

PROJECT COMMITMENTS

SOUTHEAST HIGH SPEED RAIL (SEHSR) RICHMOND, VA, TO RALEIGH, NC

North Carolina State Project No. **9.9083002**

North Carolina STIP Project No. **P-3819**

The following special commitments have been agreed to by the Virginia Department of Rail and Public Transportation (DRPT) and the North Carolina Department of Transportation Rail Division (NCDOT Rail):

General Project Commitments

- Coordination with the Virginia Scenic Rivers Board will be required to comply with the Virginia Scenic Rivers Act of 1970 for the new structures on the James and Appomattox Rivers. In addition, the Project Team will coordinate with the Operations Branch of the US Army Corps of Engineers Norfolk District to verify proposed clearances for the new bridge over the James River are acceptable in relation to the federal project channel. The bridge is being planned with the same clearance as the existing bridge, but future plans for the channel may necessitate a change in that clearance, and the new bridge may be required to meet any such future plans even if the existing bridge does not. This coordination will take place during the final design stage of the project.
- A compensatory mitigation plan (compliant with the 2008 EPA/USACE Final Mitigation Rule) will be developed during the 401/404 permitting process.
- The SEHSR Team will address invasive species during post-construction monitoring of mitigation sites. The SEHSR Project Team will continue to coordinate with the US Fish and Wildlife Service (USFWS) related to the ongoing informal Section 7 consultation, as related to:
 - The population of Michaux's sumac (*Rhus michauxii*) in Section D of the project;
 - A pre-construction survey for protected species [Roanoke logperch (*Percina rex*), Dwarf wedgemussel (*Alasmidonta heterodon*), Tar River spiny mussel (*Elliptio steinstansana*), and James spiny mussel (*Pleurobema collina*)], which will be conducted at locations where listed species were identified during development of the FEIS; and
 - The Chowanoke crayfish (*Orconectes virginianus*), which has been historically documented in the SEHSR study area. Although the species is currently not listed as threatened or endangered by USFWS, DRPT and NCDOT will review the

status of the species during final design to determine if field surveys are necessary.

- The USFWS recently listed the Northern Long-eared Bat (*Myotis septentrionalis*) as “Threatened” and issued an interim species-specific rule under Section 4(d) of the Endangered Species Act of 1973, effective May 4, 2015. Furthermore, this species is included in USFWS’s current list of protected species for the project study area. Virginia DRPT and NCDOT will continue working closely with the USFWS to determine how this listing may impact the SEHSR project. Approximately 1,575 acres of trees (see Table 4-26) and numerous structures may be impacted by project construction over the anticipated three-year phased schedule. Prior to project permitting, Virginia DRPT and NCDOT will coordinate with USFWS to determine if this project will incur potential effects to the Northern long-eared bat and how to address these potential effects, if necessary.

Additionally, state wildlife agencies will be consulted on appropriate measures to protect mussel fauna before and during project construction. Finally, stringent erosion controls will be enforced during construction to minimize impacts to the dwarf wedgemussel population downstream of the project crossing at Cedar Creek.

- The SEHSR Project Team will coordinate with the National Park Service (NPS) regarding the need for 30 to 50 feet of right of way along the western portion of the Fort Wadsworth Unit of Petersburg National Battlefield. In a letter dated March 4, 2009, the Petersburg National Battlefield superintendent stated that the project could mitigate potential adverse effects to the Fort Wadsworth Unit with a land exchange. This land exchange will be negotiated during the final design stage of the project and will be subject to all NPS land acquisition procedures.
- Noise and vibration mitigation will be addressed during final design using the Federal Railroad Administration’s High-Speed Ground Transportation Noise and Vibration Impact Assessment (September 2012) procedures.
- FRA will consider implementing a community liaison program to address noise and vibration impacts and mitigation when the Detailed Noise Analysis is undertaken during the final design stage of the project.
- Driveway connections to individual properties will be provided during final design based on the existing conditions at the time of construction.
- All of the new bridges will have sufficient width so as not to create a hazard for pedestrian movement. In locations where existing pedestrian accommodations (e.g., sidewalks) currently exist, these accommodations will be provided on the bridges/underpasses. At other locations, pedestrian accommodations on the bridges/underpasses will be evaluated during final design based on the current NCDOT and VDOT pedestrian policies. In general, these policies consider the provision of

pedestrian accommodations in more populous locations where pedestrian activity currently exists.

