

Action

Making it Happen

Accomplishing the plan for Capital Park will take a coordinated and sustained effort by multiple partners. Regulatory requirements must be satisfied and funding streams maximized. The action plan sets out strategies for creating Capital Park and provides a preliminary estimate of costs and suggested phasing.

Action: Making it Happen

Two overarching options exist for implementation of Capital Park: an **independent strategy** wherein the public sector and private sector operate independently, and the various levels and departments of federal, state, county, and city government pursue their own projects; and a **combined strategy**, wherein there is a clear organization to act as a coordinating clearinghouse and strategic decision-making body, and an operational mechanism to sustain the effectiveness of that body.

Both options are viable, though it appears in the end to come down to a question of boldness and of time horizon. The combined strategy appears to offer more benefits and a tradeoff of short term sacrifice for long term gains: organize and cooperate now, build later—but finish sooner... and better. It presents serious challenges that are both conventional obstacles and unconventional risks, but with parallels in other cities: for example, Washington, D.C.'s Anacostia Waterfront Initiative. This approach is preferred for purposes of the master plan. The primary motivation for this decision is based on the probable phasing of the master plan. If the Capital Park and Lower Assunpink Environmental Restoration are implemented in isolation, very substantial environmental credits would be lost to the other two projects, the Route 29 Boulevard and the Lower Assunpink neighborhood development, which are collectively in need of environmental and socio-economic mitigations to offset their impact.

The combined strategy for planning of downtown Trenton projects is intended to:

- Avoid duplication of efforts.
- Streamline the regulatory approval process and attached timeline.
- Integrate design and planning of projects.
- Achieve greater economic development benefits for the state, county, and the city.
- Share design and mitigation components between projects.
- Identify and leverage funding resources.

Anacostia Waterfront Initiative

The Anacostia Waterfront Initiative is an example of a complex riverfront planning project that requires ongoing coordination of dozens of governmental agencies. A combined planning effort codified in a memorandum of understanding allowed for creation of the plan.



Combined Strategy for Funding, Economic Development, and Regulatory Approvals

The master plan recommends a strategy to combine and coordinate the ongoing projects and planning initiatives by various state and federal agencies within the context area for the purposes of funding and regulatory approvals. Several projects that are currently underway can become a part of this initiative-based combined strategy. At the very least the strategy should include four major projects proposed for the Trenton Waterfront: the Route 29 Boulevard, Capital Park, the Lower Assunpink Riverfront Neighborhood Development and the Lower Assunpink Environmental Restoration Project.

This combined strategy will significantly expedite the regulatory approvals period, avoid duplication of efforts, and increase the possibility of federal funding. It also provides a beneficial overall economic development impact by creating new investment opportunities within the context area, as a result of speedy implementation of these projects under a mutually-accepted planning and design, regulatory, and funding strategy.

The master plan recommends that NJDEP lead the preparation of the environmental document. Presenting the related Trenton projects in an integrated way will maximize the potential of securing funding support from federal sources and other partners. Additional coordination

meetings are needed among the participating agencies to help set overall project direction, establish clear lines of communication and responsibility. These agencies include the New Jersey Departments of Transportation, Treasury, and Environmental Protection (including NJHPO), and the Office of Economic Development, among others. A deputy attorney general should be assigned to help define legal and administrative concerns, such as selecting the lead agency, determining funding requirements, identifying lead-time needed, and establishing procedures for inserting deed restrictions and contractual clauses into sale agreements of state property to private developers.

The overall environmental document needs to be prepared in the simplest form, with procedures confirming that each participating project will be subject to an environmental re-evaluation to assure compliance with the Record of Decision or Finding of No Significant Impact.

Better leveraging of available funds for Capital Park, along with other funding opportunities for future phases of the master plan will be enabled by adoption of the combined strategy. The initiative-based combined strategy also allows sharing of mitigation elements for various participating projects, as outlined below.

