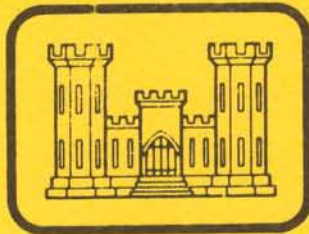


FLOOD CONTROL
MISSISSIPPI RIVER AND TRIBUTARIES
MISSISSIPPI RIVER LEVEES

ITEM M-93.3-L TO M-92.8-L
INDEPENDENCE ST. TO I.H.N.C. FLOODWALL

ORLEANS PARISH, LOUISIANA
RELOCATION OF FACILITIES
DESIGN MEMORANDUM NO. 80



**United States Army
Corps of Engineers**

*... Serving the Army
... Serving the Nation*

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
NEW ORLEANS, LOUISIANA

JULY 1984

Serial No.

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DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160

REPLY TO
ATTENTION OF:

LMNED-SR

24 JUL 84

SUBJECT: Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-93.3 to 92.8-L, Independence Street to IHNC Floodwall, Orleans Parish, Louisiana, Relocation of Facilities, Design Memorandum No. 80

President
Mississippi River Commission
ATTN: MRCED-TD

1. The subject design memorandum is submitted herewith for review and approval in accordance with the provisions of ER 1110-2-1150 dated 2 August 1976 and LMVD Supplement 1, dated October 1981.
2. The final Environmental Impact Statement (EIS) for the Mississippi River Levees and Channel Improvements project was filed with the Council on Environmental Quality on 16 April 1976. Impacts of the subject floodwall are generally covered in the EIS.
3. Due to the nature of the floodwall project, a long linear corridor in a highly congested urbanized area, we will be unable to conduct subsurface archeological excavation prior to initiation of construction. A cultural resources evaluation will be performed prior to award of the construction contract. This evaluation is designed to develop and define the criteria for determining the significance of subsurface resources that are located, if any, during digging of the inspection trench. The investigation will build upon the recently completed historical assessment to identify potentially significant resources and define how those resources can contribute to our understanding of New Orleans history. The end product will be a research design that will guide evaluation of resources if they are discovered. As required in the Memorandum of Agreement, an archeologist will monitor the excavation of the inspection trench during construction. Additionally, specifications covering the work to be performed in constructing and maintaining the levees/floodwall provide for preservation of any items of apparent historical or archeological interest which may be discovered in the course of construction activities. The specifications will require immediate notification of proper authorities if any items of this nature are encountered, and will further require that the work cease until the items can be classified and salvaged, if salvage is considered appropriate.

LMNED-SR

24 JUL 84

SUBJECT: Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-93.3 to 92.8-L, Independence Street to IFNC Floodwall, Orleans Parish, Louisiana, Relocation of Facilities, Design Memorandum No. 30

4. The Section 404 public notice for this reach of levee (Orleans Levee District) was issued on 20 October 1976. No adverse comments were received. In compliance with applicable regulations pursuant to Section 404(b) of Federal Water Pollution Control Act, a statement of findings covering proposed future construction of Mississippi River Levees within the New Orleans District was submitted to the Environmental Protection Agency (EPA) on 14 July 1978. The statement of findings was approved on 6 November 1978.

5. Based on studies and investigations at this stage of design, the proposed action will not jeopardize the continued existence of any endangered species or threatened species or adverse modification of habitat of such species.

6. The submittal of this design memorandum is in accordance with the existing project schedule which provides for relocation expenditures to begin in the second quarter of fiscal year 1985.

7. Approval of the design memorandum is recommended.

1 Incl (11 Sets)
Design Memorandum no. 30

Rutz 7/24/84
ROBERT C. LEE
Colonel, CE
Commanding

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STATUS OF DESIGN MEMORANDUMS

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
1	Flood Control, Mississippi River and Tributaries, Item M-25.0-R, Buras Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	23 Nov 70
2	Flood Control, Mississippi River and Tributaries, Item M-26.0-R, Upper Buras Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	21 Jan 71
3	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-14.9-R, Commander Levee Enlargement, Plaquemines Parish, Louisiana Relocation of Facilities	11 Jun 71
4	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-10.7-R, Venice Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	6 Apr 71
5	Lower Red River - South Bank Red River Levees, 22 Jan 71 (A) Item R-117.0-R (1957 Mileage), Levee Enlargement, Rapides-Cotton Bayou Levee, Rapides Parish, Louisiana, Relocation of Facilities	22 Jan 71
6	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-31.3-R, Tropical Bend Levee Setback, Plaquemines Parish, Louisiana Relocation of Facilities	30 Mar 71
7	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-10.4-R, Lower Venice Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	27 Aug 71

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
8	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-18.9-R, Fort Jackson-Boothville Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	30 Nov 72
9	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-21.5-R, Childress Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	23 Sep 71
10	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-23.2-R, Buras-Triumph Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	31 May 73
11	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-55.3-R, Upper Junior Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	21 Jun 71
12	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-51.0-L, Gravolet Levee Enlargement and Setback, Plaquemines Parish, Louisiana Relocation of Facilities	14 Sep 72
13	Flood Control, Mississippi River and Tributaries, Lower Red River - South Bank Red River Levees, Item R-123.5-R (1957 Mileage), Scott Home-Bertrand Levee Enlargement, Rapides Parish, Louisiana, Relocation of Facilities	15 Sep 72
14	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-96.9-R, Amelia Street Levee, Jefferson Parish, Louisiana, Relocation of Facilities	31 Aug 71

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
15	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-41.7-R, Port Sulphur Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	28 Jan 74
16	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-33.4-R, Nairn Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	22 Dec 75
17	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-37.7-R, Homeplace Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	5 Jan 73
18	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-57.7-R, Myrtle Grove Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	31 Jan 73
19	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-28.0-R, Empire Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	30 Aug 74
20	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-49.5-R, Woodland Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	Not Required
21	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-47.2-R, Nolan Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	29 Jun 73

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
22	Flood Control, Mississippi River and Tributaries, Mississippi River Levee, Item M-45.0-R, Socola Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	28 Nov 72
23	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-75.0-L, Scarsdale Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	7 Dec 73
24	Flood Control, Mississippi River and Tributaries, Mississippi River levee, Item M-89.5-R, Cutoff Levee Setback, Orleans Parish, Louisiana, Relocation of Facilities	20 Dec 74
25	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-130.0-L, Gypsy Levee Setback, St. Charles Parish, Louisiana, Relocation of Facilities	30 Dec 74
26	Flood Control, Mississippi River and Tributaries, Atchafalaya River Levees, Item A-31.3-L, Cross Bayou Levee Setback, Pointe Coupee Parish, Louisiana, Relocation of Facilities	8 Nov 74
27	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M- 39.0-R, Freeport Levee Enlargement, Plaquemines Parish, Louisiana	27 Dec 74
28	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-30.2-R, Upper Empire Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	30 Apr 75

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
29	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-63.0-L, Monsecour Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	15 Oct 75
30	Flood Control, Mississippi River and Tributaries, Atchafalaya River Levees, Item A-25.5-R, Goudeau Levee Setback, St. Landry Parish, Louisiana, Relocation of Facilities	30 Jun 76
31	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-320 to 303-R, Fifth Louisiana Levee District Levee Enlargement, Concordia, West Feliciana, and Pointe Coupee Parishes, Louisiana, Relocation of Facilities	30 Jun 75
32	Flood Control, Mississippi River and Tributaries, Atchafalaya River Levees, Item A-4.6-L, Legonier Levee Setback, Pointe Coupee Parish, Louisiana, Relocation of Facilities	30 Sep 75
33	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-35.0-R, Nairn Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	22 Dec 75
34	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-99.0-L, Louisiana Avenue Floodwall, Orleans Parish, Louisiana, Relocation of Facilities	21 Oct 75
35	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-144.5-L, Angelina Levee Setback, St. John the Baptist Parish, Louisiana, Relocation of Facilities	12 Dec 75

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
36	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-205.0-R, Point Pleasant Levee Setback, Iberville Parish, Louisiana, Relocation of Facilities	29 Nov 76
37	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-58.0-L, St. Sophie Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	15 Sep 75
38	Flood Control, Mississippi River and Tributaries, Atchafalaya River Levees, Item A-38.0-L, Holloway Lake Levee Setback, Pointe Coupee Parish, Louisiana Relocation of Facilities	26 Mar 76
39	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-90.5-L, Chalmette Slip Levee Enlargement, St. Bernard Parish, Louisiana Relocation of Facilities	5 May 77
40	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-95.5-L, Thalia-Poydras Levee Setback, Orleans Parish, Louisiana, Relocation of Facilities	10 Jun 76
41	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-217.5-L, Chariot Levee Setback, East Baton Rouge Parish, Louisiana, Relocation of Facilities	11 Jun 76
42	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-52.6-R and M-52.1-R Junior and Lower Junior Levee Setbacks, Plaquemines Parish, Louisiana, Relocation of Facilities	24 Jan 77

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
43	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-86.0-R, Stanton Levee Setback, Orleans Parish, Louisiana, Relocation of Facilities	10 Oct 78
44	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M- 215.3-L, Manchac Bend Levee Setback, East Baton Rouge Parish, Louisiana, Relocation of Facilities	23 Dec 76
45	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-28.5-R, Empire Levee Setback, Plaquemines Parish Louisiana, Relocation of Facilities	16 Dec 77
46	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-49.0-R, Woodland Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	28 Nov 77
47	Flood Control, Mississippi River and Tributaries, Atchafalaya Basin Floodway, New Berwick Floodwall, St. Mary Parish, Louisiana, Relocation of Facilities	14 Mar 79
48	Flood Control, Mississippi River and Tributaries, Atchafalaya Basin Floodway, New Morgan City Floodwall, St. Mary Parish, Louisiana, Relocation of Facilities	16 Mar 81
49	Flood Control, Mississippi River and Tributaries, Atchafalaya Basin Floodway, New Tiger Island Floodwall, St. Mary Parish, Louisiana, Relocation of Facilities	17 Oct 79

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
50	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-24.8-R, Buras-Triumph Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	30 Sep 77
51	Flood Control, Mississippi River and Tributaries, East Atchafalaya Basin Protection Levee, Item E-69.0 and E-.73.3, Levee Enlargements, St. Martin and Iberville Parishes, Louisiana, Relocation of Louisiana State Route 997	3 Jun 77
52	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-100.0-L, Nashville-Napoleon Floodwall, Orleans Parish, Louisiana Relocation of Facilities	25 Aug 77
53	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-88.0-R, Algiers Lock Forebay Levee Enlargement, Orleans Parish, Louisiana, Relocation of Facilities	1 Aug 77
54	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-29.4-R, Empire Lock Modifications, Plaquemines Parish, Louisiana, Relocation of Facilities	19 May 78
55	Flood Control, Mississippi River and Tributaries, West Atchafalaya Basin Protection Levee, Item W-86.0 Levee Enlargement, St. Mary Parish, Louisiana, Relocation of Facilities	NOT SCHEDULED
56	Flood Control, Mississippi River and Tributaries, East Atchafalaya Basin Protection Levee, Item E-89, Driving Steel Sheet Piling and Levee Enlargement, St. Mary Parish, Louisiana, Relocation of Facilities	15 May 78

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
57	Flood Control, Mississippi River and Tributaries, Algiers Point Setback, Levee Enlargement and Slope Pavement, Item M-94.3-R, Orleans Parish, Louisiana, Relocation of Facilities	8 Aug 79
58	Flood Control, Mississippi River and Tributaries, Item M-48.7-L, East Pointe-a-la-Hache Ferry Landing and Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	2 Jun 78
59	Flood Control, Mississippi River and Tributaries, Jackson Avenue Floodgate, Item M-97.2-L, Orleans Parish, Louisiana, Relocation of Facilities	9 Jun 78
60	Flood Control, Mississippi River and Tributaries, Item M-303 to 293-R, Torras Levee Enlargement and Berm, Point Coupee Parish, Louisiana, Relocation of Facilities	26 Jul 78
61	Flood Control, Mississippi River and Tributaries, East Atchafalaya Basin Protection Levee, Item E-36.0, Levee Enlargement, Iberville Parish, Louisiana, Relocation of Facilities	28 Mar 79
62	Flood Control, Mississippi River and Tributaries, Item M-292 to 283-R, Raccourci Levee Enlargement, Pointe Coupee Parish, Louisiana, Relocation of Facilities	12 Jun 79
63	Flood Control, Mississippi River and Tributaries, West Atchafalaya Basin Protection Levee, Item W-85, Levee Enlargement, Iberia and St. Martin Parishes, Louisiana, Relocation of Facilities	6 Oct 80

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
64	Flood Control, Mississippi River and Tributaries, Louisiana-Jackson Avenue Floodwall, Item M-98.2 to 97.2-L, Orleans Parish, Louisiana, Relocation of Facilities	1 Jun 82
65	Flood Control, Mississippi River and Tributaries, Canal-Toulouse Street Floodwall, Item M-94.9-94.6-L, Orleans Parish, Louisiana, Relocation of Facilities	17 Dec 82
66	Flood Control, Mississippi River and Tributaries, West Atchafalaya Basin Protection Levee, Item W-117.0, Levee Enlargement, St. Mary Parish, Louisiana, Relocation of Facilities	15 Dec 80
67	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-56.1-L, Harlem Levee Setback Plaquemines Parish, Louisiana, Relocation of Facilities	17 Feb 82
68	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-71.0-L, Linwood Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	16 Mar 81
69	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-75.6 - 74.5-L, Scarsdale-Stella Levee Setback and Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	9 Jun 81
70	Flood Control, Mississippi River and Tributaries, West Atchafalaya Basin Protection Levee, Item W-68.0, Levee Enlargement & Berms, St. Martin Parish, Louisiana, Relocation of Facilities	Sep 83

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
71	Flood Control, Mississippi River and Tributaries, East Atchafalaya Basin Protection Levee, Item E-58.0A, Levee Enlargement & Berms, Iberville Parish, Louisiana, Relocation of Facilities	27 Mar 81
72	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-94.3-R and M-97.2-R, Algiers and Gretna Ferry Terminal Floodwalls, Orleans and Jefferson Parishes, Louisiana, Relocation of Facilities	2 Nov 81
73	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-94.3, Algiers Point Setback and Floodwall, Orleans Parish, Louisiana, Relocation of Facilities	20 Jun 83
74	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-94.3-93.5-L, Barracks-Montegut Street Floodwall, Orleans Parish, Louisiana, Relocation of Facilities	Sep 84
75	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-93.5-92.8-L, Desire-Independence Streets Floodwall, Orleans Parish, Louisiana, Relocation of Facilities	NOT SCHEDULED
76	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-90.5 - 89.5-L, Chalmette Battlefield, St. Bernard Parish, Louisiana, Relocation of Facilities	Oct 83
77	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-70.0-L, Bertrandville Levee Setback, Plaquemines Parish, Louisiana, Relocations of Facilities	Oct 84

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Submission Date</u>
78	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-181.1 to 180.2-L, Marchand Levee Setback, Ascension Parish, Louisiana, Relocation of Facilities	Jun 84
79	Flood Control, Mississippi River and Tributaries, Atchafalaya River Levees, Item A-26.5-R, Goodwood Levee Setback, St. Landry Parish, Louisiana, Relocation of Facilities	May 84
80	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-93.3 to 92.8-L, Independence St. and IHNC Floodwall, Orleans Parish, Louisiana, Relocation of Facilities	July 84

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES
MISSISSIPPI RIVER LEVEES
ITEM M-93.3 TO 92.8-L

INDEPENDENCE ST. TO IHNC FLOODWALL
ORLEANS PARISH, LOUISIANA
RELOCATION OF FACILITIES
DESIGN MEMORANDUM NO. 80

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APPENDIX A

Attorney's Investigation and Report
of Compensable Interest

APPENDIX B

Supplemental Attorney's Opinion
of Compensable Interest

PERTINENT DATA

LOCATION:

The Independence Street to the Inner Harbor Navigational Canal floodwall, Item M-93.3 to 92.8-L, is located in Orleans Parish, Louisiana on the east bank of the Mississippi River between levee stations 547+50 and 592+13.

PURPOSE:

The Mississippi River and Tributaries Flood Control Project is a plan designed to protect the Lower Mississippi Valley against the Project Design Flood. The plan includes the use of levees, floodwalls, floodways, channel improvements and major tributary flood control improvements. Specifically, item M-93.3 to 92.8-L is designed to provide flood protection to a portion of the Greater New Orleans Area.

PROJECT AUTHORIZATION:

: The Flood Control Act of 15 May 1928 (Public Law 391, 70th Congress), as amended, provides authorization for this project.

LOCAL ASSURING AGENCY:

The local assuring agency for this project is the Board of Levee Commissioners of the Orleans Levee District.

DESCRIPTION:

The Independence Street to Inner Harbor Navigational Canal floodwall is a proposed improvement to a reach of the main line levee on the east bank of the Mississippi River in the City of New Orleans, Orleans Parish, Louisiana, at approximate river mile 93.0 above the Head of Passes.