- Fencing locations and types, as well as proposed landscaping, will be determined during final design based on coordination between the owner of the rail corridor, the operator of the railroad, and adjacent communities. The Section 106 Memorandum of Agreement (MOA) for the project (see Section 4.12 of the FEIS) will address mitigation of visual impacts on historic resources as appropriate.

Permit Related Project Commitments

Throughout project development, final design, and construction, the SEHSR Project Team will coordinate with the regulatory agencies to obtain the necessary permits. The following is a list of permits that may be required for this project. Final determination of permit applicability lies with the regulatory agencies.

- Section 404 (Impacts to Waters of the United States – Clean Water Act)
- Section 401 Water Quality Certification (Clean Water Act)
- Virginia Water Protection Permit (Clean Water Act)
- Virginia Marine Resources Commission Subaqueous Permit
- Section 9 (US Coast Guard Bridge Permit)
- Section 10 (Permit for Work in Navigable Waters – Rivers and Harbors Act)
- Individual State Stormwater Permit

In addition, the SEHSR Project Team has committed to the following:

- Since the SEHSR project would disturb more than 10,000 square feet of land, it must obtain a Virginia Stormwater Management Program (VSMP) general National Pollutant Discharge Elimination System (NPDES) permit through the Virginia Department of Conservation and Recreation (VDCR). A site-specific Stormwater Pollution Prevention Plan (SPPP) will need to be prepared and implemented. The SPPP outlines the steps and techniques the operator will take to comply with the terms and conditions of the permit, including water quality and quantity requirements that are consistent with the VSMP permit regulations, to reduce pollutants in the stormwater runoff from the construction site. The SPPP also includes a description of post development stormwater management measures to be installed, including design calculations. Prior to construction, an erosion and sediment control (ESC) plan and a stormwater management plan (SMP) to ensure compliance with state law and regulations will be prepared and implemented.

SEHSR Richmond, VA, to Raleigh, NC

- In order to minimize potential impacts to water resources in the project area, the most recent edition of VDCR's Erosion Sediment Control Handbook and NCDOT's Best Management Practices for the Protection of Surface Waters will need to be strictly enforced during the construction phase of the project.
- The SEHSR project is committed to complying with all applicable water quality regulations and permit requirements, as well as to minimizing all impacts to water quality as designs are finalized. This includes complying with the Virginia Erosion and Sediment Control Law and the Virginia Stormwater Management Act.
- Streamside riparian zones within the study area in North Carolina are protected under provisions of the Tar-Pamlico and the Neuse River Basin Riparian Buffer Rules administered by NCDWR. The rules protect two riparian zones: Zone 1 extends 30 feet from stream bank and Zone 2 extends from 30 to 50 feet from the stream bank. Table 4-3 summarizes the potential impacts (in square feet) to each riparian buffer zone for each section of the project in the Tar-Pamlico and Neuse River Basins. Permitting and mitigation for unavoidable impacts to protected riparian zones will be coordinated through NCDWR during the Section 401 Water Quality Certification process.
- The SEHSR Project Team will coordinate with FEMA and local authorities during final design to ensure compliance with applicable floodplain management/development ordinances. Also, the NCDOT Hydraulics Unit and DRPT will coordinate with FEMA to determine if a Conditional Letter of Map Revision (CLOMR) and a subsequent final Letter of Map Revision (LOMR) are required for the project. Floodplain development permits will be obtained from the local jurisdictions and include a no-rise/impact certification for each regulated floodplain/floodway and/or non-encroachment area crossing or a submittal for a CLOMR per 44 CFR Section 65.12.
- A USCG permit will be required for the SEHSR crossing of the James River near I-95 in Richmond, VA, which is subject to tidal influence. The bridge permit will be prepared as the bridge design is developed. Coordination with the USCG has been initiated and will continue throughout the development of the project.
- Detailed methods for mitigating the clearing of nearly 1,163 acres of timberland in the four-county area of VA for the proposed railroad right-of-way corridor will be determined during the permitting phase and will be specified in construction documents based on final design and following consultation with the Virginia Department of Forestry and other regulatory and advisory agencies participating in the Virginia Joint Permit Application process.