The Shared Benefits of an Integrated Multi-Project Regulatory Strategy

The scope of Re-Casting Trenton, viewed from a multi-jurisdictional project perspective, suggests four substantial operational issues and possible advantages:

1. Comply with NJDEP's stormwater quality regulations

NJDEP regulations require extensive water quality treatment measures to be built whenever a project increases the overall impervious surface. The construction of Capital Park and subsequent relocation of a portion of Route 29 will reduce overall pavement and will not require additional stormwater management. The proposed Lower Assunpink Riverfront Neighborhood, a mixed-use development, will likely increase overall impervious surface within the remaining land area, requiring dedication of a portion of the developable land for stormwater management. This project can benefit from a trade off with the Capital Park and the Route 29 Boulevard since much of the stormwater treatment required for the development could be included in the Capital Park and roadway design without reducing developable land.

2. Improve Floodplain Conditions

Capital Park will remove large amounts of fill to daylight the Assunpink Creek, restore the waterfront ecosystem, and make the water's edge publicly accessible. Realigning Route 29 will probably reduce overall fill in the floodplain through removal of some of the freeway ramps. Therefore, little if any floodplain mitigation will be needed for these projects. However, the proposed Lower Assunpink Riverfront Neighborhood development lies within the floodplain. The development site would have to be raised by as much as approximately six feet in order to meet existing 100-year FEMA flood insurance regulations. If the developers cannot meet the current 20 percent net fill limit (or the proposed stricter no-net fill requirement) and the stream encroachment rules within the development area, they would have to raise their buildings on structure. This would totally disrupt the street environment, especially for retail development, because all habitable space would be six feet or more above the sidewalk level. However, if approached as part of an integrated multi-project strategy, much if not all of the floodplain mitigation could be incorporated in the boulevard and park projects. This would eliminate the need for the developer to provide floodplain compensation, thus increasing the value of the remaining property.

3. Cope with Contaminated Fill

Much of the project area is in areas of historic fill. Most of the Delaware River waterfront and the land adjacent to the Assunpink Creek were filled more than a century ago. It is likely that most of this fill is residual

industrial process waste, including coal ash, slag, and in particular broken ceramic pieces left over from the city's china factories. These fills include numerous contaminants such as lead from pigments and petroleum residues. Typically this fill falls in the category called "contaminated, non-hazardous." Contaminated material that cannot be reused onsite must be hauled away to landfills—an expensive proposition. A key element of the park project is to remove some fill to open up the Assunpink Creek and Delaware River waterfronts. If this fill is contaminated it will have to be disposed of off-site. A soil reuse plan could be developed at the site where soil excavated for the park and the freeway can be reused under the Route 29 Boulevard pavement and for fills in the mixed-use neighborhood development area. This process could reduce disposal costs for the park and Route 29 project and reduce fill costs for developers—a win-win opportunity.

4. Mitigate Impacts to Historic Properties and Archaeologically-Sensitive Areas

The entire project area is dotted with historic buildings and archaeological sites of significance. Applicable regulations for cultural resources and possible regulatory approaches to addressing historic preservation and archaeologically-sensitive areas in Capital Park and the context area are described in detail in the Appendix. These approaches can be combined for the purpose of regulatory approvals under a combined strategy.

Cooperating on Reconnecting Trenton

Making the transportation improvements (regional, neighborhood, and local pedestrian trails, heritage trails, bicycle paths, and trails, etc.) proposed to reconnect Trenton will require cooperation among various levels of government. Planning for these connections could be organized by a working group led by the lead agencies. The entities that will need to cooperate include the following:

- **Lead Agencies**
 - US Army Corps of Engineers (USACE)
 - Federal Highway Administration (FHWA)
 - NJDEP
 - NJDOT
 - Mercer County
 - City of Trenton
 - Capital City Redevelopment Corporation
 - State Capitol Joint Management Commission
- **Regional and Local Organizations**
 - Delaware Valley Regional Planning Commission
 - The Delaware & Lehigh National Heritage Corridor
 - Crossroads of the American Revolution National Heritage Area
 - Delaware and Raritan Canal Commission
 - Delaware and Raritan Greenway
 - Delaware River Joint Toll Bridge Commission
 - Trenton Downtown Association
 - Isles Inc. (Spirit Walk Project)
 - Neighborhood Associations / Civic Groups

Park Management and Operations

A comprehensive and fully integrated park management, maintenance, and operations plan is required for Capital Park. Relying solely on capital improvements to correct the deficiencies of the current open spaces and to get people to use it will not be enough. Establishing high standards of maintenance, developing new programs, managing existing and new special events, increasing security, developing a park ranger program, and building a constituency within the City of Trenton and the State of New Jersey are key goals for the long-term care and support of the park.