The determination to construct a floodwall in this location is based on the lowest overall cost for the project after considering the engineering and environmental factors, the available rights-of-way and the desirability of minimizing relocations. The floodwall alignment, as proposed, results in the least disruption to the facilities located in the subject reach.

The proposed improvement consists of 3,420 linear feet of I-type floodwall with T-type gate monoliths. Six floodgates will be incorporated into the wall of which three will be roller type and three will be swing type. The floodwall will top out at elevation 22.8 feet NGVD.

LIST OF EXISTING FACILITIES

A. The Board of Commissioners of the Port of New Orleans (Dock Board)

Item	Type	Base Line Station	Plate
S-2	Force Sewerline	550+23	3
W-3	Waterline	557+26	4
R-2	Road	556+92 to 557+19	4

B. New Orleans Public Service, Inc. (NOPSI)

Item	Type	Base Line Station	Plate
E-3	Overhead Powerline	547+97	3
E-4	Overhead Powerline and service drop	552+34	3

C. New Orleans Public Belt Railroad Commission (NOPBRR)

Item	Type	Base Line Station	Plate
D-400	Drainline & Catchbasin	548+88	3
RR-3	Railroad Track	555+50	4
RR-4	Railroad Track	557+75	4
RR-6	Railroad Track	573+10 to 577+55	7 & 8
RR-7	Railroad Track	578+30	8

D. United States Naval Support Activity

Item	Type	Base Line Station	Plate
W-4	Waterline	569+41	6
W-5	Waterline	569+85	6
W-6	Waterline	572+76	6
R-3	Road	574+25 to 574+47	7
D-1	Drainline	574+80	7
S-4	Force Sewerline	574+88	7
W-7	Waterline	575+19	7
R-4	Road	576+01 to 576+25	7
E-6	Underground Powerline	576+16	7
D-2	Drainline	577+28	8
S-5	Sewerline	577+38	8
LP-1	Lightpole	577+50	8
F-1	Chainlink Fence	577+60 to 578+50	8
D-4	Drainline	577+74	8
LP-2	Light & Conduit	578+10	8
S-3	Sewerline	575+45	7
R-5	Road	574+85 to 575+00	7

1. PURPOSE OF DESIGN MEMORANDUM. This memorandum presents the relocation plans for the facilities affected by the construction of the Independence Street to IHNC floodwall and is submitted in compliance with Part 3, Section LXXIII, ER 1180-1-1, dated 1 July 1980 and DIVR 1110-2-1, dated 29 January 1968.

The memorandum establishes:

- a. The necessity for the relocation of the facilities and the plan of relocation.
- b. The legal obligation of the Federal Government, and
- c. Where appropriate, the basis for reimbursing the Orleans Levee District for costs incurred in accomplishing the relocations described herein.

2. PROJECT AUTHORIZATION:

a. AUTHORIZATION. The Flood Control Act of 15 May 1928 (Public Law 391, 70th Congress), as amended, provides the authority for:

(1) Construction, enlargement, or improvement to main line Mississippi River levees and therefore for the construction of this floodwall project:

(2) Accomplishing of the relocations described in this memorandum subject to the relocations policy outlined by DIVR 1110-2-1.

b. LOCAL COOPERATION.

(1) Section 3 of the Flood Control Act of 15 May 1928 establishes that the furnishing of rights-of-way for floodwalls, levee foundations and for levees, except for levee setbacks, on the main stem of the Mississippi River is an obligation of local interests.

(2) The Act of 23 April 1934 (Public Law 171, 73rd Congress) provides the authority for the reimbursement, by the Federal Government to the local cooperating agencies, for the expenses incurred in the course of accomplishing the relocation of facilities.

3. AUTHORITY FOR ACCOMPLISHING RELOCATIONS. The legal obligations of the Federal Government regarding the affected facilities and the extent of the authority for the relocations described herein are defined in the Attorney's Report, attached as Appendix 1. The attorney's report concludes that:

a. The Board of Commissioners of the Port of New Orleans, and the New Orleans Public Belt Railroad do have a compensable interest in their affected facilities; and

b. The U.S. Naval Support Activity owns facilities both within the existing levee right-of-way and outside of the existing right-of-way. The Naval Support Activity has a compensable interest in only those facilities outside of the existing levee right-of-way.

c. The New Orleans Public Service, Inc. does not have a compensable interest in their affected facilities.

4. DESCRIPTION OF EXISTING FACILITIES AFFECTED BY THE PROJECT.

a. Roads.

(1) The Board of Commissioners of the Port of New Orleans (Dock Board) owns the following roads affected by the construction of floodgate number 2.

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
R-2	28 feet wide road with a cross-section of 1-inch thick asphalt wearing course over 6-inch thick granite paver blocks on a 1.5-inch thick sand/cement cushion laid over a 6-inch thick reinforced concrete slab. Condition - good.	12-foot wide strip	556+92 to 557+19 4

(2) The Department of the Navy's Support Activity (NSA) owns the following roads and road related facilities affected by the project.

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
R-3	22 feet wide road with a cross-section of 8-inch thick reinforced concrete slab over a 12-inch thick compacted shell sub-base. Condition - good.	12-foot wide strip	574+25 to 574+47 7

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
R-4	28 feet wide road with a cross-section of 8-inch thick reinforced concrete slab over a 12-inch thick compacted shell sub-base. Condition - good.	12-foot wide strip	576+01 to 576+25 7
R-5	15-foot wide road with a cross-section of 8-inch thick reinforced concrete slab over a 12-inch thick compacted shell sub-base. Condition - good.	12-foot wide strip	574+85 to 575+00 7
F-1	6-foot high chain link fence on 2-inch \emptyset steel pipe poles. Condition - good.	100 feet	577+60 to 578+50 8

(b) Railroads. The New Orleans Public Belt Railroad (NOPBRR) owns the following railroad tracks affected by the project.

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
RR-3 Single Mainline	80 lb. 39-foot rails, 7-inch x 9-inch x 8.5 feet treated crossties. 23 ties per rail, crushed rock ballast. Condition - good.	30 feet	555+50 Gate 1 4
RR-4 Switch Mainline	80 lb. 39-foot rails, 7-inch x 9-inch x 8.5 feet treated crossties. 23 ties per rail crushed rock ballast. Condition - good.	30 feet	557+75 Gate 3 4
RR-6 Spur	80 lb. 39-foot rails, 7-inch x 9-inch x 8.5 feet treated crossties. 23 ties per rail crushed rock ballast. Condition - fair.	630 feet	573+10 to 577+55 7 & 8

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
RR-7	80 lb. 39-foot rails, 7-inch x 9-inch x 8.5 feet treated crossties. 23 ties per rail crushed rock ballast. Condition - poor.	30 feet	578+30 8

(c) Utilities. The following tabulations lists and describes the affected owners and utility items.

(1) Dock Board

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
S-2	2-inch Ø C.I. force sewerline inside a 6-inch Ø steel casing. Service life - 75 years. Condition - good.	12 feet	550+23 3
W-3	12-inch Ø C.I. watermain. Service life - 75 years. Condition - good.	12 feet	557+26 3

(2) New Orleans Public Belt Railroad (NOPBRR)

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
D-400	12-inch Ø corrugated steel drainline. Service life - 75 years. Condition - good.	12 feet	548+88 3

(3) New Orleans Public Service, Inc. (NOPSI)

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
E-3	3 wire - No. 6 CU 13.8 kV primary overhead electric lines. Service life - 50 years. Condition - good.	160 feet	547+97 3
E-4	3 wire - No. 6 CU 13.8 kV primary overhead electric lines. Service life - 50 years. Condition - good.	115 feet	552+34 3

(4) Naval Support Activity

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
W-4	6-inch Ø C.I. watermain. Service life - 75 years. Condition - good.	12 feet	569+41 6
W-5	12-inch Ø C.I. watermain. Service life - 75 years. Condition - good.	12 feet	569+85 6
W-6	8-inch Ø C.I. watermain. Service life - 75 years. Condition - good.	12 feet	572+76 6
S-4	6-inch Ø C.I. force sewer. Service life - 75 years. Condition - good.	12 feet	574+88 7
S-3	6-inch Ø C.I. sewer. Service life - 75 years. Condition - good.	12 feet	575+45 7
W-7	8-inch Ø C.I. watermain. Service life - 75 years. Condition - Good.	12 feet	575+19 7
E-6	2.4 kV underground electric lines. Service life - 50 years. Condition - good.	12 feet	576+16 7

<u>Item</u>	<u>Description/ Condition</u>	<u>Affected Length</u>	<u>Baseline Station/ Plate</u>
D-2	6-inch Ø concrete drain. Service life - 50 years. Condition - Good.	12 feet	577+28 8
S-5	6-inch Ø C.I. sewer. Service life - 75 years. Condition - Good.	12 feet	577+38 8
LP-1	Lightpole. Service life - 20 years. Condition - good.	To Be Removed	577+50
D-4	12-inch Ø concrete drain. Service life - 50 years. Condition - good.	12 feet	577+74 8
LP-2	Floodlight & electric conduit. Service life - 20 years. Condition - good.	To Be Removed	578+10
D-1	12-inch concrete drain. Service life - 50 years. Condition - good.	12 feet	574+80

5. FIELD RECONNAISSANCE AND INVESTIGATION. Field surveys, field inspection, consultations, and correspondence with the affected facility owners and the Orleans Levee District provided the basic information from which this design memorandum and the proposed relocation plans were prepared. This work was accomplished principally by NOD's Relocation Section personnel Messrs. Terry Green and Jose' Gelpi.

6. CRITERIA FOR RELOCATED FACILITIES.

a. Roads.

(1) The design criteria for the restoration of the affected portions of road items R-2, R-3, R-4, and R-5 will be in accordance with the provisions of the "General Specifications and Standard Plans for Street Paving and Temporary Surfacing of the City of New Orleans, Louisiana", adopted 28 November 1969.

(2) Item F-1, chain link fence, will be replaced in-kind with an equivalent substitute facility.

b. Railroads.

(1) The design criteria for the temporary relocation of items RR-3 and RR-4 (railroad tracks) and of the falsework over which the tracks are to be placed, will be in accordance with the "American Railway Engineering Association Manual for Railroad Engineering".

(2) The removal of items RR-6 and RR-7 (railroad tracks) will be effected in compliance with the owners' recommendations.

c. Utilities.

(1) The design criteria for the relocation of waterline items W-3, W-4, W-5, W-6, and W-7 will be in compliance with the owner's standards and recommendations.

(2) The design criteria for the relocation of drainline items D-1, D-2, D-4, and D-400 will be in compliance with the owners' standards and recommendations.

(3) The design criteria for the relocation of sewerline and force sewer items S-2, S-3, S-4, and S-5 will be in compliance with the owners' standards and recommendations.

(4) The design criteria for the relocation of electrical items E-3 and E-4 (overhead power lines) will be in accordance with the owners' approved relocation plan.

(5) The design criteria for the relocation of electrical facilities, items E-6, LP-1, and LP-2 will be in accordance with the standards set by the National Electric Code, latest revision.

d. Betterments. The relocation of the above items will not result in a betterment to any facility.

7. DESCRIPTION OF PROPOSED RELOCATIONS.

a. Roads.

(1) The construction of floodgates 2, 4, 5, and 6 will affect the road items R-2, R-3, R-4 and R-5. The work requires the removal of a 12-foot strip of roadway across its entire width to a depth of approximately 5 feet. Sheetpile will be driven and the gate sills cast to the proper elevation, following which the affected portions of the roads will be restored to the appropriate grade matching the gates' sill elevations.

(2) The chain link fence, item F-1, will be carefully removed and stored. At the conclusion of the construction of the portion of the floodwall that is in conflict with item F-1, all usable elements of the existing chain link fence will be re-installed. New fencing materials will be used only to replace non-salvageable used material.

b. Railroads.

(1) The construction of floodgates 1 and 3 will affect railroad track items RR-3 and RR-4. In each case the work requires the temporary removal of a 30-foot length of track and the installation of falsework over which the 30-foot length of track will be laid/removed to allow for both train traffic and floodgate construction. Once the gates are built, the falsework will be removed and the track will then be permanently installed in place over the gate's sill.

(2) The permanent removal of the railroad track items RR-6 and RR-7 requires that track, hardware and ties be removed and stored in the immediate vicinity of an active NOPRR track. All items declared non-salvageable will be permanently disposed of.

c. Utilities.

(1) The relocation of watermain items W-3, W-4, W-5, W-6, and W-7 will employ the following procedure in each case. The watermain will be uncovered and the service turned off. A 12-foot section of the main will be cut to allow for the driving of the sheetpiling into position. An opening will be burned in the sheetpile and a steel sleeve of appropriate size will be welded into the opening. The 12-foot cut section of watermain will be passed thru the sleeve and re-connected. Waterproof packing and casing seals will be installed and service restored.

(2) The relocation of drainlines, items D-1, D-2, D-4, and D-400, will employ the following procedure in each case. The drainline will be uncovered and a 12-foot section of drain pipe will be cut to allow for the driving of the sheetpiling into position. An opening will be burned in the sheetpile and a steel sleeve of appropriate size will be welded into the opening. The 12-foot section of drain pipe will be passed thru the sleeve and re-connected. Waterproof packing and casing seals will be installed. A valve manhole and gate valve will be installed on each drainline on the protected side of the floodwall.

(3) The relocation of sewerlines, items S-2, S-3, S-4, and S-5, will employ the following procedure in each case. The sewerline will be de-activated wherever possible or a holding tank will be provided to contain the effluent. The pipe line will be uncovered and a 12-foot section of pipe will be cut to allow for the driving of the sheetpiling into position. An opening will be burned in the sheetpile and a steel sleeve of appropriate size will be welded into the opening. The 12-foot section of sewer pipe will be passed thru the sleeve and re-connected. Waterproof packing and casing seals will be installed and service restored.

(4) The temporary relocation of electrical items E-3 and E-4 will employ the following work sequence:

Step 1 - Four temporary poles (plus hardware) will be installed on the riverside of the floodwall alignment evenly spaced between existing E-2 and E-3 poles.

Step 2 - The permanent cable assemblies will be removed and the temporary cable assemblies will be installed/removed as required by the floodwall construction.

Step 3 - At the appropriate time the permanent cable assemblies will be re-installed and all the temporary facilities removed.

(5) The relocation of electrical item E-6 will employ the following procedure. The electrical facility will be de-energized and uncovered. The electrical cables will be pulled out and a 12-foot length of concrete envelope and conduit will be removed to allow for the driving of the sheetpile into position. An opening will be burned in the sheetpile and a steel sleeve of appropriate size will be welded into the opening. New conduit will be passed thru the sleeve and re-connected to the exposed cut ends of the existing facility. The electrical cable will be pulled back in and re-connected. Waterproof packing and casing seals will be installed on the sleeve. The concrete envelope will be restored and the facility will be placed back into service.

(6) The relocation of light pole, item LP-1, will employ the following procedure. Service will be disconnected, electrical cables will be pulled out, the light pole will be removed and stored. Upon completion of the corresponding floodwall section the light pole will be re-installed and placed back into service.

(7) The relocation of fence light, item LP-2, will employ the following procedure. A temporary light pole will be provided in the approximate vicinity of the existing facility prior to its removal. The temporary light pole will remain in service until item LP-2 is re-installed on a new location. The temporary facility will then be removed.

8. PROCEDURE FOR ACCOMPLISHING RELOCATIONS.

a. Roads.

(1) The restoration of the affected roads, items R-2, R-3, R-4 and R-5, as well as the re-installation of chain link fence, item F-1, will be done by the Federal Government for the owner as part of the floodwall construction contract. The relocation of items R-2 and F-1 is compensable at no cost to their owners. The relocation of items R-3, R-4, and R-5 is not compensable and therefore the owner will reimburse the Federal Government for the cost of relocation.

(2) NOD will prepare the necessary relocation drawings and specifications for review by the owner.

b. Railroads.

(1) The temporary relocation of railroad tracks, items RR-3 and RR-4, will be done by their owner concurrently with the construction of floodwall gates 1 and 3. The furnishing, installation and removal of the falsework required for the track relocation will be done by the Federal Government for the owner as part of the floodwall construction contract. The relocation work to be performed by the owner will be compensated by the Federal Government on a cost reimbursable basis. The falsework will be provided by the Federal Government at no cost to the owner.

(2) NOD will prepare the necessary relocation drawings and specifications for review by the owner.

c. Utilities.

(1) The relocation of watermains (items W-3, W-4, W-5, W-6, and W-7), drainlines (items D-1, D-2, D-4 and D-400), sewerlines (items S-2, S-3, S-4, and S-5) and electrical facilities

(items E-6, LP-1, and LP-2) will be done by the Federal Government as part of the floodwall construction contract. The temporary relocation of electrical facilities (items E-3 and E-4) will be done by their owner concurrently with the floodwall construction contract.

(2) The owner of items W-4, W-5, W-6, W-7, D-1, S-3, S-4, and E-6 will reimburse the Federal Government for the cost of relocating these facilities. The owner of items E-3 and E-4 will not be reimbursed for the costs of their relocation. All the other utility items will be relocated at the expense of the Federal Government.

