

# **Appendix M**

## **Section 4 (f) Concurrences**



www.sehsr.org

APR 27 '09 PM 1:05

April 22, 2009

John R. Pope, Jr., Director  
Department of Parks, Recreation, & Community Facilities  
900 E. Broad Street, Room 407  
Richmond, VA 23219

RE: Section 4(f) Coordination  
Southeast High Speed Rail Project, Richmond, VA, to Raleigh, NC

Dear Mr. Pope,

The Virginia Department of Rail and Public Transportation (DRPT) and the North Carolina Department of Transportation (NCDOT) Rail Division, in cooperation with the Federal Railroad Administration (FRA), are preparing a Tier II Draft Environmental Impact Statement (DEIS) for the Southeast High Speed Rail (SEHSR) project between Richmond, VA, and Raleigh, NC. The DEIS will document the potential impacts of the proposed alternatives under consideration.

The proposed project involves construction of a new rail bridge over the James River, immediately adjacent to the existing rail bridge located between the South 14th Street and I-95 roadway bridges (see attached map). The new rail bridge will provide an additional track that is necessary to accommodate the high speed trains associated with the SEHSR project. The bridge will be located just to the east of the existing bridge and will require a small amount of right of way (ROW) under the span of the bridge to allow for access and maintenance. Included in this ROW is approximately 0.03 acres of the Slave Trail within the James River Park System. Although detailed structural designs for the project are not yet complete, we are committed to ensuring that the trail is maintained in its current integrity. The existing rail bridge has daily freight and passenger rail traffic that can be heard from the trail; therefore, the new bridge should not alter the character or setting of the trail.

Preparation of the DEIS includes addressing all potential involvements with resources protected by Section 4(f) of the Department of Transportation Act of 1966. Section 4(f) prevents federal transportation agencies from approving projects that require the use of public parks, recreation areas, wildlife and waterfowl refuges, or lands of historic significance unless there is no feasible or prudent alternative to the use of that land. As a public park, the Slave Trail qualifies as a Section 4(f) resource and the ROW acquisition would be considered a transportation use.

As a result of the use of the Slave Trail, FRA regulations require a Section 4(f) Evaluation be conducted as part of the DEIS. An exception to this rule is when the impact to the resource is considered to be minimal (i.e., *de minimis*). The purpose of this letter is to request that the City of Richmond Department of Parks, Recreation, &

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

Toll Free  
1-877-749-7245

Community Facilities concur with our assessment that the ROW acquisition under the proposed James River rail bridge does not have an adverse effect on the Slave Trail.

If you agree with this assessment, please sign this document at your earliest convenience to acknowledge that the City of Richmond Department of Parks, Recreation, & Community Facilities, as the official with jurisdiction over the property, concurs that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). This signed acknowledgement is an element that FRA requires before it can make a *de minimis* determination. In order for us to complete the DEIS on schedule, we request that you please return the signed letter by May 15, 2009.

Thank you in advance for your prompt attention to this matter. If you need further assistance, please contact me at 919-733-7245 x266.

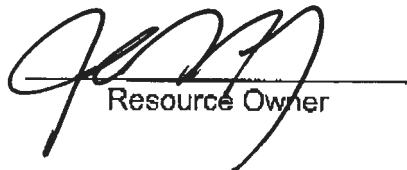
Sincerely,



David B. Foster, PE  
Project Manager  
NCDOT Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

cc: John Winkle, FRA  
Christine Fix, DRPT  
Delores L. McQuinn, Chair, Slave Trail Commission  
Viktoria Badger, City of Richmond

Concurrence:

  
Resource Owner

5/7/09  
Date

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

Toll Free  
1-877-749-7245



ROANOKE RIVER RAILS-TO-TRAILS, INC.