Management Goals for the Capital Park

- Ensure consistent, high-quality maintenance standards and service delivery.
- Develop new sources of consistent revenue and build on existing ones.
- Develop and implement a unified management structure to coordinate all maintenance and operations.
- Develop a park-wide special events policy that balances protection of the park with the demand for events.
- Instill a long-term sense of ownership and stewardship among the park's stakeholders and users.

Capital Park Management Structure

Three potential management models for the Capital Park have been identified: a public agency with a park superintendent, a public/private partnership, and a private authority. While all three models are still under consideration, the currently preferred management structure is some form of public/private partnership. Many such partnerships exist and have proven to be an effective means of improving, managing, and raising funds for public parks and open space. Many of the best examples, such as the Central Park Conservancy in New York City, the Discovery Green Conservancy in Houston, and the Louisville Olmsted Parks Conservancy, manage municipal rather than state parks. An example relevant to Capital Park is the Hudson River Park Trust, a partnership of New York City and State whose mission is to design, build, operate, and maintain the five-mile, 550-acre Hudson River Park on Manhattan. Established by state legislation in 1998, the Hudson River Park Trust is governed by a 13-member Board of Directors. The Trust also has a 50-member Advisory Council comprised of elected officials and representatives of business, civic, and environmental interests, which plays an integral role in the park planning process.

Formation of some form of coordinating committee is recommended as the first step in developing a management structure for Capital Park. This committee would act as the focal point for coordinating design, construction, and management of the park among the various public,

institutional, and private stakeholders. Key functions would include, among others:

- Identifying sustainable funding sources, including possible establishment of an endowment fund to provide revenue for park operations and maintenance on a consistent, long-term basis
- Setting annual management and spending priorities, work programs, and budgets

Committee members would include NJDEP, Division of Parks and Forestry, other agencies including the State Capitol Joint Management Commission, foundations and cultural institutions, business and civic leaders, the Trenton Downtown Association, and others as needed. This committee could evolve into a formal organizational structure (e.g., a Board of Directors) after a final determination is made regarding the appropriate management form. A Memorandum of Agreement between NJDEP and the Joint Management Commission will be required.

Retaining an Executive Director should be an immediate priority of the committee. The director's responsibilities would initially focus on coordination and management of detailed park planning, design, and construction. These responsibilities would eventually transition to supervision of park management and operations and coordination of special events and programming, including the "Museum without Walls" concept. Dedicated staff will be required initially for administrative

support and ultimately to provide the full range of construction supervision, maintenance, programming, and other services required to develop and operate the park under the supervision of the Executive Director.

Phasing Concept

The phasing plan cannot be considered complete until a decision is made regarding the preferred compliance and funding strategy. With the focus on Capital Park, the approach to phasing described below will work regardless of what strategy is adopted.

The phasing plan is proposed such that Phases I, II, and III of Capital Park are independent of the Route 29 Boulevard project. Implementation of Phase IV of Capital Park will depend on the Route 29 project, which is currently in the feasibility assessment stage. Full benefits of riverfront access for Capital Park will not materialize until after the Route 29 Boulevard is complete.

The phasing plan divides each phase into various sub-phases based on geographical areas within Capital Park. These sub-phases group various elements of Capital Park into design and engineering tasks and also provide flexibility in case of changes over the course of project implementation.

Phase I

Phase I consists of State House Common, Petty's Run, and the Assunpink Park – South Broad Street Block. State House Common and Petty's Run are the heart of Capital Park. Implementation of these components in Phase I will anchor the vision of the master plan and help provide initial visibility for the park. Phase I is divided into three sub-phases.

Phase I A: State House Common

Creating State House Common involves replacing the existing surface parking with open lawn, plaza, and a civic water feature as well as provision of a drop-off area for buses. Interim access to Route 29, construction of a new roundabout, and the extension of West Lafayette Street in front of the War Memorial are also part of this phase, coordinated with the interim Route 29 improvements by NJDOT. The roundabout will connect to the existing access road to the State House Garage parking.