(3) NOD will prepare the necessary relocation plans and specifications for all utilities, except for items E-3 and E-4, for review by their owners. The owner of items E-3 and E-4 will prepare the necessary plans and specifications for the relocations of those two utilities to be reviewed by NOD prior to their execution.

d. Additional Right-of-Way. No additional right-of-way is required for the relocations identified in this document.

9. LEVEE DISTRICT RESPONSIBILITY. The Orleans Levee District, as the local assuring agency, will be requested to accomplish the railroad and utility relocations, except for the falsework and other relocation work to be performed by the Government's Contractor, in accordance with this design memorandum and subject to reimbursement of allowable cost not to exceed a given dollar amount. Upon notification by the NOD Real Estate Division, the Levee District will advise the affected facility owners of the dollar limit available to accomplish relocation of their facilities. The dollar limit provided will be based on the approved design memorandum; however, reimbursement will be based on actual cost (less any betterments and salvage and plus removal cost, as applicable). Upon completion of the relocations for which reimbursements are to be made, the Orleans Levee District will furnish New Orleans District Real Estate Division with itemized billings which should include a copy of any contracts (including plans and specifications) covering work performed by others or itemized billings for labor and materials if the work was performed by the owner, and a copy of all cancelled checks covering related payments, prior to the Levee District's payment to the contractor and/or facility owners, for New Orleans District Engineering Division's review and approval. Further, all records related to the reimbursement request will be subject to audit by the Government and original time cards of payrolls, material records, and accounts for all charges and expenditures for which reimbursement will be claimed from the Government will be available at all reasonable times for Government inspection. Finally, as far as practicable, separate records will be maintained for all items and accounts constituting the basis of information from which the invoices are prepared. Variances between billings and the dollar limits available shall be resolved before payments are made. Upon New Orleans District Engineering Division's review and approval of the itemized billings submitted, New Orleans District Real Estate Division will instruct the Levee

District to make payment. After payments are made the Levee District will furnish New Orleans District Real Estate Division with a reimbursement assembly consisting of a resolution of the Board of Levee Commissioners of the Orleans Levee District releasing the United States of America from all liabilities and claims, a billing, and a copy of the cancelled check with indorsement or receipt for check. Upon receipt and approved of the appropriate reimbursement assembly, reimbursement will be made.

10. ATTITUDE OF OWNERS. All affected facility owners have responded satisfactorily to all requests for information and have indicated their willingness to cooperate in matters pertaining to the project.

11. ESTIMATE OF COST. Estimates of cost for accomplishing the proposed relocations have been prepared in accordance with the policy set forth in ER 1180-1-1, and are based on plans for relocation, as proposed by or agreed to by the affected owners. These estimates are presented in Tables A thru D.

TABLE A - ESTIMATE OF COST
 BOARD OF COMMISSIONERS
 OF THE PORT OF NEW ORLEANS
 (DECEMBER 1983 PRICE LEVELS)

Cost Acct No.	Description	Unit	Qty	Unit Price(\$)	Cost
02	Relocations				
0.1	Roads				
	<u>Item R-2</u>				
	Restoration of Roadway Pavement	Sq Yd	48	100	4,800
0.7	Utilities & Structures				
	<u>Item S-2</u>				
	a. Cut & temporarily remove a 12-foot section of 6-inch steel casing & 2-inch C.I. force main.				
	b. Install a 10-inch \emptyset by 24-inch long x $\frac{1}{2}$ inch thick steel sleeve in sheetpile.				
	c. Pass the cut items thru the sleeve & reconnect/restore service.	Lump Sum			1,750
	<u>Item W-3</u>				
	a. Cut & temporarily remove a 12-foot section of 12-inch C.I. water pipe.				
	b. Install a 20-inch \emptyset by 24-inch long x $\frac{1}{2}$ inch thick steel sleeve in sheetpile.				
	c. Pass the cut pipe section thru sleeve & reconnect/restore service.	Lump Sum			2,700
	Relocations cost				9,250
	Contingencies (25%±)				2,750
	Subtotal				12,000
	E&D (6%±)				500
	S&A (6%±)				500
	Total				<u>13,000</u>

- 1/ Depreciation - none, based on FCI 73.209.3, 1 Jul 80.
- 2/ Salvage - none, material removed and not re-used has zero salvage value.
- 3/ Removal - no reimbursement; removal will be effected by Government's contractor.
- 4/ Betterment - none.
- 5/ Above described relocations work will be effected by the Government's contractor.

TABLE B - ESTIMATE OF COST
 NEW ORLEANS PUBLIC BELT RAILROAD
 (DECEMBER 1983 PRICE LEVELS)

Cost Acct No.	Description	Unit	Qty	Unit Price(\$)	Cost
02	Relocations				
0.7	Utilities & Structures				
	<u>Item D-400</u>				
	a. Uncover and temporarily remove a 12-foot length of 12-inch steel drain.				
	b. Install an 18-inch \emptyset by 24-inch long x $\frac{1}{2}$ -inch thick steel sleeve in sheetpile.				
	c. Pass the cut section thru sleeve & re-connect.				
	d. Install shut-off valve & valve box on protected side.				
		Lump Sum			4,000
0.4	Railroads				
	<u>Item RR-3</u>				
	a. Temporarily remove and replace over falsework a 20-foot section of track	Lump Sum			8,250
	b. Furnish & install falsework as shown on plate 10 of RDM.	Lump Sum			20,000
				Subtotal for RR-3	28,250
	<u>Item RR-4</u>				
	a. Temporarily remove and replace over falsework a 20-foot section of straight track and a 10-foot section of angled track.	Lump Sum			9,600
	b. Furnish and install falsework as shown on plate 10 of RDM.	Lump Sum			20,000
				Subtotal for RR-4	29,600

Cost Acct No.	Description	Unit	Qty	Unit Price(\$)	Cost
	<u>Item RR-6 & PR-7</u> (abandoned trackage) Removal of track, hardware and ties; store in nearby location, remove discards.	550	LF	5/LF	2,750
	Relocations Cost				64,600
	Contingencies (25%±)				16,400
	Subtotal <u>5/</u>				81,000
	E&D (6%±)				5,000
	S&A (6%±)				5,000
	Total				<u>91,000</u>

1/ Depreciation - none, based on ECI 73.209.3, 1 Jul 80.

2/ Salvage - none, material removed and not re-used has zero salvage value.

3/ Removal - no reimbursement, removal will be effected by Government's contractor.

4/ Betterment - none.

5/ From the sub-total amount, the sum of \$23,000 is to be reimbursed to NOPBRR for work performed by their forces. The balance of \$58,000 corresponds to work to be carried out by the Government's contractor.

TABLE C - ESTIMATE OF COST
DEPARTMENT OF NAVY
NAVAL SUPPORT ACTIVITY
(DECEMBER 1983 PRICE LEVELS)

Cost Acct No.	Description	Unit	Otty	Unit Price(\$)	Cost
02	Relocations				
0.7	Utilities				
	<u>Item S-5</u>				
	a. Remove asphalt pavement	SF 64		1.00	64
	b. Excavation	CY 15		10.00	150
	c. Install sleeve in floodwall		Lump Sum		2,150
	d. Cut & re-install 6-inch C.I. sewerline	LF 16		15.00	240
	e. Install manhole & cut-off valve		Lump Sum		2,750
	f. Backfill & compact	CY 15		18.00	270
	g. Fill & grade	CY 8		15.00	120
	h. Resurface with asphalt	SF 64		5.00	320
	Total for Item S-5				6,064
	<u>Item D-2</u>				
	a. Remove asphalt pavement	SF 64		1.00	64
	b. Excavation	CY 15		10.00	150
	c. Install sleeve in floodwall		Lump Sum		2,150
	d. Cut & re-install 6-inch concrete drain line	LF 16		8.00	128
	e. Install manhole & cut-off valve		Lump Sum		2,750
	f. Backfill & compact	CY 15		18.00	270
	g. Fill & grade	CY 8		15.00	120
	h. Resurface with asphalt	SF 64		5.00	320
	Total for Item D-2				5,952

Item D-4

a. Remove asphalt pavement	SF 64	1.00	64
b. Excavation	CY 15	10.00	150
c. Intall sleeve in floodwall	Lump Sum		2,150
d. Cut & re-install 12-inch concrete drain line	LF 16	15.00	240
e. Install manhole & cut-off valve	Lump Sum		2,750
f. Backfill & compact	CY 15	18.00	270
g. Resurface with asphalt	SF 64	2.50	160
Total for Item D-4			5,784

Item LP-1

a. Temporarily remove lightpole	Lump Sum		270
b. Re-install lightpole	Lump Sum		960
Total for Item LP-1			1,230

Item LP-2

a. Remove existing floodlight	Lump Sum		100
b. Provide temporary floodlight	Lump Sum		100
c. Restore permanent floodlight	Lump Sum		400
Total for Item LP-2			600

Item F-1

a. Remove existing fence	Lump Sum		1,000
b. Install temporary fence	LF 100	25	2,500
c. Install permanent fence	LF 100	27	2,700
Total for Item F-1			6,200

Relocations Cost	25,830
Contingencies (25%±)	6,170
Subtotal	32,000
E&D (6%±)	2,000
S&A (6%±)	2,000
Total	<u>36,000</u>

1/ Depreciation - none, based on ECI 73.209.3, 1 Jul 80.

2/ Salvage - none, material removed and not re-used has zero salvage value.

3/ Removal - no reimbursement, removal will be effected by Government's contractor.

4/ Betterment - none.

5/ Above described relocations work will be effected by the Government's contractor.

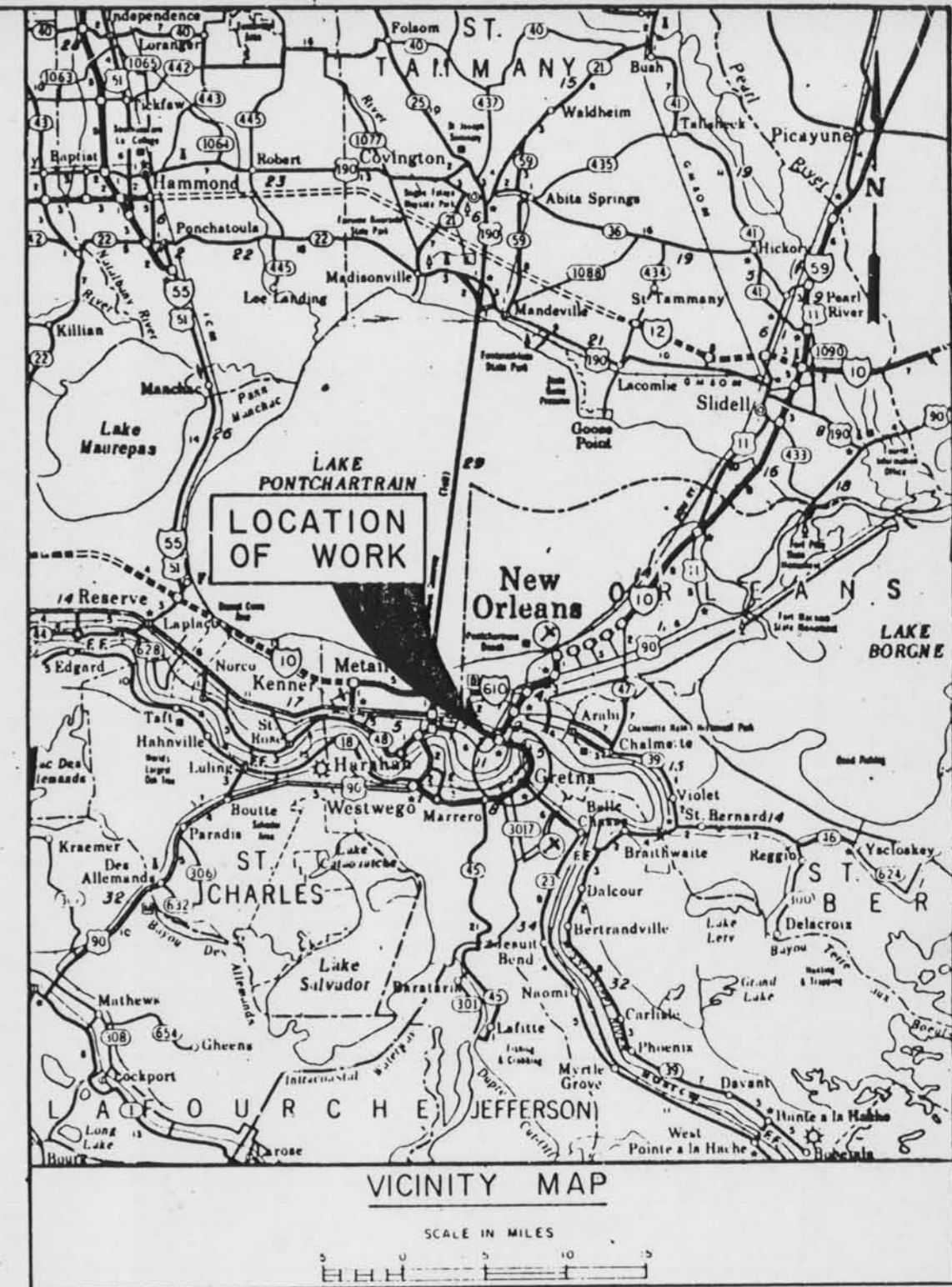
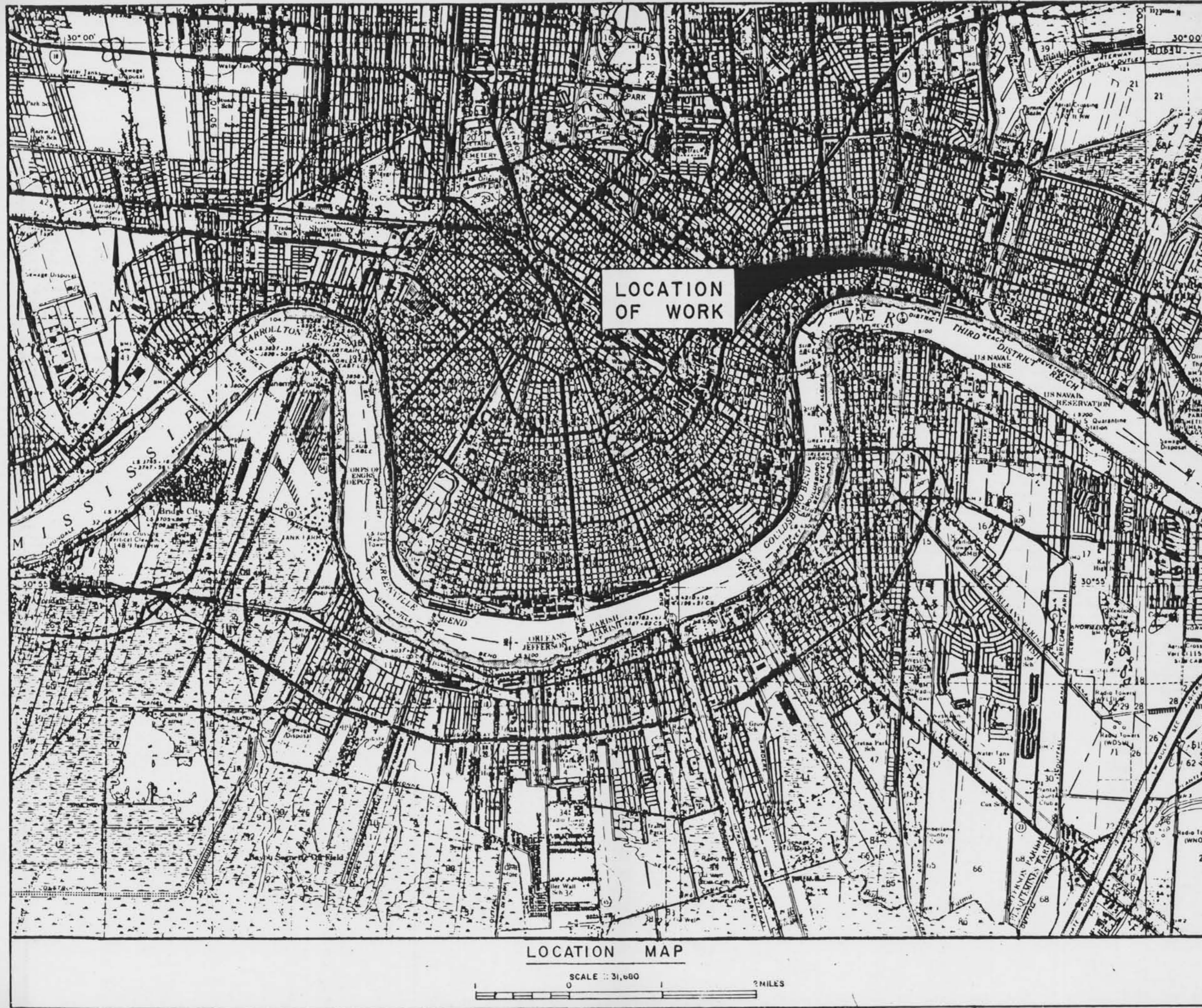
TABLE D
MISSISSIPPI RIVER LEVEE CONSTRUCTION
COST COMPARISON SUMMARY
(FEDERAL COST ONLY)
(IN 1,000'S)

Cost Acct No.		Current PB-3 (1 Oct 84) For Independence to IHNC	Current Working Estimate	Difference from Proposed PB-3
02	Relocations			
0.1	Roads	4	6	+ 2
0.4	Railroads	82	76	- 6
0.7	Utilities	31	43	+ 12
	Subtotal	117	125	+ 8
30	E&D	7.5	7.5	0
31	S&A	7.5	7.5	0
	Total ^{1/}	132	140	+ 8

^{1/}. Incremental cost.

