



April 14, 2023

Mr. Tim Zinn  
Michael Baker International, Inc.  
100 Airside Drive  
Moon Township, PA 15108

**RE: Norfolk Southern Pittsburgh Vertical Clearance Project (the Railroad Project), Clarifications and Corrections Review Period for Consulting Parties Meeting #2 held December 14, 2022**

Mr. Zinn:

This letter is in response to your email of March 24, 2023 regarding the Meeting Minutes, Presentation, Comments and Responses associated with Consulting Parties Meeting #2 of December 12, 2022.

In order to be most efficient with time and space, these responses are focused upon significance rather than numerical order. Each item corresponds to the Comment # in the Responses to Comments Table dated March, 2023 as prepared by Michael Baker International on behalf of Norfolk Southern.

**Comments #28 & #9 & #49:**

Michael Baker Inc/Norfolk Southern (MBI/NS) response states that “The reference to a proposed 90’ length of ramps in three 30’ sections is to a previous optional sidewalk layout that was paired with a longer approach roadway option, and that was ultimately dismissed by DOMI due to the larger impact area of flatter slopes along the roadway. In the current design, the sidewalk in front of the International Harvester Building is separated from the roadway by a 50-foot narrow grassy or landscaped area, in order to bifurcate the slope of the roadway and the sidewalk. The 8.3% sidewalk slope occurs for a 30’ length with a 5’ landing area at the top and bottom of the 8.3% slope, for a total length of 40’. This sidewalk design avoids impact to the doorway of the International Harvester Building.”

Response to Comment #9 states that “This slope would not exceed ADA standards” and Comment #49 indicates that “all sidewalks within the project area are designed to ADA...Standards.”

Q Development Clarification and Correction Requested:

The Q Development letter of January 11, 2023 was drafted in response to the Consulting Party Meeting #2 Presentation of December 14, 2022. The Presentation materials provided that evening, (which were distributed again in the March 24, 2023 email) and the Determination of Effects Report of December 2022 make no mention of a 40’ ramp separated by a 50’ grassy area.

Within these documents, the reference to a series of three 30’ sections of ramp with two five-foot landings were made repeatedly, including:

- Slide 87 of the Presentation Materials states:
  - “The Preferred Alternative has the potential to affect the historic property by:
    - Adding 90’ raised sidewalk consisting of three 30’ runs of 8.3% with two 5’ level landings along W. North Avenue. A portion of the sidewalk would be separated from the roadway with a proposed landscape area in order to maintain ADA-compliant access at the building’s existing entrance.”
- The Determination of Effects Report states:
  - “Sidewalk grades would follow the roadway profile except for the sidewalk segment fronting the International Harvester Building (810-822 W. North Avenue), which would have a



sidewalk length of 90' consisting of 30' ramp runs of 8.3% with two 5' level landings" or like phrasing on Page 86, Page 109, Page 113, Page 114, and Page 115.

If there is a more current design than that presented within these documents or at the Consulting Party Meeting #2, Q Development requests *all* related measured engineering drawings, elevations, sidewalk heights, and renderings to evaluate the proposed alternative.

In particular, with reference to ADA Standards for any more current design plan, please include all measured elevations, grades and accessibility standards that are being applied to the proposed alternative.

**Comments #36-53:**

These Responses are apparently in response to a Response Letter dated January 13, 2023 by the Pennsylvania State Office of Historic Preservation. Specifically, Comment #53 highlights PA SHPO's request that MBI/NS "Please share our comments with the local consulting parties and continue to provide copies of any comments from other consulting parties to our office."

Q Development Clarification and Correction Requested:

As a Consulting Party, no such letter has been shared by MBI/NS. Nor is this letter accessible either via PA SHARE to the general public or on the Pittsburgh Vertical Clearance Projects website (<http://www.nscorp.com/content/nscorp/en/in-your-community/pittsburgh-bridge-projects.html#:~:text=The%20proposed%20Pittsburgh%20Vertical%20Clearance,Coast%20and%20in%20the%20Midwest>). Please provide a copy of the letter as PA SHPO suggested and any associated attachments to the letter.