Phase I B: Petty's Run

Phase IB consists of the archaeological exploration of the Petty's Run area in preparation for daylighting the portion of the stream between West State Street and former West Front Street and exposing, stabilizing, and interpreting archaeological remains. Archaeological exploration is likely to continue after the opening of the State House Common. The Petty's Run area will evolve into a fully developed heritage node within the park in subsequent phases.

Phase I C: Assunpink Creek Park – South Broad Street Block

Phase IC consists of daylighting of Assunpink Creek between South Warren Street and South Broad Street. It is recommended that this phase also include rehabilitation of the South Broad Street Bridge currently under evaluation by the NJDOT. Since the USACE has completed the Environmental Assessment for the project, NJDEP will need to coordinate with USACE, NJDOT, and the City of Trenton to formalize an agreement

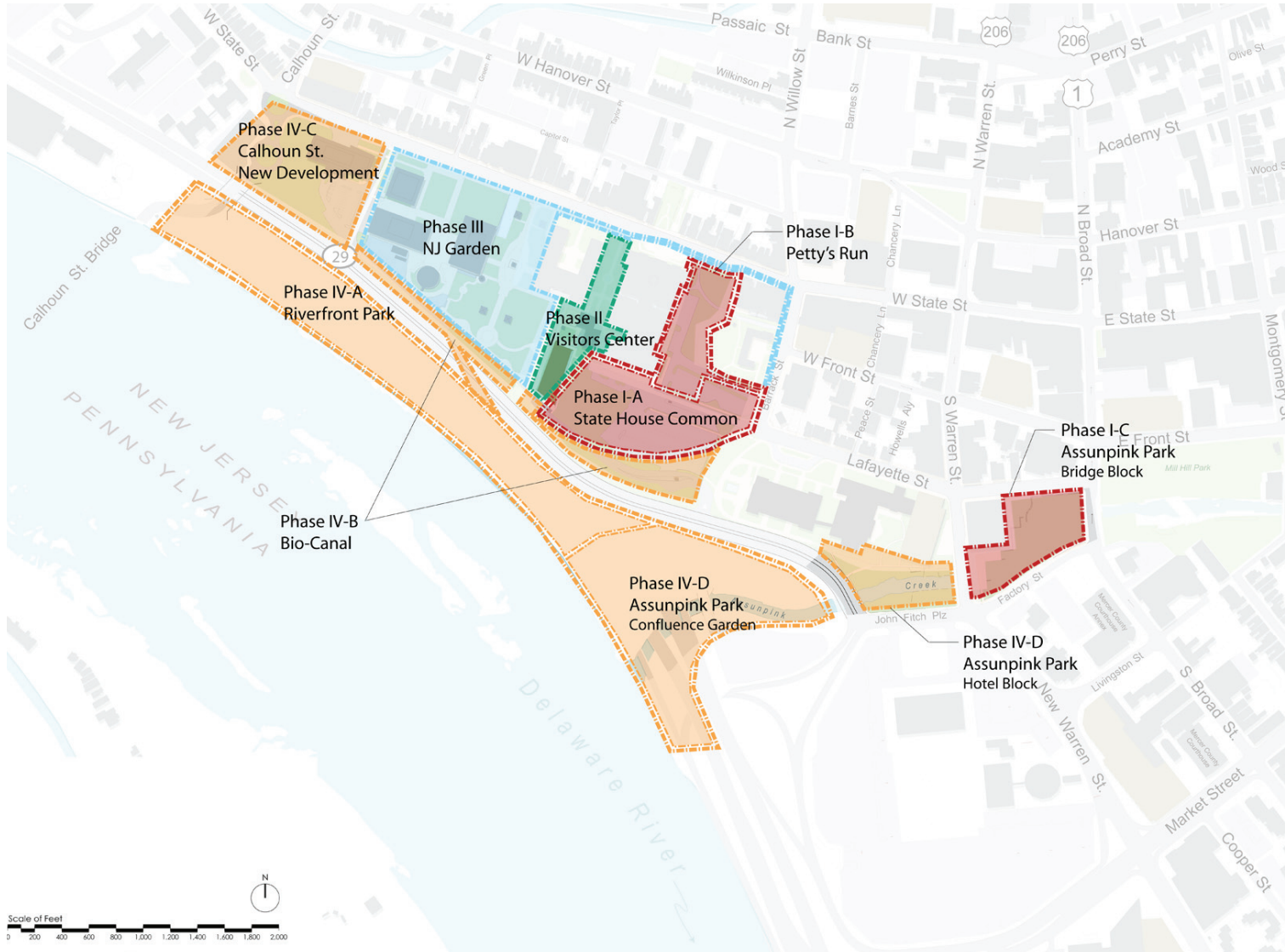
that details the next steps. USACE's share of the funding will require a local match. There is a possibility that NJDEP can share a portion of the local match and additional costs initially if an agreement between the concerned agencies is in place that provides access to the federal funding.