12. JUSTIFICATION FOR COST REVISIONS. The increase in costs as shown on Table D can be accounted for in terms of relocation work which originally was to be accomplished at no cost to the Federal Government. This work, according to the latest attorney's report, has been found to be reimbursable and therefore will be performed at Federal Government cost. The minor decrease in railroad relocations cost, as shown on Table D, is due to more precise knowledge on the amount of work involved.

13. RECOMMENDATION. It is recommended that this design memorandum be approved as the basis for reimbursing the Orleans Levee District and floodwall contractor for costs incurred in accomplishing the road, railroad and utility relocations herein described.

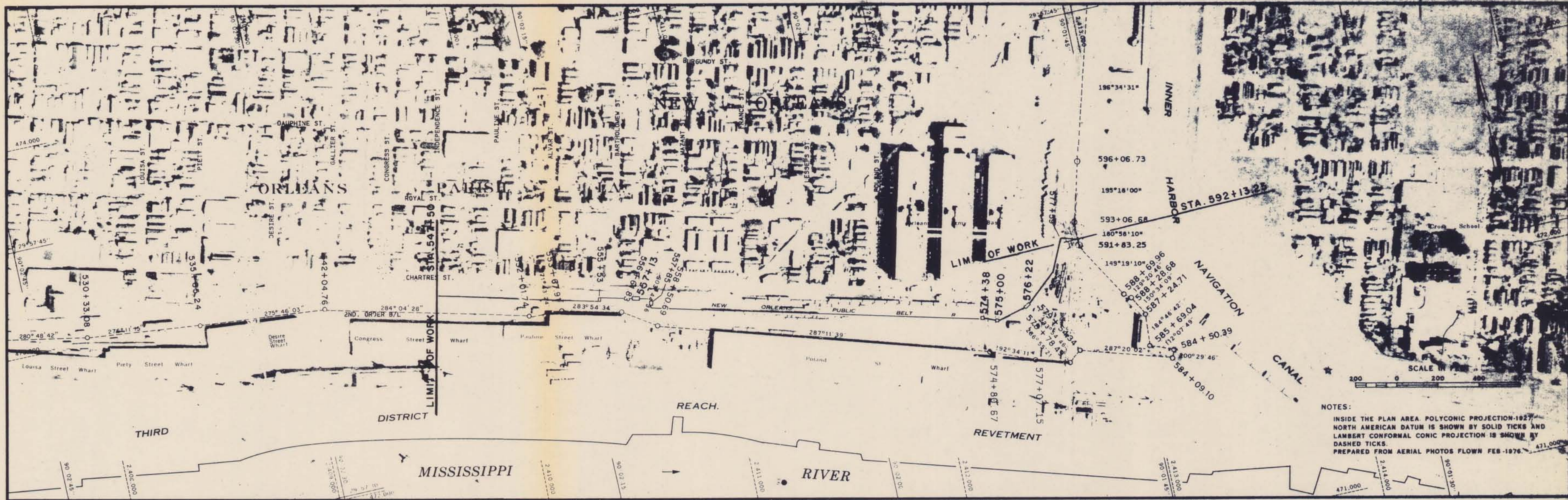


**MISSISSIPPI RIVER LEVEES
ORLEANS LEVEE DISTRICT**

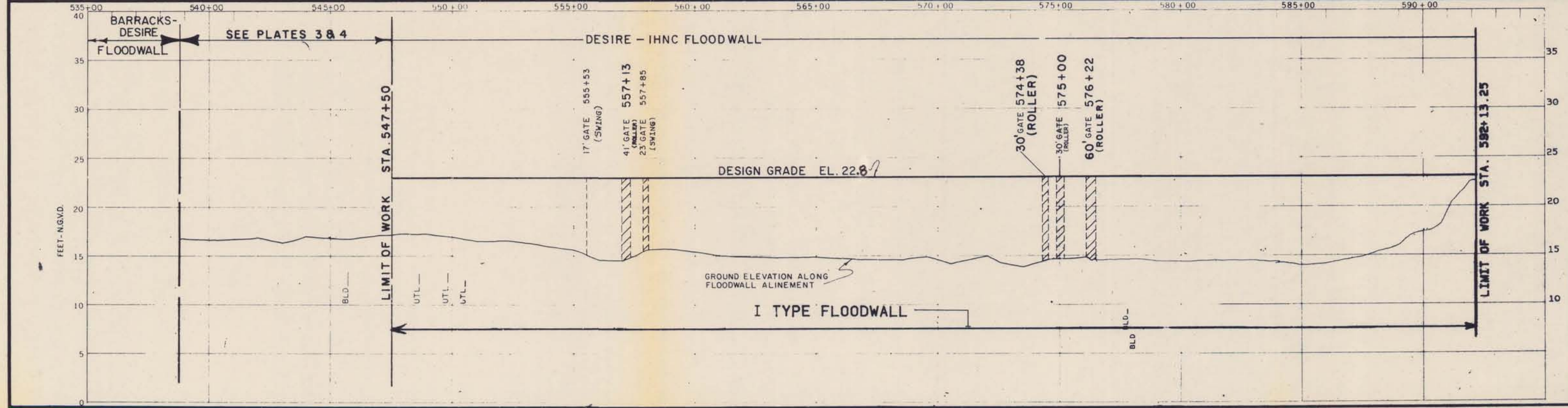
ITEM H-93.3 TO 92.8-L
INDEPENDENCE TO IHNC FLOODWALL
DESIGN MEMORANDUM NO. 80
RELOCATION OF FACILITIES
PROJECT PLAN

U. S. ARMY ENGINEER DISTRICT NEW ORLEANS
CORPS OF ENGINEERS
DATE: MAY 1984 FILE NO. H-4-29700

PLATE 1



NOTES:
 INSIDE THE PLAN AREA POLYCONIC PROJECTION-1927
 NORTH AMERICAN DATUM IS SHOWN BY SOLID TICKS AND
 LAMBERT CONFORMAL CONIC PROJECTION IS SHOWN BY
 DASHED TICKS.
 PREPARED FROM AERIAL PHOTOS FLOWN FEB-1976.

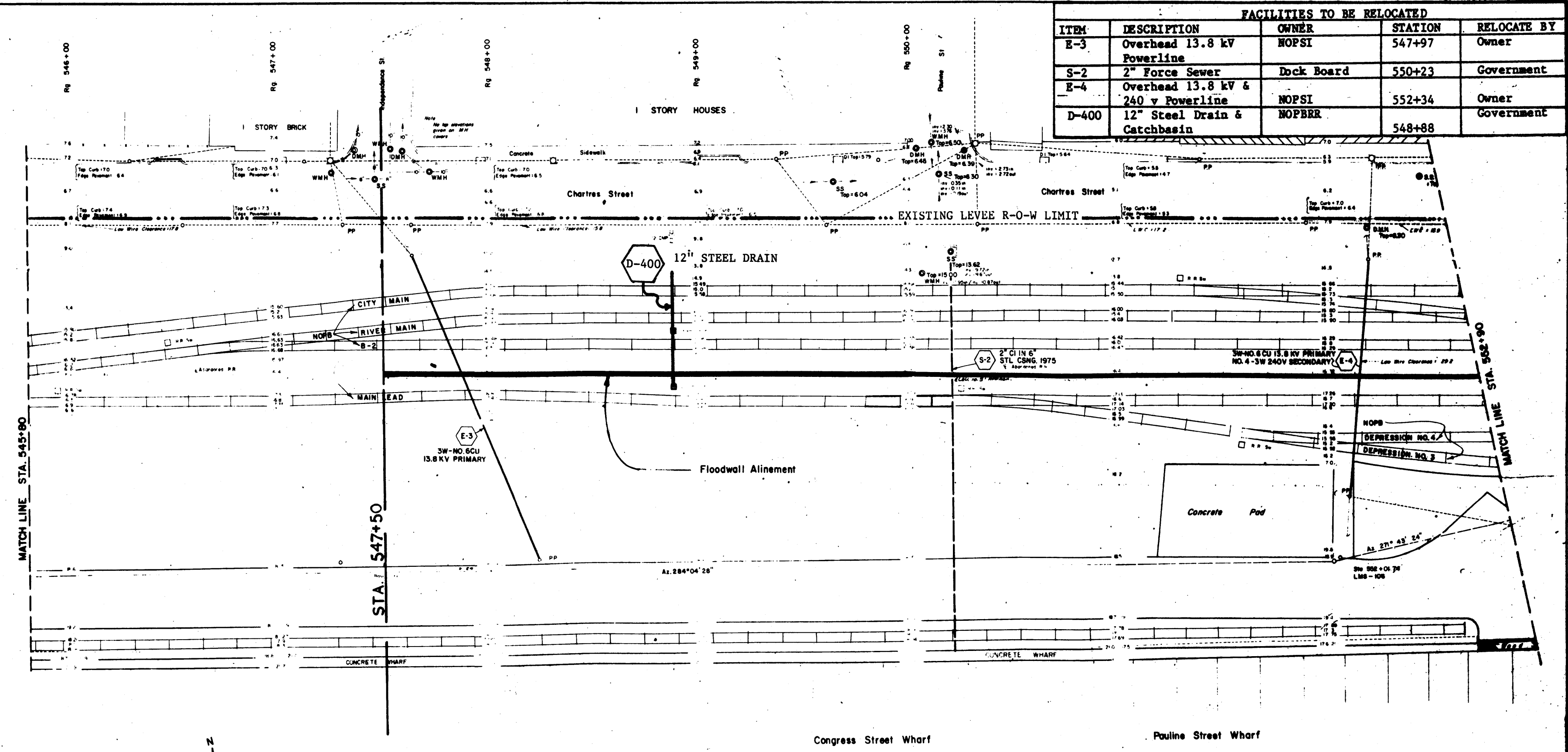


**MISSISSIPPI RIVER LEVEES
 ORLEANS LEVEE DISTRICT**

ITEM H-93.3 to 92.8-L
 INDEPENDENCE TO IHNC FLOODWALL
 DESIGN MEMORANDUM NO. 80
 RELOCATION OF FACILITIES
 PROJECT PLAN

U S ARMY ENGINEER DISTRICT NEW ORLEANS
 CORPS OF ENGINEERS
 DATE MAY 1984 FILE NO H-4-29700

FACILITIES TO BE RELOCATED				
ITEM	DESCRIPTION	OWNER	STATION	RELOCATE BY
E-3	Overhead 13.8 kV Powerline	NOPSI	547+97	Owner
S-2	2" Force Sewer	Dock Board	550+23	Government
E-4	Overhead 13.8 kV & 240 v Powerline	NOPSI	552+34	Owner
D-400	12" Steel Drain & Catchbasin	NOPBRR	548+88	Government