**Comment #11:**

MBI/NS response includes "Please see Chapter 5 and Appendix D of the Alternatives Analysis Report for additional information on each of the alternatives at this location, the associated effects of each (including effects on air quality, noise, vibration, hazardous waste potential, historic properties, and Section 2002 resources), and the selection and justification of the Preferred Alternative."

Q Development Clarification and Correction Requested:

The Norfolk Southern Pittsburgh Vertical Clearance Projects Alternatives Analysis Report (December, 2022) available via the Pittsburgh Vertical Clearance Projects website is incomplete and cuts off at page B-13 of the Appendix. Please provide a complete document inclusive of all Appendices, especially Appendix D as referenced in Comment #11.

**Comment #18 and related items in Comments #21, #28 and #31:**

MBI/NS states that "It is yet to be determined if the preferred alternative will have an adverse effect on the International Harvester Building. The Determination of Effects Report proposed two options that, *in our opinion*, meet SOI Standards" (emphasis added). Further, MBI/NS has written "If Q Development has input from the NPS or others that any of the proposed options for the sidewalk do not comply with SOI Standards or will jeopardize the reinvestment tax credits, please share that documentation with the project team."

Q Development Clarification and Correction Requested:

Though we have not yet received the letter from PA SHPO dated January 13, 2023 (see Clarification Requested to Comment #53 above), it can be discerned from the reference in Comment #51 that PA SHPO has indeed conveyed similar concerns directly to MBI/NS. Comment #51 quotes the letter: "We have reviewed the comments on the Determination of Effect Report provided by Q Development on January 11, 2023. For the West North Avenue Bridge Project, we echo their concerns about the potential adverse effect to the International Harvester Building as the alterations to the building *are not in keeping* with the Secretary of



the Interior’s Standards” (emphasis added). Further, they note that it is “unclear” and that the proposed alternative may potentially “jeopardize the \$2.5 million in Rehabilitation Investment Tax Credits approved by the National Park Service in August of 2022. We would also like to request consideration of alternative sidewalk designs to minimize effects to the International Harvester Building, including those provided by Q Development in their response letter.” The letter from PA SHPO of January 13<sup>th</sup> has now clearly identified that the proposed approaches are indeed an adverse effect to the International Harvester Building.

**Comment #32:**

MBI/NS states: “W. North Avenue: 21’-4” is proposed instead of 22’-0” to reduce the number and extent of property impacts (8 with 21’-4” vs. 11 with 22’-0”), to reduce the number of building entrances impacted, and to reduce the overall construction limits and associated impacts along W. North Avenue and Brighton Road.”

Q Development Clarification and Correction Requested:

Q Development respectfully requests full documentation of the number and extent of all property impacts under all alternatives evaluated. Nowhere are these items so enunciated (eg: 8 with 21’-4” vs. 11 with 22’-0”) in any document provided to Q Development directly or via public access. This includes the Alternatives Analysis Report, the Determination of Effects Report nor within any document available on the Pittsburgh Vertical Clearance website or any of the materials distributed at either the Open Houses or Consulting Party meetings.

**Comments #29 and #10:**

MBI/NS references an upcoming Design Advisory Team (DAT) with input and guidance on Minimization and Mitigation items, aesthetic treatments, landscaping and more.

Q Development Clarification and Correction Requested:

Q Development would like information on membership selection, timing, governance, and responsibilities of the Design Advisory Team. Respectfully, as Q Development owns the singularly most impacted building along the entire Vertical Clearance Project corridor, we hereby request membership on the DAT.

**Comment #27:**

MBI/NS states “While the project will raise the sidewalk level and require some modifications through minimal changes to the display windows or the addition of a sidewalk window well or a switchback ramp, not all changes to historic properties rise to the level of adverse. The applicable aspects of integrity in this case are design and materials.”

Q Development Clarification and Correction Requested:

The Q Development team disagrees with this narrow interpretation of the Seven Aspects of Integrity. In addition to Design and Materials, the proposed alternatives also will have negative impacts upon both Setting, Feeling, and Association as well.