The master plan recommends Alternative 4 of the USACE's EA with some modifications that will include opening of the second arch of the Broad Street Bridge for the greenway, provision of river viewing terraces, and further archaeological exploration for making this area a heritage park.

Phase II**Visitors Center**

Phase II includes construction of the Visitors Center that will extend the existing Welcome Center building along the existing State House Garage berm. The plan recommends demolition of the existing substation and modification to the Power House building, which will require relocation of existing mechanical systems located in the Power House building.

This phase will also include construction of a landscape plaza in front of the new Visitors Center, and a staircase that will allow access to the State House Common from West State Street via a court between the State House and Annex buildings.



Phasing Diagram

Capital Park will be implemented in phases that are coordinated with other projects, such as the rebuilding of Route 29 and daylighting of the Assumpink.

Legend

- Phase I
 - IA: State House Common
 - IB: Petty's Run
 - IC: Assumpink Park (Bridge Block)
- Phase II - Visitors Center
- Phase III - NJ Garden
- Phase IV
 - IVA: Riverfront Park
 - IVB: Garage Edge/Bio Canal
 - IVC: Calhoun St. (New Development)
 - IVD: Assumpink Park (Confluence Garden, Hotel Block)

Phase III

NJ Sculpture Garden, State House Garage Renovations and State Street/Barrack Street Streetscape Improvements

Phase III consists of design and construction of the New Jersey sculpture garden, which will require modifications to the existing State House Garage roof. The phase also includes West State Street and Barrack Street streetscape improvements. Findings of the ongoing structural evaluation of the garage will need to be addressed at this phase, which may include necessary renovations of the garage building.

The phase will also include implementation of the Capitol Complex-wide public art and signage improvements. Completion of Phase III will mark substantial changes to the Capitol Complex.

Phase IV

Implementation of Phase IV will depend on the Route 29 Boulevard project. The phase is divided into four sub-phases that will complete the vision of the initial area of the Capital Park as envisioned in the master plan.

Phase IV A: Riverfront Park

Phase IV A includes design and construction of Riverfront Park and design and construction of the new River Center.

Phase IV B: State House Garage Renovation/Garage Wall Redesign/ Extension of the Deck and Pedestrian Bridge/ Bio-Canal

Phase IV B includes design and construction of the garage wall redesign facing the Route 29 Boulevard, extension of a pedestrian bridge connecting the New Jersey sculpture garden and the new environmental center.

Phase IV C: Calhoun Street Block - New Development

Phase IV C includes design and construction of new mixed-use/office buildings towards the west end of the Capitol Complex.

Phase IV D: Assunpink Park - Confluence Garden, Marriott Hotel Block

Phase IV D includes design and construction of the Confluence Garden including construction of the pedestrian bridges, pedestrian trails, and landscape improvements along the Assunpink Creek behind the Marriott Hotel.

Cost Estimate

The master plan includes an approximate cost estimate for all the phases of Capital Park. The cost estimate is based on existing conditions analysis and preliminary design and engineering studies performed during the course of the master planning process. The findings of detailed engineering studies, results of the archaeological explorations, etc. are likely to refine the design of Capital Park as well as change the master plan cost estimate in the subsequent schematic design stage of each phase. A summary table of the cost estimate is provided at right. A more detailed cost estimate is provided in the Appendix .