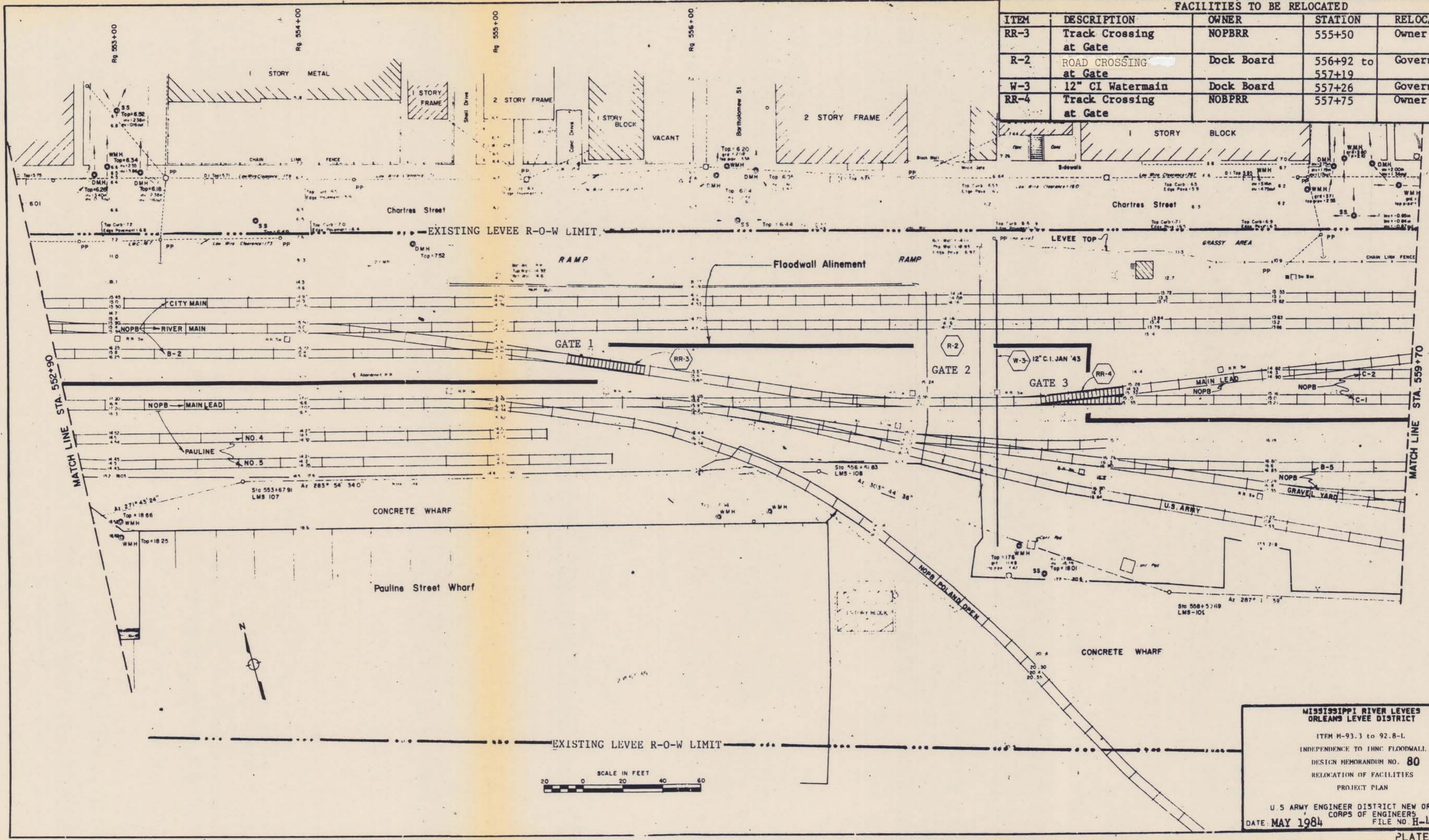


MISSISSIPPI RIVER LEVEE
ORLEANS LEVEE DISTRICT

ITEM M-93.3 to 92.8-L
INDEPENDENCE TO IHC FLOODWALL
DESIGN MEMORANDUM NO. 80
RELOCATION OF FACILITIES
PROJECT PLAN

U.S. ARMY ENGINEER DISTRICT NEW ORLEANS
CORPS OF ENGINEERS
DATE: MAY 1984 FILE NO. H-4-29700

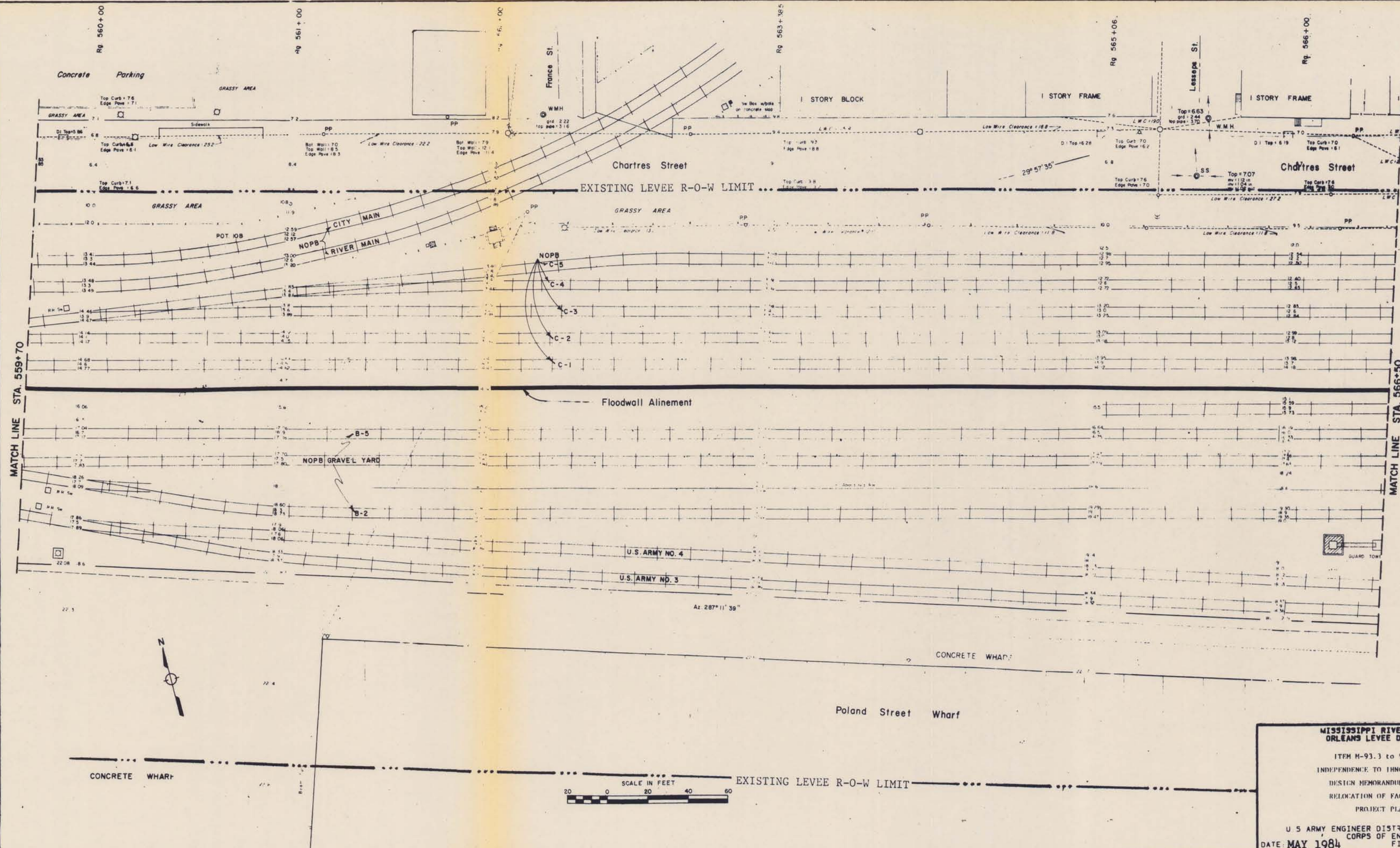
FACILITIES TO BE RELOCATED				
ITEM	DESCRIPTION	OWNER	STATION	RELOCATE BY
RR-3	Track Crossing at Gate	NOPBRR	555+50	Owner
R-2	ROAD CROSSING at Gate	Dock Board	556+92 to 557+19	Government
W-3	12" CI Watermain	Dock Board	557+26	Government
RR-4	Track Crossing at Gate	NOBPRR	557+75	Owner



MISSISSIPPI RIVER LEVEES
ORLEANS LEVEE DISTRICT

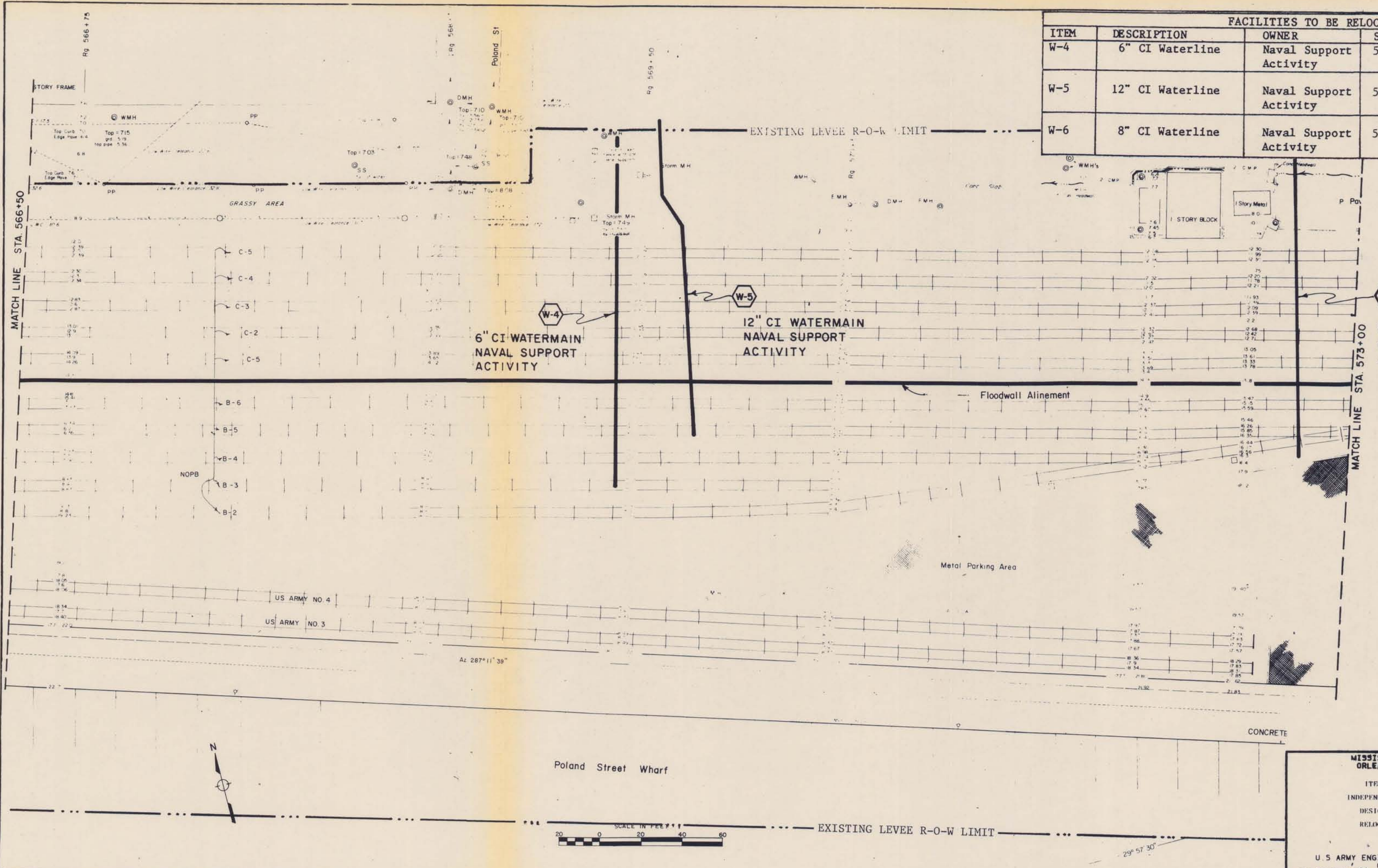
ITEM H-93.3 to 92.8-1
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MISSISSIPPI RIVER LEVEES
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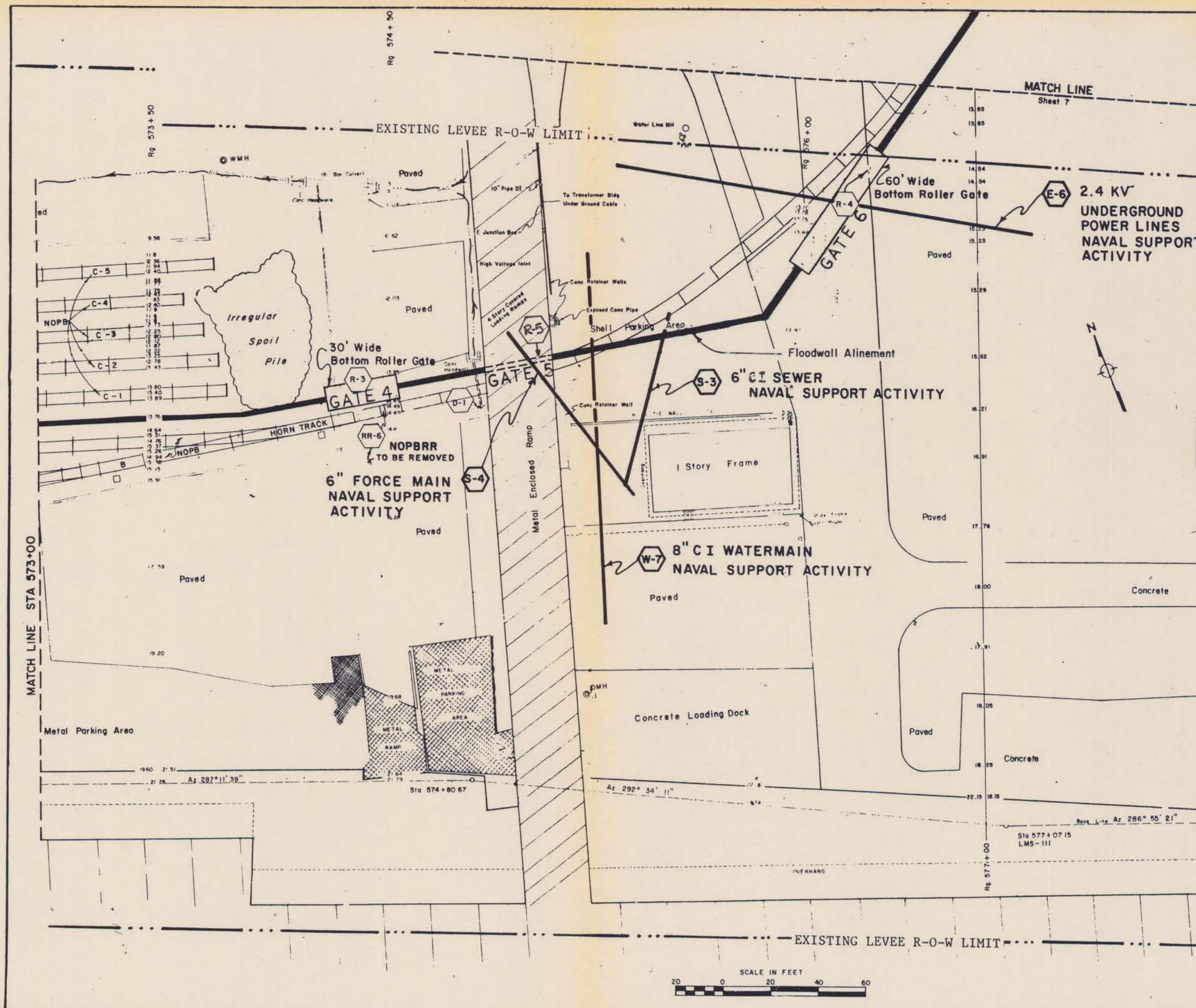
FACILITIES TO BE RELOCATED				
ITEM	DESCRIPTION	OWNER	STATION	RELOCATE BY
W-4	6" CI Waterline	Naval Support Activity	569+41	Government
W-5	12" CI Waterline	Naval Support Activity	569+85	Government
W-6	8" CI Waterline	Naval Support Activity	572+76	Government



MISSISSIPPI RIVER LEVEES
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U S ARMY ENGINEER DISTRICT NEW ORLEANS
CORPS OF ENGINEERS
DATE: MAY 1984 FILE NO H-4-29700

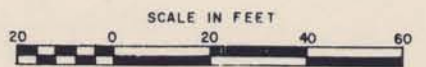


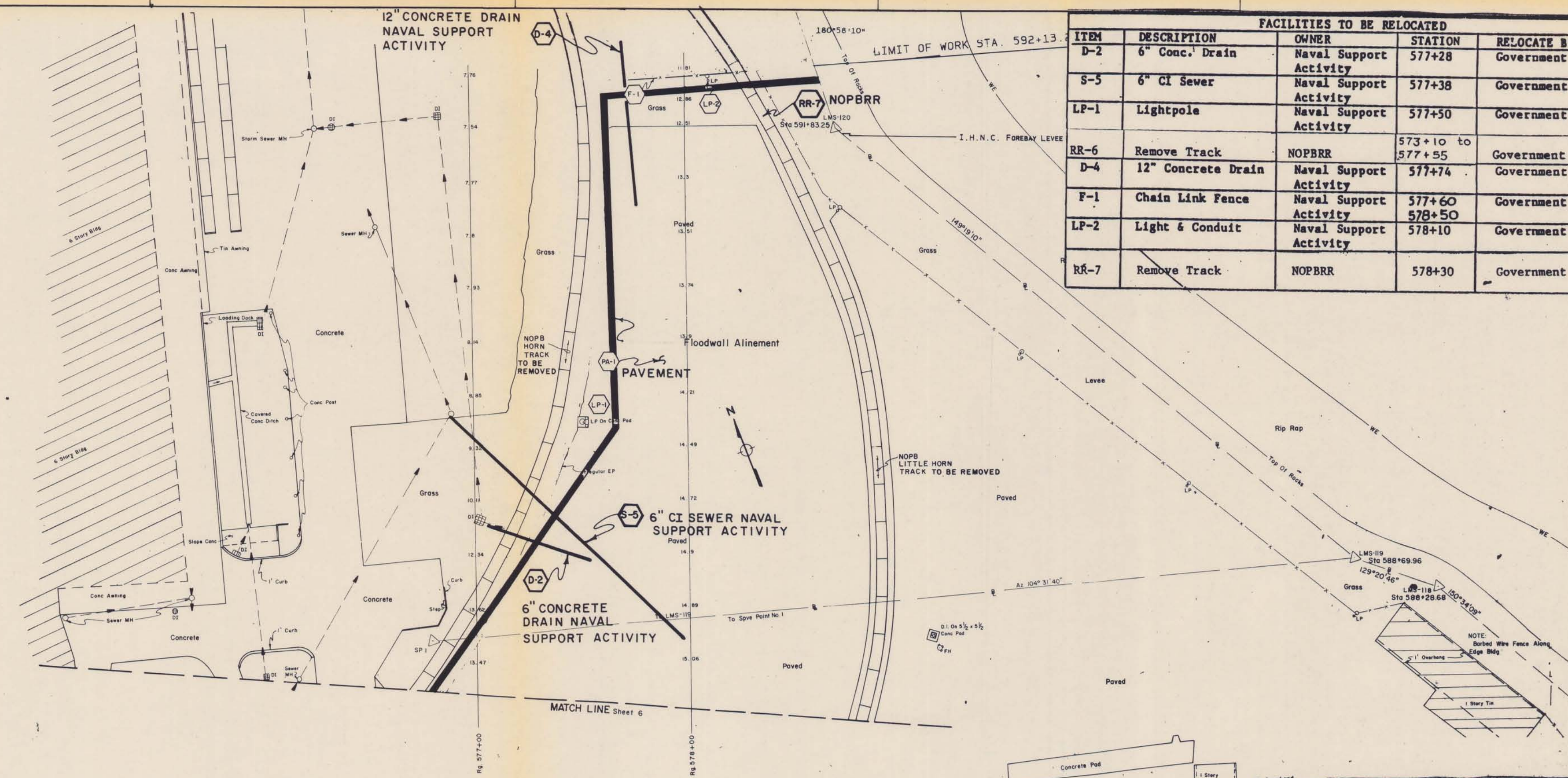
FACILITIES TO BE RELOCATED				
ITEM	DESCRIPTION	OWNER	STATION	RELOCATE BY
R-3	ROAD CROSSING at Gate	Naval Support Activity	574+25 to 574+47	Government
RR-6	Remove Track	NOPBRR	573+10 to 577+55	Government
D-1	12" Conc. Drain	Naval Support Activity	574+80	Government
S-4	6" Force Sewer	Naval Support Activity	574+88	Government
S-3	6" CI Sewer	Naval Support Activity	575+45	Government
E-6	Underground 2.4 kV Powerline	Naval Support Activity	576+16	Government
R-4	ROAD CROSSING at Gate	Naval Support Activity	576+01 to 576+25	Government
W-7	8" CI Watermain	Naval Support Activity	575+19	Government
R-5	ROAD CROSSING at Gate	Naval Support Activity	574+85 to 575+00	Government

MISSISSIPPI RIVER LEVEES
ORLEANS LEVEE DISTRICT

ITEM H-93.3 to 92.8-L
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RELOCATION OF FACILITIES
PROJECT PLAN

U.S. ARMY ENGINEER DISTRICT NEW ORLEANS
CORPS OF ENGINEERS
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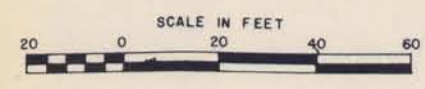