- Setting: the proposed ramps, landings, railings and related manmade features will negatively impact the relationship to the NRHP-listed International Harvester building itself.
- Feeling: the physical features of the building itself (eg: size of display window openings, alteration of the limestone water table, experience of the diminished size of the window openings from inside the lobby) would be altered negatively.
- Association: The International Harvester Building is listed in the National Register partly for Criteria A relating to Commerce as an Area of Significance. International Harvester buildings intentionally created display windows to facilitate Commerce. Thus a negative impact to the display windows in question is therefore a negative impact to the Association Classification. (Note: said Commerce was



also associated in particular with Emil Mayer under Criteria B, providing an additional direct connection between a person and the historic property.)

**Comments #9 and #34:**

MBI/NS references the four alternatives that were considered the most feasible and constructable sidewalk reconfiguration. The Response indicates that the City of Pittsburgh DOMI dismissed Option 1 (bifurcated sidewalk) and Option 2 (separating the sidewalk and roadway with a barrier wall). Further in Comment #34, the Response indicates that DOMI dismissed Alternate 2A of the change in direct route of pedestrians via a switchback ramp that is outside of the city's right-of-way and noted concerns over the maintenance costs and safety issues.

Q Development Clarification and Correction Requested:

Please provide the written responses (eg: email or letters) by DOMI to these sidewalk Options and Alternate 2A noting the concerns in question.

It should also be noted that Norfolk Southern could convey the land necessary for the switchback ramp in Alternate 2A to the City of Pittsburgh such that the sidewalk would remain in the city right-of-way.

**Comments #32 & #14:**

MBI/NS states that the Pennsylvania Avenue clearance height has been reduced to 21' 2" partly to "reduce the extent of sidewalk modification required at 901 Pennsylvania Avenue, a contributing element of the NRHP-eligible Allegheny Second Ward Industrial Historic District..." Further, in Comment #14, it is noted that "the sidewalk is bifurcated..." for 901 Pennsylvania Avenue.

Q Development Clarification and Correction Requested:

Given that the International Harvester Building is *already* a listed National Register property (vis a vis "NRHP-eligible"), please provide evidence why a bifurcated sidewalk was considered acceptable for 901 Pennsylvania Avenue but dismissed for the International Harvester Building.

**Comment #25:**

The MBI/NS Response indicates that the "proposed minimization options presented in the report were suggestions for discussion."

Q Development Clarification and Correction Requested:

Q Development has initiated repeated requests to collaboratively engage with all parties, specifically Michael Baker Incorporated, Norfolk Southern Railway Company, the City of Pittsburgh DOMI and the Pennsylvania State Historic Preservation Office to find a mutually agreeable solution to the challenges at hand. To date, there has been only a single in person meeting and one virtual meeting, both prior to the Consulting Party Meeting #2. Q Development has continued with such requests following said meeting.

Despite repeated efforts to engage, Q Development's multiple requests to meet and review alternatives have been rebuffed. All communication has essentially been via email and lacks the collaborative "give and take" engagement to achieve a consensus approach acceptable to all parties.

Q Development respectfully again requests the opportunity to meet in person with the collective parties involved to develop a solution that preserves the historic integrity of the International Harvester Building while addressing the concerns of pedestrian accessibility, safety and other issues important to all.



In closing, the Q Development team appreciates this opportunity to respond to the Consulting Party Meeting #2 Comments and Responses and requests these items for clarification. We look forward to further direct engagement as a Consulting Party for the NRHP-listed International Harvester building at 810 W. North Avenue in a manner that will preserve the \$2.5 million in historic tax credits while developing a mutually agreeable approach to the necessary sidewalk infrastructure changes to accommodate the Vertical Clearance Project.

Notwithstanding our desire to reach a mutually agreeable understanding, Q Development reserves all rights and remedies, including commencing appropriate legal action if the Vertical Clearance Project is not changed to preserve the approved and allocated tax credits supporting the redevelopment of Allegheny Branch House Lofts.

Please contact me with any questions or feedback in response to this letter.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Rick Belloli', written over the printed name.

Rick Belloli  
Q Development

810 W. North Ave Associates LP  
828 W. North Ave Associates LP

cc: B. Callahan, B. Frederick; Pennsylvania State Historic Preservation Office  
C. Moon-Sirianni; Pennsylvania Department of Transportation  
K. Lucas, E. Setzler; City of Pittsburgh Department of Mobility and Infrastructure  
B. Wilson, M. Burny; Office of Councilman Wilson, District 1  
K. McKeegan, Esq.; Meyer Unkovic & Scott