The cost estimate does not include the following projects and ongoing studies:

- Demolition of existing substation and relocation of mechanical systems.
- Route 29 Boulevard, interim improvements to Route 29, and Calhoun Street interchange redesign.
- South Broad Street Bridge rehabilitation.

Phase	Description	Cost
Phase I		
IA	State House Common	\$5,509,000
IB	Petty's Run	\$2,655,000
IC	Assunpink Park - Bridge Block	\$4,791,000
Phase II		
II	Visitors Center Block	\$10,488,000
Phase III		
III	NJ Garden / Cultural Center/ W. State /Barracks St. Streetscape	\$19,851,000
Phase IV		
IVA	Riverfront Park	\$15,616,000
IVB	Improvements along Route 29 and Bio-Canal	\$14,693,000
IVD	Assunpink Park Confluence Garden and Hotel Block	\$13,590,000

Notes

1. Estimates are considered to be for budgeting purposes and are based on the Master Plan drawings and sketches for the project area. These drawings are as follows:
 - a. Illustrative Site Plan
 - b. AUTOCAD map of the Site Plan
 - c. Sections
2. Estimates are based on the overall extent and type of work but do not reflect a specific engineering design
3. Because engineering designs have not been prepared the initial budget level estimates are subject to change as engineering and architectural designs are developed. Unless identified, unit costs do not include provision of special measures during construction such as shoring and bracing, dewatering, traffic control, blasting or other special measures.
4. Sources of unit cost estimates are derived from Means Cost Estimation Guides, other similar WRT projects that have been escalated to current costs, and similar project cost estimates provided by professional cost estimators.
5. Costs for disposal of contaminated concrete or soil are not included. Excavated soils are assumed to be suitable for reuse in other areas of the Capital Park project.
6. Budget costs are based on the assumption that various project components shown in the drawings are “permittable” by relevant regulatory agencies. If major modifications in design approach are required for regulatory reasons, costs of such modifications are not included. Costs of regulatory compliance are not included.
7. The initial phase of archaeological exploration of Petty’s Run area, associated analysis and technical reporting, and provision of historical and archaeological input into the Petty’s Run area conceptual design and preliminary exhibit development are included in the Petty’s Run Phase IB. Archaeological exploration costs do not include permanent stabilization of exposed ruins.
8. Demolition and stabilization of the existing Assunpink Creek Culvert is not included as part of the Assunpink Creek culvert cost estimate.
9. The Visitors Center cost estimate (Phase 2) does not include costs associated with the relocation of the central mechanical electrical and plumbing (MEP) systems for the State House complex.
10. The Phase IVB –Garage Edge and Bio Canal design does not include the cost of renovation of the Garage.
11. The Phase IVC –Calhoun Street New Development costs are not included as part of the master plan.
12. The costs are for capital construction only and do not include professional fees.

Funding Sources

Capital Park Funding Opportunities

There are many non-traditional federal and local funding sources that can be used to help fund near and long-term construction. Additionally, the funding responsibility for various parts of the park may be distributed among NJDEP, NJDOT, and possibly other departments.

Federal funding sources in most cases require an upfront commitment from the local sponsor of 20-25 percent of funding as a condition of getting matching funds of up to 75 percent. Federally-funded projects have additional conditions that require compliance with the National Environmental Policy Act (NEPA) for projects deemed to be federal actions.

The three levels of compliance processes under NEPA vary in their regulatory requirements. Depending on which level of compliance is required, the NEPA can take a significant amount of time and resources to meet. These process are: Environmental Impact Statement (most rigorous), Environmental Assessment, and Categorical Exclusion (least rigorous).

US Army Corps of Engineers (USACE) projects require an Environmental Assessment to be prepared in accordance with USACE regulations that have been promulgated under NEPA. USACE funds will not be available for Capital Park projects unless they comply with the NEPA process.

Obtaining additional federal funding for subsequent phases of Capital Park will require advanced planning and coordination as recommended in the combined strategy of the master plan. All required environmental documentation must be acceptable to federal agencies to maximize funding opportunities in the future.