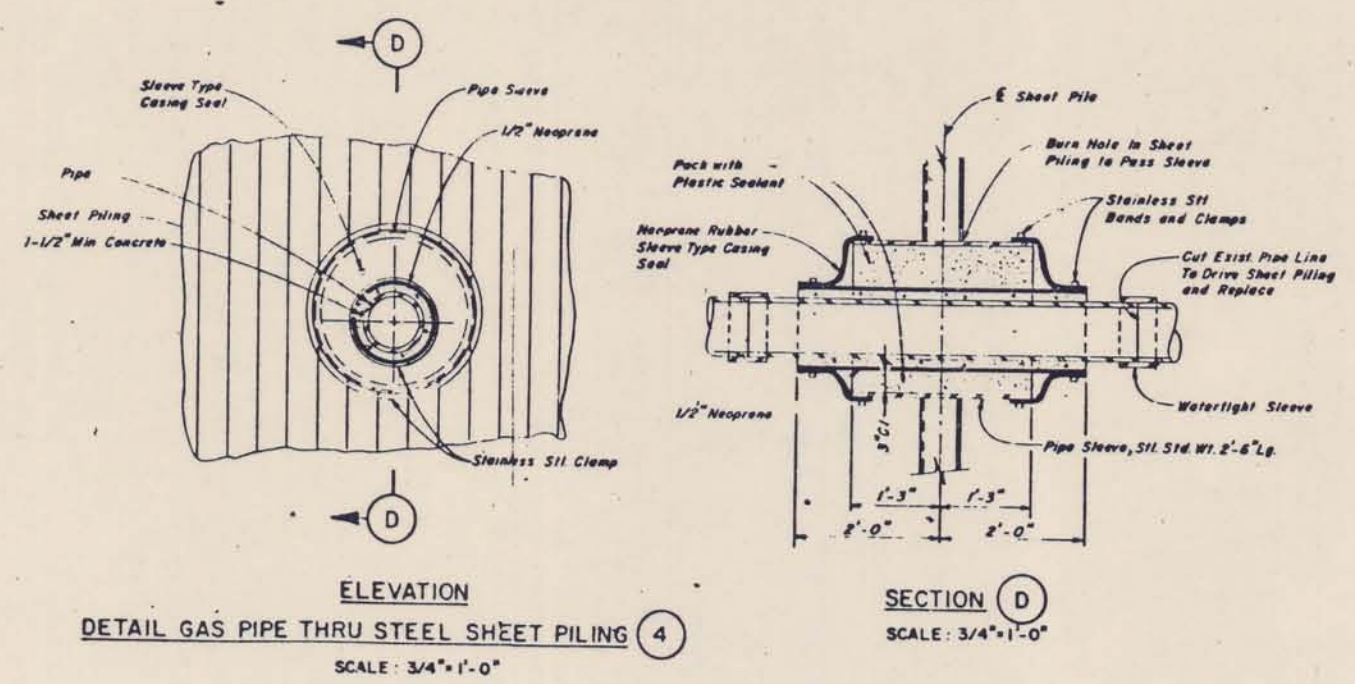
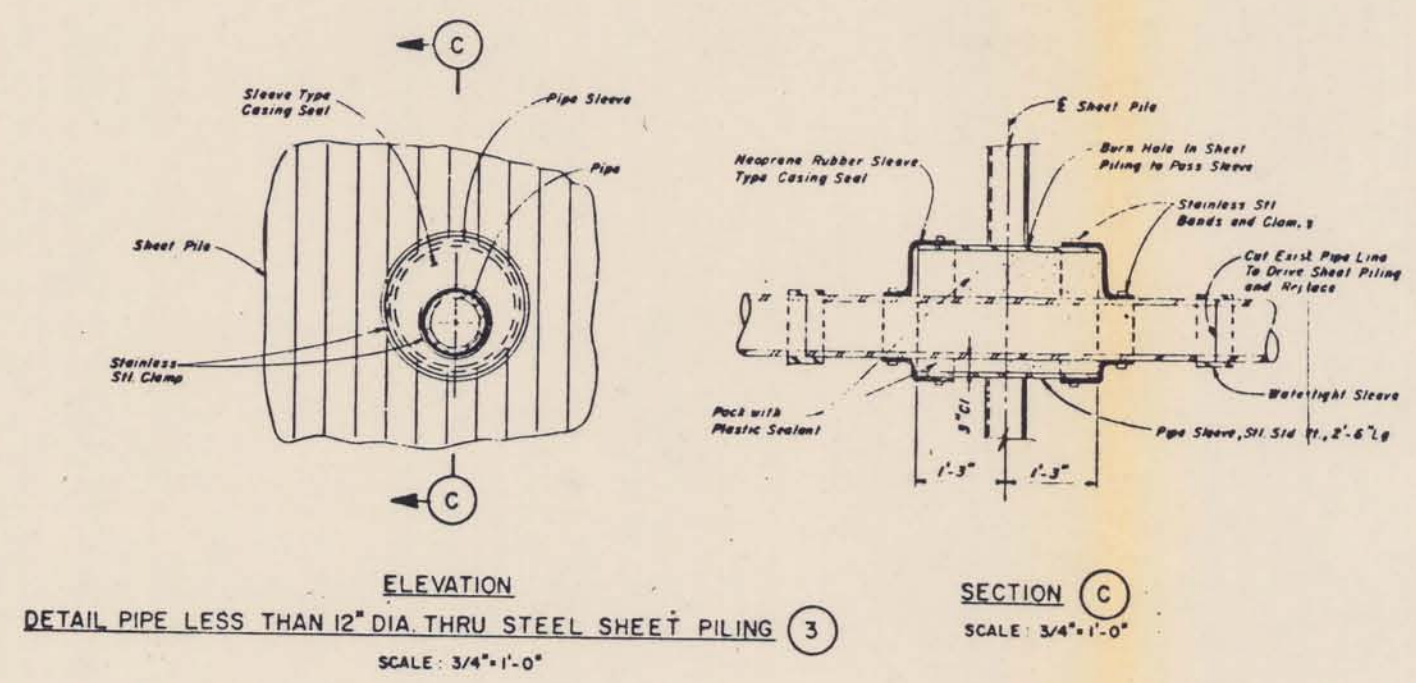
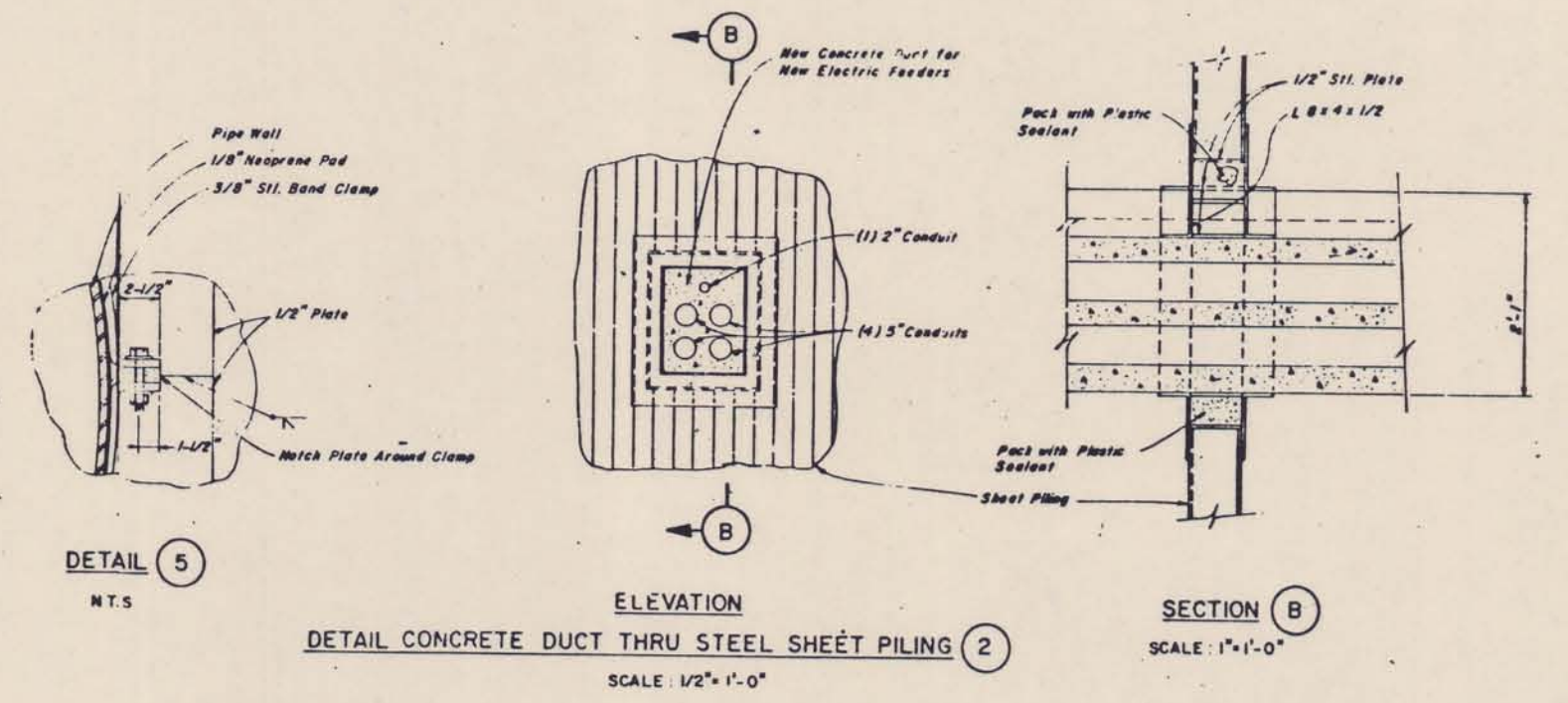
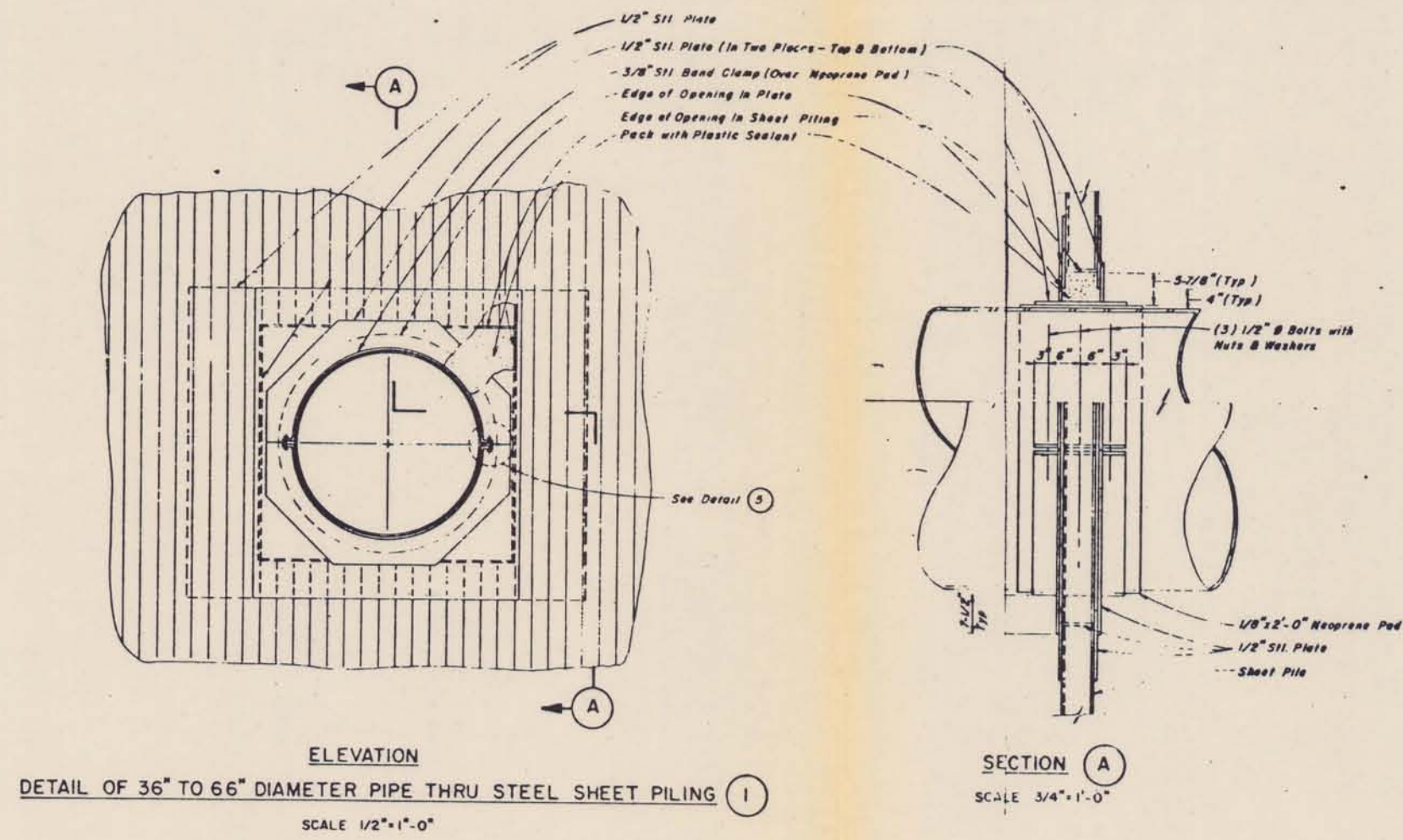
FACILITIES TO BE RELOCATED				
ITEM	DESCRIPTION	OWNER	STATION	RELOCATE BY
D-2	6" Conc. Drain	Naval Support Activity	577+28	Government
S-5	6" CI Sewer	Naval Support Activity	577+38	Government
LP-1	Lightpole	Naval Support Activity	577+50	Government
RR-6	Remove Track	NOPBRR	573+10 to 577+55	Government
D-4	12" Concrete Drain	Naval Support Activity	577+74	Government
F-1	Chain Link Fence	Naval Support Activity	577+60 to 578+50	Government
LP-2	Light & Conduit	Naval Support Activity	578+10	Government
RR-7	Remove Track	NOPBRR	578+30	Government