Section 106-Specific Project Commitments

A "process" Programmatic Agreement (PA) for the Washington DC, to Charlotte, NC, high speed rail corridor, as well as individual Memorandums of Agreement (MOA) for each state, are currently under development and will outline the project commitments under Section 106 of the National Historic Preservation Act. These documents will be included in the forthcoming

SEHSR Richmond, VA, to Raleigh, NC

Record of Decision for the project. The following commitments were made in the process of determining the effect of the project on specific historic resources in coordination with the respective state historic preservation office:

- Pretlow House – The SEHSR project will make all reasonable efforts during construction to avoid impacts to the existing stone wall and adjacent vegetation.
- North Battersea/Pride's Field Historic District – The SEHSR Project Team will coordinate with the City of Petersburg during final design to identify measures to minimize impacts to this resource.
- Weldon Railroad/Globe Tavern Battlefield – At the request of the NPS Petersburg National Battlefield, the SEHSR project will plant trees on the fill slopes for the proposed bridge to minimize the visual intrusion on the landscape. The SEHSR Project Team will also coordinate with the Virginia Department of Historic Resources (VDHR) regarding the engineering and vegetation plans for this area before construction.
- Williams Bridge Company – Designs for driveways throughout the project corridor will be developed during the final design stage of the project. In this case, however, coordination has taken place with the property owner as part of Section 106 coordination regarding access. Preliminary designs have been developed to the point where it has been determined that a driveway connection to Deepwater Terminal Road can be developed in final design that will allow ingress/egress of the long tractor trailers (in excess of WB-50) used by the business.
- William J. Hawkins House – During the right of way phase of the project, the SEHSR Project Team will coordinate with the property owner about the access issue (i.e., a temporary construction easement would be required to maintain access).
- Cedar Creek Railroad Bridge Piers - The SEHSR project will not remove the historic piers during the construction or life of the project.
- Youngsville Historic District – During construction, the SEHSR project will provide tree protection along Cross Street.
- Glen Royall Mill Village Historic District – The final designs for the SEHSR Project Team must design the pedestrian crossing in a manner that minimizes its opaqueness and fits in with the character of its surroundings.
- Wake Forest Historic District - The Section 106 MOA will specifically address coordination with owners of the four residences for temporary construction easements. In addition, standardized and aesthetic closures of at-grade crossings within the district must be employed (e.g., no guard rails or "T" closures).
- Crabtree Creek Railroad Bridge Piers - The SEHSR project will ensure that the historic piers are not impacted during construction of the new bridge.

SEHSR Richmond, VA, to Raleigh, NC

- Raleigh Electric Company Power House - The SEHSR project will provide aesthetic treatments for the pedestrian bridge on West Jones Street as outlined in the MOA and in coordination with the consulting parties and property owners in this location.

Project Commitments by Locality

The project has made the following commitments within the specified locality:

- City of Richmond, VA
 - Ruffin Road - The SEHSR project will ensure that adequate access is provided to the apartment complex on the northwest side of the railroad and Ruffin Road. Current designs provide access along the western edge of the complex via an extension of Lynnhaven Avenue. During final design, the SEHSR Project Team will investigate whether access to Ruffin Road can be maintained.
 - Access to the Motiva Property will be further evaluated during the final design stage of the project.
- Ettrick, VA
 - Dupuy Road – Landscaping of the fill slope for the bridge that will carry Dupuy Road over the railroad will be evaluated during final design as mitigation for visual impacts to remaining residents in this area.
- Chesterfield Count, VA
 - Kingsland Road and Dorsey Road intersection – this intersection will be converted from an existing three-leg intersection to a four-leg intersection once the SEHSR project is constructed. Once the project is completed, the predominant traffic flow is anticipated to change from the current north-south to an east-west pattern. During final design, the SEHSR Project Team will coordinate with VDOT and Chesterfield County regarding consideration of making the intersection’s northbound and southbound approaches stop controlled, and the eastbound and westbound approaches free flowing movements with the proposed SEHSR design.
- Town of La Crosse, VA
 - The preferred alternative will impact a private well serving Hillcrest Mobile Home Park, located north of La Crosse, VA in Section I. The Mecklenburg County Health Department has indicated that there is sufficient land available within the Hillcrest property to accommodate relocation of the drinking water well. During final design, a suitable new water source will be identified to ensure a continuous, safe, and sanitary water source for the residents.

SEHSR Richmond, VA, to Raleigh, NC

- City of Henderson, NC
 - Nicolas Street and Alexander Avenue intersection – during the final design phase of this project, the SEHSR Project Team will coordinate with NCDOT Division 5 and the City of Henderson regarding consideration of converting Nicolas Street to a stopped condition and Alexander Avenue to the free-flow movement.
 - Railroad Street- during the ROW acquisition phase of this project, NCDOT will coordinate with the neighborhood property owners and occupants along Railroad Street, to ensure they are informed of any issues that may arise related to ROW and access as ownership of Railroad Street is confirmed during the ROW process.
- Town of Wake Forest, NC
 - The preferred alternative will impact the Aqua North Carolina well on Ligon Mill Road. It is anticipated that the impact to the Agua North Carolina well can be mitigated with a connection to a public water supply or the well can be relocated. This issue will be addressed during the final design stage of the project, at which time coordination with the owner of the well will take place.
- City of Raleigh, NC
 - Pacific Drive - The SEHSR plans show a general location for a “future bridge constructed by others” that would connect Pacific Drive across the railroad. The SEHSR Project Team will coordinate with the City of Raleigh regarding the possibility of including a City-funded bridge in this location on the construction plans for the SEHSR project.
 - Gresham's Lake Road – The SEHSR plans for a bridge on Gresham’s Lake Road over the railroad allow for the City of Raleigh to build a second bridge in the future to carry an additional two lanes of traffic without the need to replace what will be constructed by the SEHSR project. Coordination between NCDOT and the City will take place during final design to ensure that the centerline of Gresham’s Lake Road in the SEHSR designs is correctly located for the City's future widening, and that the sidewalk constructed by the SEHSR project is on the correct side of the SEHSR bridge.
 - Millbrook Road – The SEHSR Project Team will coordinate with the City of Raleigh on the design of the vertical abutments for the bridge over Millbrook Road during the final design phase of the project.
 - Neuse River Greenway - The SEHSR bridge at this location will have a covered deck per the City’s request for a protected cover to protect patrons from falling debris.

SEHSR Richmond, VA, to Raleigh, NC

- The downtown grid network is anticipated to be able to service the design year traffic with the proposed SEHSR alignment. However, during final design the SEHSR Project Team will coordinate with the City of Raleigh regarding the following:
 - Accommodations for cyclists (such as identification of an alternate route) for the proposed closure of Hargett Street at-grade crossing. Hargett Street currently services the signed bicycle route Cross Town Route 8.
 - Accommodations for cyclists (such as identification of an alternate route) for Jones Street, which currently serves as a signed bicycle route, Cross Town Route 9. The preferred alternative includes closing the existing at-grade crossing to vehicular traffic, and building a pedestrian bridge with towers.
 - The City of Raleigh is currently in the process of upgrading their City Signal System. The SEHSR Project Team will continue to coordinate with the City related to the signals in the areas of the rail crossing closures and grade separations to service the final reconfigured traffic as well as traffic shifts during construction. Updates may include signal timings as well as signal and signal system equipment including interconnections.