party to resolve the objection. If after initiating such consultation FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the ACHP, including FHWA's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
  - a) Advise FHWA that the ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA shall respond to the objection accordingly;
  - b) Provide FHWA with recommendations, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or
  - c) Notify FHWA that the objection will be referred to comment pursuant to 36 CFR Part 800.7, and proceed to refer the objection and comment. The resulting comment shall be taken into account by FHWA in accordance with 36 CFR Part 800.7(c) (4) and Part 110(1) of NHPA.
2. Should the ACHP not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, FHWA may assume the ACHP's concurrence in its proposed response to the objection.

3. FHWA shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; FHWA's responsibility to carry out all actions under this PA that are not the subjects of the objection shall remain unchanged.

F. Objection Resolution Provision

If the DRJTBC, NJSHPO, and PASHPO or any invited signatory to this PA should object in writing to any measures or their manner of implementation, then FHWA shall notify the parties of this PA and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this PA to resolve the objection.

G. Review of Implementation

If the stipulations have not been initiated within five (5) years after the execution of this PA, the parties to this agreement shall review the PA to determine whether revisions are needed. If revisions are needed, the parties to this PA shall consult in accordance with 36 CFR Part 800 to make such revisions.

H. Sunsetting Duration

If the terms of this PA have not been implemented by ten (10) years from the date of the signed PA, this PA shall be considered null and void. In such event, FHWA shall notify the parties to this PA, and if FHWA chooses to continue with the Project, shall re-initiate review of the Project in accordance with 36 CFR Part 800.

I. Termination

1. If FHWA determines that it cannot implement the terms of this PA, or the PASHPO or NJSHPO, as appropriate, or the ACHP determines that the PA is not being properly implemented, FHWA or the PASHPO or NJSHPO, as appropriate, or the ACHP may propose to the other parties to this PA that it be terminated.
2. The party proposing to terminate this PA shall so notify all parties to this PA, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.
3. Should such consultation fail, FHWA or the ACHP, or the PASHPO or NJSHPO, as appropriate, may terminate the PA by so notifying all parties in writing.
4. Should this PA be terminated, FHWA shall either:
  - a) Consult in accordance with 36 CFR Part 800.6(a)(1) to develop a new PA; or

- b) Request the comments of the ACHP pursuant to 36 CFR Part 800.7(a)(1). The ACHP shall have forty-five (45) days to respond with comments.
- 5. FHWA and the ACHP may conclude the Section 106 process with a PA between them if either the PASHPO or NJSHPO, as appropriate, terminates consultation in accordance with 36 CFR Part 800.7(a)(2).

J. Entire Agreement

This PA represents the entire agreement between the signatories and concurring parties to this PA. Other than the occurrence of unanticipated discoveries as referenced in section III(B) of this PA, all known obligations of the DRJTBC and other signatories and concurring parties concerning historic preservation, mitigation, interpretation and acquisition are set forth in this PA.

Execution of this PA by FHWA, the PASHPO and the NJSHPO, and the implementation of its terms, will be evidence that FHWA has taken into account the effects of the Project on historic properties.

By:   
FEDERAL HIGHWAY ADMINISTRATION

Date: 12-30-10

By: \_\_\_\_\_ Date: \_\_\_\_\_  
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

By: \_\_\_\_\_ Date: \_\_\_\_\_  
NEW JERSEY STATE HISTORIC PRESERVATION OFFICER

- b) Request the comments of the ACHP pursuant to 36 CFR Part 800.7(a)(1). The ACHP shall have forty-five (45) days to respond with comments.
- 5. FHWA and the ACHP may conclude the Section 106 process with a PA between them if either the PASHPO or NJSHPO, as appropriate, terminates consultation in accordance with 36 CFR Part 800.7(a)(2).

J. Entire Agreement

This PA represents the entire agreement between the signatories and concurring parties to this PA. Other than the occurrence of unanticipated discoveries as referenced in section III(B) of this PA, all known obligations of the DRJTBC and other signatories and concurring parties concerning historic preservation, mitigation, interpretation and acquisition are set forth in this PA.

Execution of this PA by FHWA, the PASHPO and the NJSHPO, and the implementation of its terms, will be evidence that FHWA has taken into account the effects of the Project on historic properties.

By: \_\_\_\_\_  
FEDERAL HIGHWAY ADMINISTRATION

Date:

By:  \_\_\_\_\_  
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

Date: 10/18/2010

By: \_\_\_\_\_  
NEW JERSEY STATE HISTORIC PRESERVATION OFFICER

Date:

- b) Request the comments of the ACHP pursuant to 36 CFR Part 800.7(a)(1). The ACHP shall have forty-five (45) days to respond with comments.
5. FHWA and the ACHP may conclude the Section 106 process with a PA between them if either the PASHPO or NJSHPO, as appropriate, terminates consultation in accordance with 36 CFR Part 800.7(a)(2).

J. Entire Agreement

This PA represents the entire agreement between the signatories and concurring parties to this PA. Other than the occurrence of unanticipated discoveries as referenced in section III(B) of this PA, all known obligations of the DRJTBC and other signatories and concurring parties concerning historic preservation, mitigation, interpretation and acquisition are set forth in this PA.


Execution of this PA by FHWA, the PASHPO and the NJSHPO, and the implementation of its terms, will be evidence that FHWA has taken into account the effects of the Project on historic properties.

By: \_\_\_\_\_  
FEDERAL HIGHWAY ADMINISTRATION

Date:

By: \_\_\_\_\_  
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER


Date:

By:  \_\_\_\_\_  
NEW JERSEY STATE HISTORIC PRESERVATION OFFICER (DEPUTY)

Date:

10/5/10  
(DEPUTY)

CONCUR:

By:  Date: 11-4-10  
DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
NEW JERSEY DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

CONCUR:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

By: Waelm'Gerbz Date: 10-15-10  
NEW JERSEY DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

CONCUR:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION



By: \_\_\_\_\_ Date: \_\_\_\_\_  
NEW JERSEY DEPARTMENT OF TRANSPORTATION

By:  Date: 10/10/10  
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

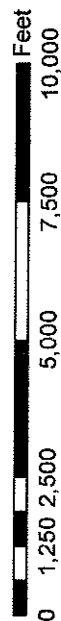


## Legend

### Area of Potential Effect (APE)

-  National Register of Historic Places Listed or Eligible Historic Resources
-  Delaware and Raritan Canal District

1. N.J. State Police Headquarters
2. Charles S. Maddock House
3. Delaware and Raritan Canal
4. Delaware Canal
5. Elm Lowne House



I-95/Scudder Falls  
Bridge Improvement Project  
Environmental Assessment  
Historic Resources Map  
Figure II-4