MISSISSIPPI RIVER LEVEES
ORLEANS LEVEE DISTRICT

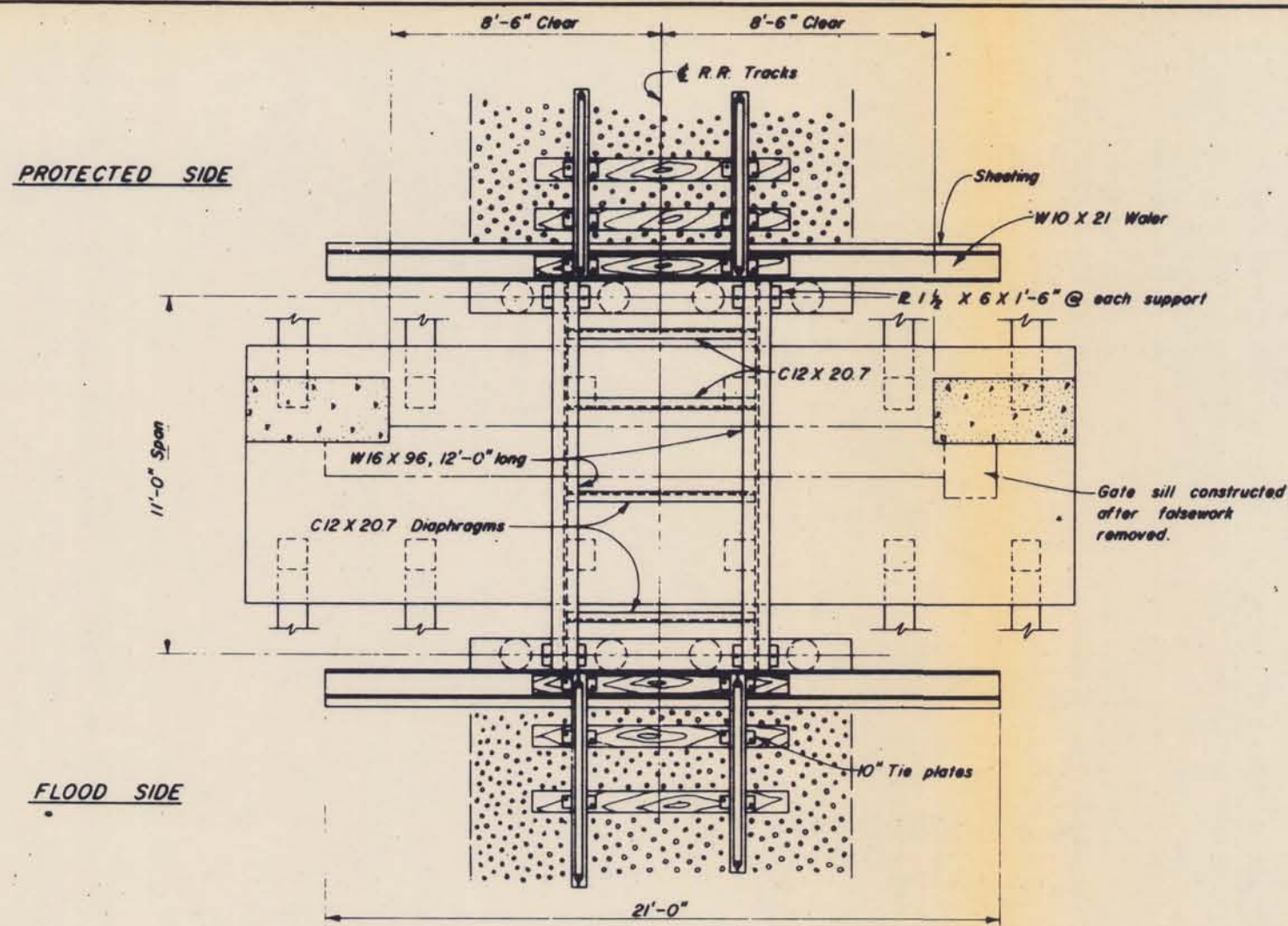
ITEM M-93.3 to 92.8-1.
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U.S. ARMY ENGINEER DISTRICT NEW ORLEANS
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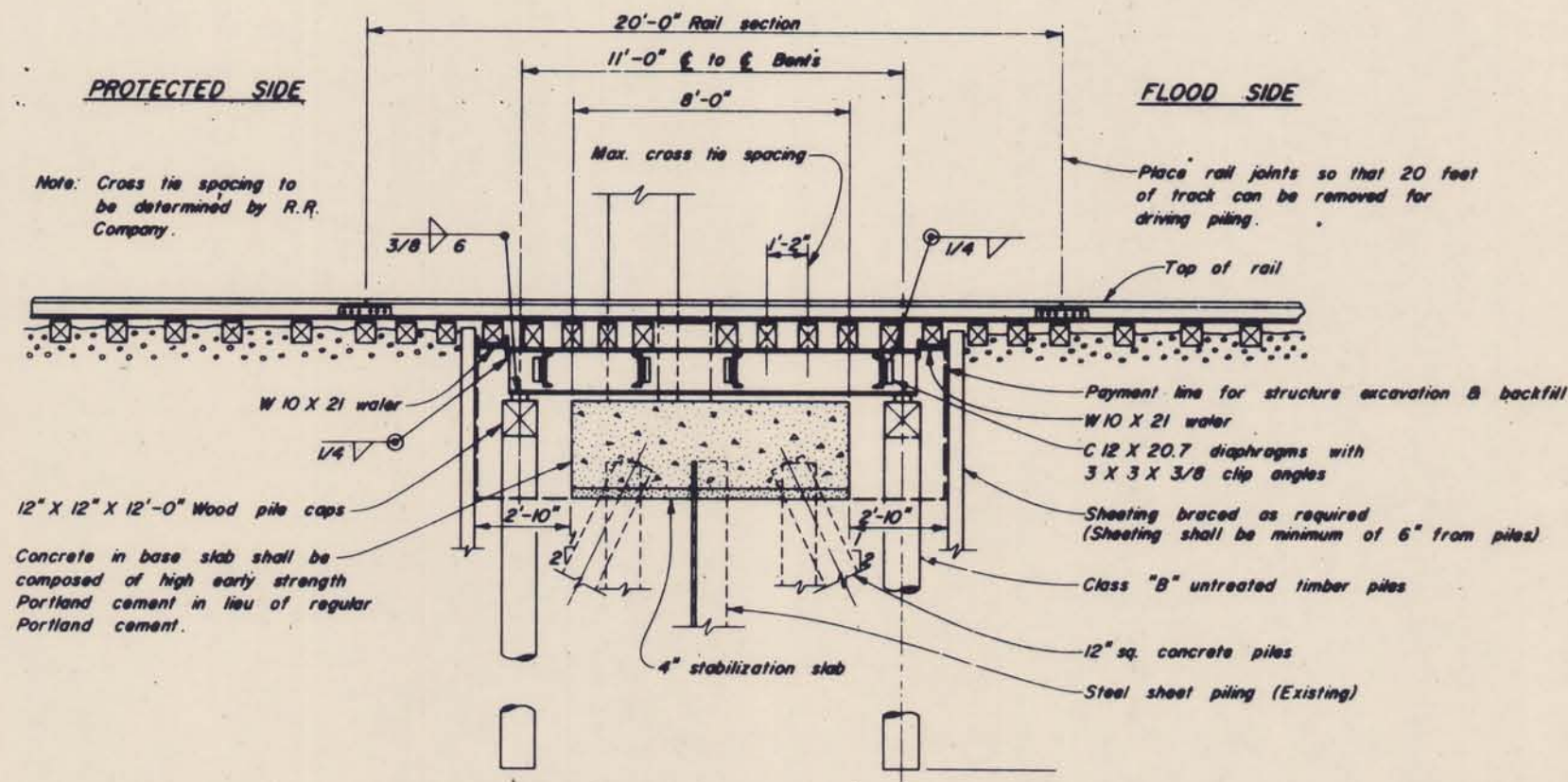


MISSISSIPPI RIVER LEVEES
 ORLEANS LEVEE DISTRICT
 ITEM H-93.3 to 92.8-L
 INDEPENDENCE TO IHNC FLOODWALL
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UTILITIES
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 DATE: MAY 1984 FILE NO. H-4-29700



PLAN - FALSEWORK

SCALE: 3/8" = 1'-0"



SECTION (FALSEWORK SPAN)

SCALE: 3/8" = 1'-0"

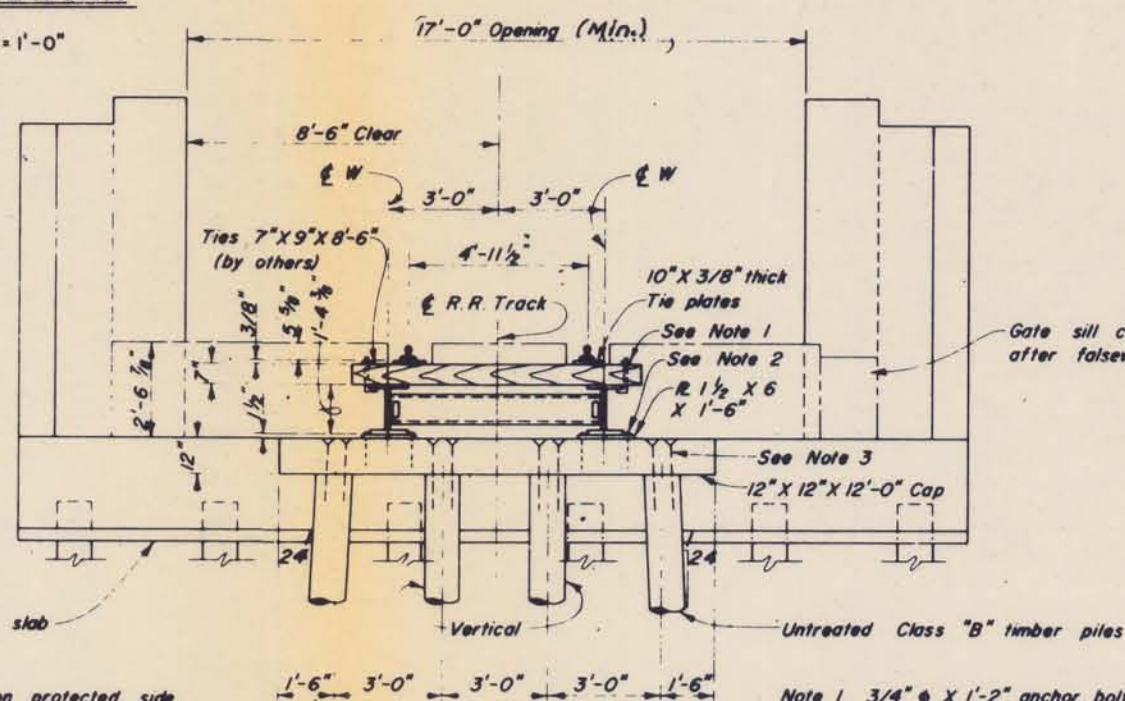
General

= DESIGN CRITERIA =

The design of the temporary railroad bridge falsework was based on AREA specifications for the design of wood and steel structures. Each member was designed to support a railroad load and its own weight. The following design criteria is given:

1. Live load, Cooper E-80 axle loading
 2. Dead load Weight of Materials
 - a) Steel - 490 Lbs per cu ft
 - b) Timber - 60 Lbs per cu ft
 - c) Track rails & Fasteners - 200 Lbs per lin ft of track
 - d) Earth fill & Ballast - 120 Lbs per cu ft
 3. Unit Working Stress
 - a) Timber - Stress grade conforming to AREA specifications for Structural Lumber
 - b) Steel - Basic stress conforms to AREA specifications for ASTM A-36
 - c) Piling (timber) - Tension, 26 Kips per pile
Compression, 38 Kips per pile
- Corps of Engineers allowable

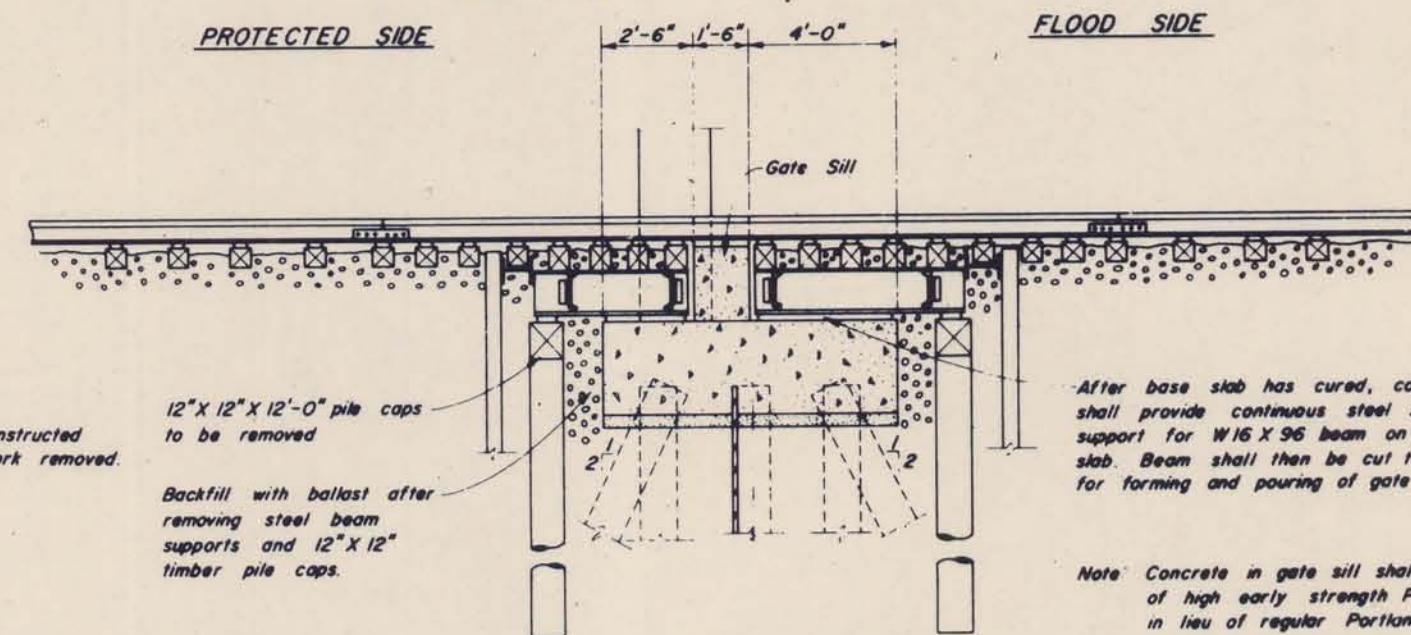
Note: Falsework bents on protected side are similar to those on flood side.



FLOOD SIDE ELEVATION - FALSEWORK BENTS

SCALE: 3/8" = 1'-0"

- Note 1. 3/4" X 1'-2" anchor bolts, threaded 3" W/3" flat washer
- Note 2. 3/4" X 1'-0" drift bolts W/button head and wedge point
- Note 3. 7/8" X 2'-0" drift bolts W/countersunk head and wedge point



SECTION (FALSEWORK REMOVED)

SCALE: 3/8" = 1'-0"

12" X 12" X 12'-0" pile caps to be removed
Backfill with ballast after removing steel beam supports and 12" X 12" timber pile caps.

After base slab has cured, contractor shall provide continuous steel shim support for W16 X 96 beam on base slab. Beam shall then be cut to allow for forming and pouring of gate sill.

Note: Concrete in gate sill shall be composed of high early strength Portland cement in lieu of regular Portland cement.

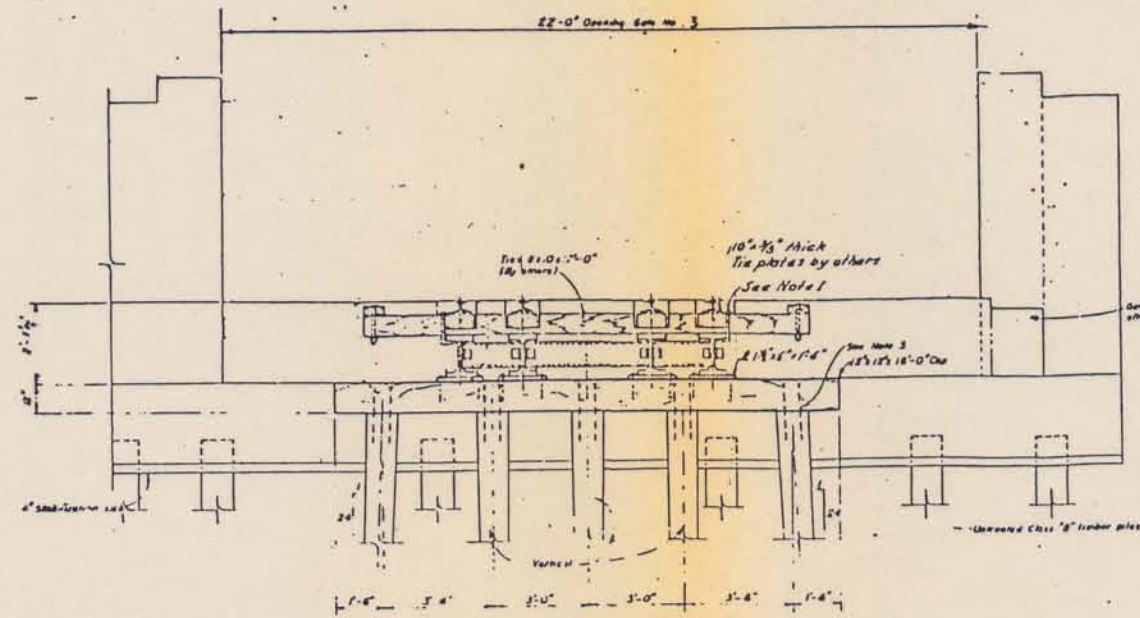
**MISSISSIPPI RIVER LEVEES
ORLEANS LEVEE DISTRICT**

ITEM M-93.3 to 92.8-L
INDEPENDENCE TO IHNC FLOODWALL

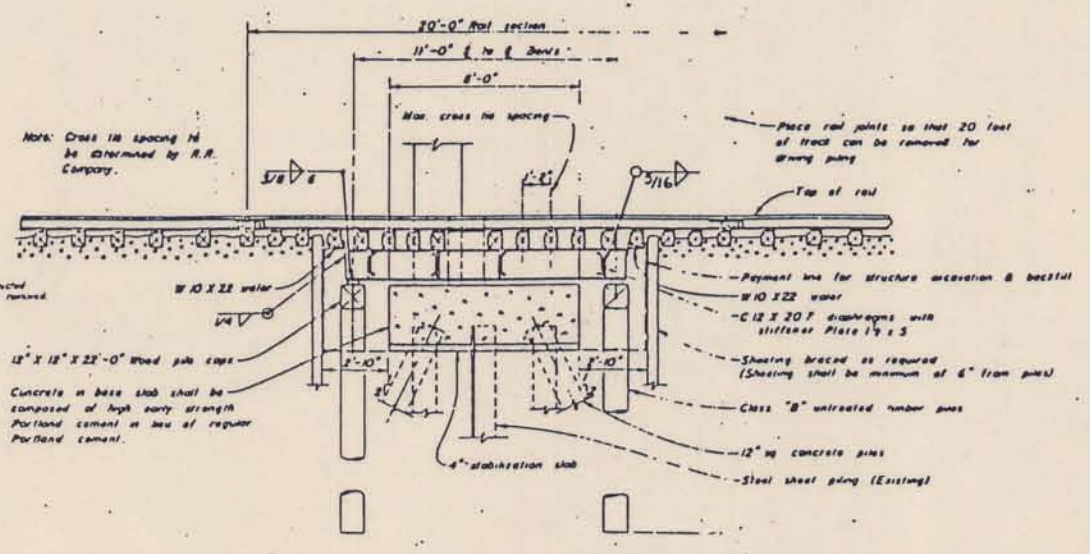
DESIGN MEMORANDUM NO. 80
RELOCATION OF FACILITIES

RAILROAD FALSEWORK

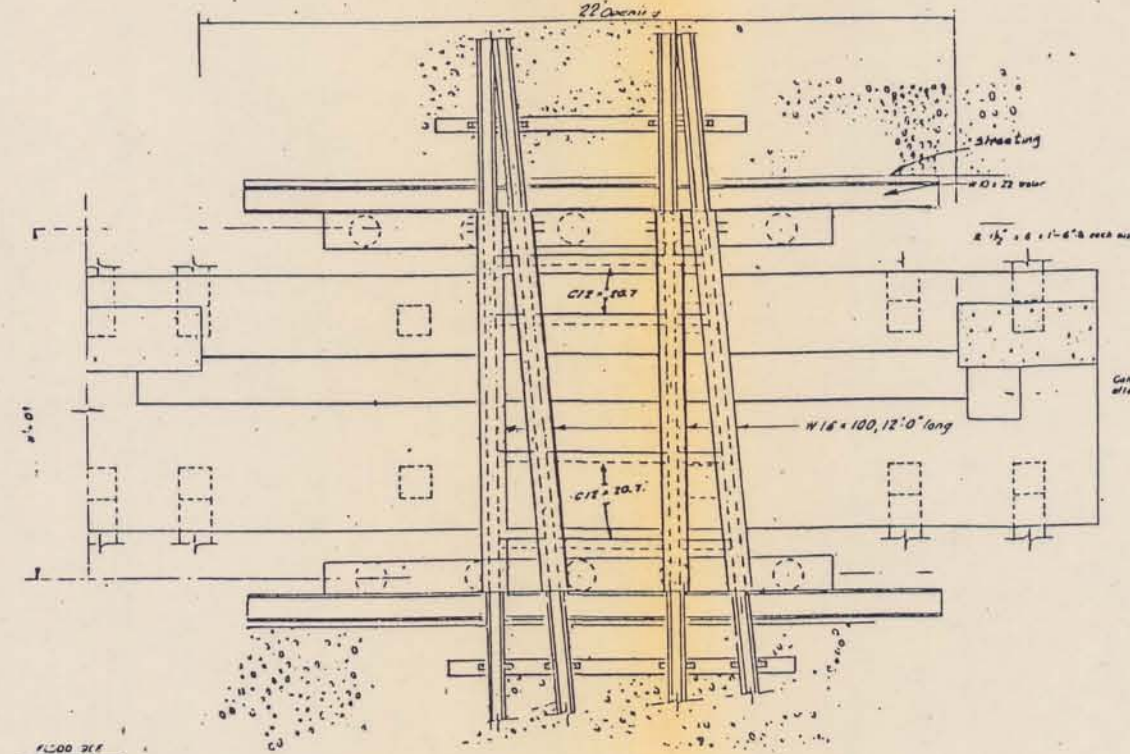
U.S. ARMY ENGINEER DISTRICT NEW ORLEANS
CORPS OF ENGINEERS
DATE: MAY 1984 FILE NO. H-4-29700