Route 29 Boulevard and Lower Assunpink Riverfront Neighborhood Development Funding Opportunities

Funding for the Route 29 project is expected to come from the state transportation trust fund and Federal Highway Administration funds. However, given that one of the primary purpose of the roadway is economic development, there will be a challenge in apportioning the costs between the state and federal sources. Some of the parts of the NJDOT's Route 29 Boulevard project could be considered flood improvement efforts that could be funded by the USACE, which will be required to follow the EA process instead of NJDOT's current NEPA Categorical Exclusion process.

If many of the mitigation elements for the Route 29 project are incorporated into Capital Park (e.g., increased floodplain storage capacity, storm drainage – bio-canal, etc.), mitigation costs could be shared between NJDOT and NJDEP. A Memorandum of Understanding (MOU) is recognized by state and federal agencies as an acceptable method to share mitigation costs between public agencies. Employing

an initiative-wide environmental document suggested by the combined strategy will encourage these cost saving and cost allocation memoranda.

Lower Assunpink Riverfront Neighborhood development, Route 29 Boulevard projects, and subsequent phases of Capital Park could also benefit from a public/private partnership (PPP). Such an agreement would require developers to share the mitigation costs and contributions for infrastructure development in return for streamlined permitting processes and increased property values generated by proximity to the Capital Park and greater visibility and access to the riverfront and the boulevard. This could be done before the developer applies for permits by including deed restrictions and contract clauses in the land transfer documents.

Other Funding Opportunities

There are many other potential sources of funds for Capital Park. These sources include EPA, US Forest Service, Urban and Community Forestry Programs, National Oceanic and Atmospheric Administration (NOAA), the US Department of Transportation (non-FHWA) grants, National Marine Fisheries Program grants, local non-profit and foundation grants from organizations such as Schumann Fund for New Jersey, the Audubon Society, the Trust for Public Land, as well as county and city funding.

Next Steps

Now that the master plan has been approved by the Steering Committee, NJDEP will need to adopt the master plan for implementation, and coordinate with the State Capitol Joint Management Commission and the Office of the Governor on next steps. There are two approaches for how to proceed with Phase I:

One approach will proceed with Phase I independent of the decision regarding combined strategy, and the second approach includes Phase I as part of the combined strategy.

The next steps for preparing such a combined strategy depend up ongoing negotiations with various key agencies. Regardless of whether an independent or combined strategy is selected, an MOU among federal, state, city, and perhaps county is advisable to create the basis for the integrated partnership needed to implement the master plan.

Option One – Independent of the Combined Strategy

Phase IA and IB Timeline (Spring 2008 to Spring 2009)

- Start schematic design of Phase IA (State House Common) and IB (Petty's Run) of the master plan in Spring 2008.
- Commence New Jersey Register of Historic Places Act review soon after completion of the master plan in Spring 2008. Submit encroachment application for Power House modifications, archaeological exploration in Petty's Run area, etc. in Summer 2008.
- Make presentation before Historic Sites Council laying out the broad outline of the park project and specific Phase I detail in mid 2008.
- Commence preparation of EO 215/LURP cultural resources documentation in mid 2008 and submit for NJHPO review late-2008.
- Undertake archaeological exploration along Petty's Run (phase IB) beginning Fall 2008 (schedule contingent on design development schedule and any public programming that may accompany archaeological investigation).
- Complete Schematic Design Phase of Phase IA and IB by Fall 2009.
- Begin Construction of Phase IA by early 2009 and Phase IB by mid-2009.

Option Two – Dependent on the Combined Strategy

Phase I Timeline (Spring 2008 to Fall 2009)

- Conduct ongoing discussions with NJHPO and other involved agencies concerning the appropriateness of a programmatic vs. project phase-by-phase approach to cultural resources review. A programmatic approach appears simpler and would provide greater flexibility as the park design evolves.
- Begin to compile a preliminary scope for the Environmental Assessment by NJDEP, including compliance with related federal regulations such as Section 106, Endangered Species Act and Section 4(f).
- Confirm the decision to put NJDEP in the lead for the Combined EA.
- Request a proposal from the consultants.
- Office of the Governor should determine that the NJDEP Commissioner should make contact with other federal, state, and local agencies to get representation for a Regulatory Coordinating Committee with the goal of entering into a MOU for Trenton downtown projects.

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