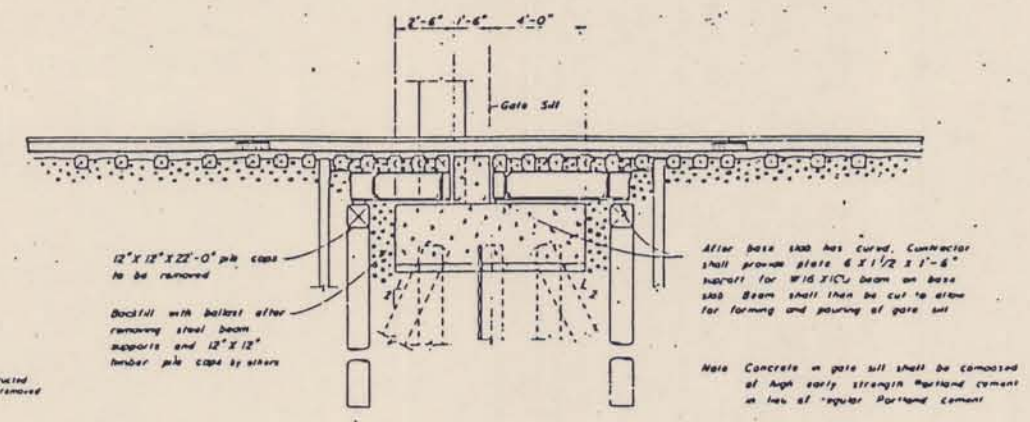
ELEVATION-FALSEWORK BENTS



SECTION (FALSEWORK SPAN)



PLAN-FALSEWORK



FALSEWORK (PARTIALLY REMOVED)

DESIGN CRITERIA

General: The design of the temporary railroad bridge falsework was based on AREA specifications for the design of wood and steel structures. Each member was designed to support a railroad load and its own weight. The following design criteria is given:

- Live load: Cooper E-80 axle loading
- Dead load: Weight of Materials
 - a) Steel - 490 Lbs per cu ft
 - b) Timber - 60 Lbs per cu ft
 - c) Track rails & Fasteners - 200 Lbs per lin ft of track
 - d) Earth fill & Ballast - 120 Lbs per cu ft
- Unit Working Stress
 - a) Timber - Stress grade conforming to AREA specifications for Structural Lumber
 - b) Steel - Basic stress conforms to AREA specifications for ASTM A-36
 - c) Piling (timber) - Tension, 32 Kpsi per pile; Compression, 44 Kpsi per pile

Costs of Engineers allowable (FS=20)

MISSISSIPPI RIVER LEVEES
ORLEANS LEVEE DISTRICT

ITEM M-93.3 to 92.8-L
INDEPENDENCE TO IHNC FLOODWALL
DESIGN MEMORANDUM NO. 80
RELOCATION OF FACILITIES
RAILROAD FALSEWORK - GATE NO. 3

U.S. ARMY ENGINEER DISTRICT NEW ORLEANS
CORPS OF ENGINEERS

DATE MAY 1984 FILE NO. H-4-29700

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES
MISSISSIPPI RIVER LEVEES
ITEM M-93.3 TO 92.8-L

INDEPENDENCE ST. TO IHNC FLOODWALL
ORLEANS PARISH, LOUISIANA
RELOCATION OF FACILITIES
DESIGN MEMORANDUM NO. 80

APPENDIX A

Attorney's Investigation and Report
of Compensable Interest

ATTORNEY'S INVESTIGATION
AND
REPORT OF COMPENSABLE INTEREST

ITEM M-93.3 TO 92.8-L
INDEPENDENCE TO IHNC FLOODWALL
ORLEANS PARISH, LOUISIANA

This investigation and report is made in accordance with DIVR 1110-2-2 (see also DIVR 1110-2-1, 29 January 1968) and ER1180-1-1, Section 73, Part 3, 73-203 and 73-204 on the following facilities which will be affected by the subject project:

See attached Schedule A - "List of Facilities by Owners"

The location of these facilities is indicated on Plates 1 through 8 entitled "Item M-93.3 to 92.8-L Independence To IHNC Floodwall."

I
COMPENSABLE INTEREST
OF
STATE OF LOUISIANA

THROUGH

THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS

The Board of Commissioners for the Port of New Orleans is authorized pursuant to La. Rev. Stat. Ann. § 34:1 (West 1964). The Commission is a political subdivision of the State of Louisiana with eminent domain in regulating commerce and traffic in the port and harbor of New Orleans for the maintenance and development thereof, La. Rev. Stat. Ann. § 34:23 and 34:21 (West 1964). It is charged with administering the public wharves, docks, sheds and landings of the port as well as the construction of new wharves and other structures when necessary, La. Rev. Stat. Ann. § 34:21 (West 1964). This administration extends to the providing of light, water, police protection, and any other services which the Port Commission deems advisable.

The facilities listed in paragraph A of Schedule A, List of Facilities, are owned by the New Orleans Port Commission. These facilities are located inside of the existing levee right-of-way through permission of the local levee authority. Therefore, the Commission does not acquire a real right to the property and has no compensable interest in it. However, these facilities are serving a valid governmental function. Applicable law authorizes the relocation of these facilities when they are serving in this capacity.

II
COMPENSABLE INTEREST
OF
NEW ORLEANS PUBLIC SERVICE, INC.

New Orleans Public Service, Inc. is a Louisiana public utility domiciled in Orleans Parish. Although it provides electric and gas service throughout the Parish of Orleans, it is not an agency of that parish nor is it an agency of

the State. NOPSI does have the right of eminent domain. See La. Rev. Stat. Ann. § 19:2(7) (West 1979).

The facilities listed in Paragraph B of Schedule A are owned and maintained by NOPSI, Inc. They are located inside the existing levee right-of-way through permission granted by the local levee authority. Since the company located the facilities there through permission and is being asked to relocate for floodwall and levee purposes, it has not acquired a real right to the property. Therefore, New Orleans Public Service, Inc. has no compensable interest for these facilities.

III
COMPENSABLE INTEREST
OF
THE NEW ORLEANS PUBLIC BELT RAILROAD

The New Orleans Public Belt Railroad is owned and operated by the City of New Orleans through a commission known as the Public Belt Railroad Commission, La. Rev. Stat. Ann. § 33:4530 (West Supp. 1983). The Commission is vested with the exclusive authority to control, operate, manage and develop the Public Belt Railroad System. This authority to operate the system extends within or without the Parish of Orleans, La. Rev. Stat. Ann. § 33:4530(B) (West Supp. 1983). The Commission also has the right of eminent domain. La. Rev. Stat. Ann. § 19:2(3) (West 1979).

The Public Belt Railroad, owned by the City of New Orleans, is a political subdivision with the power of eminent domain. The facilities listed on paragraph C of Schedule A are compensable where they are located outside of the existing right-of-way. Where they are located inside of the right-of-way, the City does not have a compensable interest; however, they are serving a valid governmental function. Applicable law authorizes the relocation of these facilities where they are serving in this capacity.

IV
COMPENSABLE INTEREST
OF
THE UNITED STATES GOVERNMENT
NAVAL SUPPORT ACTIVITY

The Naval Support Activity is a division of the Department of Defense, a federal agency. The division owns the facilities listed in paragraph D of Schedule A - List of Facilities.

The facilities described in paragraph D as W-4, W-5, W-6, R-3, D-1, S-4, R-5 W-7, R-4, E-6, S-3 and a portion of PA-1 are located inside the existing levee right-of-way, and no compensation is due. Those facilities listed as D-2, S-5, LP-1, F-1, D-4, LP-2 and a portion of PA-1 are located outside the existing levee right-of-way. Pursuant to ER 1180-1-1, 1 July 1980, Section 73, Paragraph 73-002, and a series of Comptroller General decisions, facilities of

a federal agency cannot be relocated or altered using civil works funds unless specifically authorized by statute for the particular project. There are no statutes providing for the use of civil funds to relocate facilities owned by the Naval Support Activity, a federal agency.

Thus, even though the Naval Support Activity would have a compensable interest in the property located outside of the right-of-way, existing regulations prevent the United States Army Corps of Engineers from providing relocation assistance; therefore, no compensation is due.

V
AUTHORITY AND OBLIGATION

Authority for floodwall construction or improvements of main line Mississippi River Levees is contained in Pub. L. No. 70-391 (May 15, 1928), as amended. The cost of rights-of-way, including relocation or alteration of public roads, highways, railroads, public utilities, pipelines, and powerlines is an obligation of the Federal Government (see opinion of the Attorney General of the United States dated June 8, 1933). Reimbursement of costs to local cooperating agencies for furnishing rights-of-way and perfecting relocation or alteration of interfering facilities is authorized pursuant to Pub. L. No. 73-171 (April 23, 1934).

In regard to facilities owned by a federal agency, in this instance the Naval Support Activity, payment is prohibited by ER 1180-1-1, 1 July 1980, Section 73, Paragraph 73-002.

VI
SUMMARY

The relocation of the facilities in Schedule A which are owned by the Board of Commissioners of the Port of New Orleans and those in Schedule A which are owned by the New Orleans Public Belt Railroad is authorized even if located within the right-of-way because the facilities are owned by a subdivision of the state or local government, and are being utilized in the performance of governmental functions.

The facilities owned by NOPSI and the Naval Support Activity are not compensable. NOPSI is not an agency owned and operated by the state or local government, and its facilities are located inside the right-of-way. The Naval Support Activity is a federal agency and therefore, civil works funds cannot be used to relocate its facilities.

September 30, 1983
DATE

Penn Mehurin
PENN MEHURIN
Attorney - Advisor
U. S. Army Engineer District,
New Orleans

SCHEDULE A
LIST OF FACILITIES BY OWNERS

- A. The Board of Commissioners of the Port of New Orleans owns facilities which cross the proposed floodwall alignment as listed below.

<u>Item</u>	<u>Type</u>	<u>Base Line Station</u>	<u>Plate</u>
S-2	Force sewerline	550+23	3
W-3	Waterline	557+26	4
R-2	Driveway	556+92 to 557+19	4

- B New Orleans Public Service, Inc. owns facilities which cross the proposed floodwall alignment as listed below.

<u>Item</u>	<u>Type</u>	<u>Base Line Station</u>	<u>Plate</u>
E-3	Overhead Powerline	547+97	3
E-4	Overhead Powerline & Service Drop	552+34	3

- C. New Orleans Public Belt Railroad Commission owns tracks and facilities that interfere with the proposed floodwall alignment as listed below.

<u>Item</u>	<u>Type</u>	<u>Base Line Station</u>	<u>Plate</u>
D-400	Drainline & Catchbasin	548+88	3
RR-3	Railroad track	555+50	4
RR-4	Railroad track	557+75	4
RR-6	Railroad track	573+10 to 577+55	7&8
RR-7	Railroad track	578+30	8

- D. The United States Government's Naval Support Activity owns facilities that cross the proposed floodwall alignment as listed below.

<u>Item</u>	<u>Type</u>	<u>Base Line Station</u>	<u>Plate</u>
W-4	Waterline	569+41	6
W-5	Waterline	569+85	6
W-6	Waterline	572+76	6
R-3	Driveway	574+25 to 574+47	7
D-1	Drainline	574+80	7
S-4	Force Sewerline	574+88	7
W-7	Waterline	575+19	7
R-4	Driveway	576+01 to 576+25	7
E-6	Underground powerline	576+16	7
D-2	Drainline	577+28	8
S-5	Sewerline	577+38	8
LP-1	Lightpole	577+50	9
PA-1	Parking area pavement	576+25 to 577+80	7&8
F-1	Chain link fence	577+60 to 578+50	8
D-4	Drainline	577+74	8
LP-2	Light & conduit	578+10	8
S-3	Sewerline	575+45	7
R-5	Roadway	574+85 to 575+00	7

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES
MISSISSIPPI RIVER LEVEES
ITEM M-93.3 TO 92.8-L

INDEPENDENCE ST. TO IHNC FLOODWALL
ORLEANS PARISH, LOUISIANA
RELOCATION OF FACILITIES
DESIGN MEMORANDUM NO. 80

APPENDIX B

Supplemental Attorney's Opinion
of Compensable Interest

SUPPLEMENTAL ATTORNEY'S OPINION

OF

COMPENSABLE INTEREST

ITEM M-93.3 TO 92.8-L
INDEPENDENCE TO IHNC FLOODWALL
ORLEANS PARISH, LOUISIANA

The original Attorney's Opinion is amended as to Items IV and VI. All other aspects remain unchanged.

IV

COMPENSABLE INTEREST
OF
UNITED STATES GOVERNMENT
NAVAL SUPPORT ACTIVITY

The Naval Support Activity is a division of the Department of Defense, a Federal agency. The division owns the facilities listed in Paragraph D of Schedule A - List of Facilities.

Those facilities listed as D-2, S-5, LP-1, F-1, D-4, LP-2, and a portion of PA-1 are located outside of the existing levee right-of-way. According to the language of ER 1180-1-1, 1 July 1980, Section 73, Paragraph 73-002, facilities of a Federal agency cannot be relocated or altered using civil works funds unless specifically authorized by statute for the particular project. There are no statutes providing for the use of civil works funds to relocate facilities owned by the Naval Support Activity, a Federal agency.

However, ER 1180-1-1, 35 Comp Gen. 701, and cases similar to 35 Comp. Gen. 701 are overruled by 56 Comp. Gen. 928. Civil Works funds are now available to relocate an agency of the Federal Government provided that the relocation is at the request of another Federal agency which requires the relocation in order to meet its own space needs and that the relocation is performed for the benefit of the requesting agency. These conditions are present in the instant case. Consequently, the facilities of the Naval Support Activity which lie outside of the existing right-of-way are compensable.

The facilities described in Paragraph D as W-4, W-5, W-6, R-3, D-1, S-4, W-7, R-4, R-5, E-6, S-3 and a portion of PA-1 are located inside the existing levee right-of-way. These facilities are located there through permission, and the Naval Support Activity has not acquired a real right to the property. Therefore, the Naval Support Activity has no compensable interest in the facilities which lie within the existing right-of-way.

VI
SUMMARY

In regard to the portion of the Summary which refers to the Naval Support Activity, the following is applicable:

Despite the fact that the Naval Support Activity is a Federal agency, the facilities owned by it which are located outside of the existing right-of-way are compensable. Those facilities located within the existing right-of-way are not compensable.

This Summary remains unchanged as to the compensability of the facilities owned by the Board of Commissioners of the Port of New Orleans, the New Orleans Public Belt Railroad, and New Orleans Public Service, Inc.

10 Jul 84
DATE

Penn Mehurin
PENN MEHURIN
Attorney-Advisor
U. S. Army Engineer District
New Orleans