POST OFFICE BOX 150  
SOUTH HILL, VIRGINIA 23970  
434-447-7101 434-447-7104 (FAX)  
www.tobaccoheritagetrail.org



May 18, 2009

Mr. David B. Foster, PE  
Project Manager  
NCDOT Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

RE: Section 4(f) Coordination  
Southeast High Speed Rail Project, Richmond, VA to Raleigh, NC

Dear Mr. Foster:

We have received your letter of April 22, 2009 regarding the above-captioned project and the impact of its crossing of the Tobacco Heritage Trail (THT) in the Towns of Alberta and La Crosse, Virginia. On behalf of Roanoke River Rails to Trails, Inc. (RRRT), the organization responsible for the coordination of the Tobacco Heritage Trail and a trail corridor owner, I am conveying their concurrence that the project will not adversely affect the activities, features, and attributes of the Tobacco Heritage Trail provided the following conditions are satisfied.

***Alberta***

RRRT concurs that to accommodate the Trail the construction of an overpass of the proposed rail alignment and use of a portion of the ROW for the relocation of Second Avenue will not adversely impact the Trail provided:

- The replacement trail bridge over the SEHSR will be built to accommodate all forms of non-motorized traffic including equestrian use.
- That an off-road facility to accommodate pedestrian, bicycle, and equestrian traffic will be constructed with (adjacent to) the relocated Second Avenue, which is to be constructed on the THT corridor on the former VARR in the town of Alberta.
- That the bridge facility will be of sufficient width and construction to accommodate maintenance vehicles.

Mr. David Foster  
May 18, 2009  
Page 2

***La Crosse***

RRRT concurs on the relocation of the crossing of the Trail and the former SAL to just north of the present location to an underpass of the SEHSR will not have an adverse effect on the Trail provided:

- That the trail will be constructed to reconnect to the former NF&D corridor on the west side of the former SAL in a location that provides the safest and best accommodation for the continuation of the THT.
- The underpass will accommodate all forms of non-motorized transportation including equestrian.
- That the facility will be of sufficient width and height to accommodate maintenance vehicles.

If you should have any questions or wish to discuss the project, please feel free to call me at 434-757-7438.

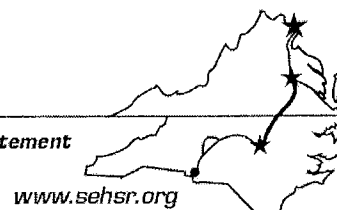
Sincerely,

A handwritten signature in cursive script that reads "Sandra F. Tanner". The signature is written in black ink and is positioned below the word "Sincerely,".

Sandra F. Tanner, President  
Roanoke River Rails to Trails, Inc.

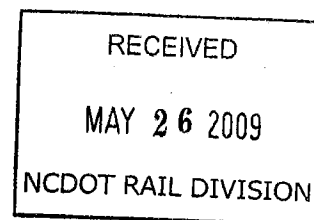
# **SOUTHEAST HIGH SPEED RAIL**

Richmond, VA to Raleigh, NC - Tier II Environmental Impact Statement



April 22, 2009

Carol Corker  
Roanoke Rails-to-Trails Project Coordinator  
Southside Planning District Commission (PDC)  
PO Box 150  
200 South Mecklenburg Avenue  
South Hill, VA 23970



RE: Section 4(f) Coordination  
Southeast High Speed Rail Project, Richmond, VA, to Raleigh, NC

Dear Ms. Corker,

The Virginia Department of Rail and Public Transportation (DRPT) and the North Carolina Department of Transportation (NCDOT) Rail Division, in cooperation with the Federal Railroad Administration (FRA), are preparing a Tier II Draft Environmental Impact Statement (DEIS) for the Southeast High Speed Rail (SEHSR) project between Richmond, VA, and Raleigh, NC. The DEIS will document the potential impacts of the proposed alternatives under consideration.

The proposed project will cross the Tobacco Heritage Trail in the Towns of Alberta and La Crosse, VA. The attached maps show the designs for the proposed rail alignments and associated road work in these areas. In Alberta, the project will provide a pedestrian/non-motorized overpass of the proposed rail alignment. In addition, the realignment of Second Avenue, which is necessary to provide a vehicle bridge over the proposed rail alignment, will require right of way (ROW) from the current trail location. However, the new roadway design will provide for trail connectivity so there is no break along the trail. In La Crosse, the project will re-route the Tobacco Heritage Trail north along Main Street approximately 300 feet, where a new pedestrian underpass will be provided allowing trail users to then cross under the proposed rail alignment, and rejoin the existing rails-to-trails corridor. The SEHSR project team has worked with representatives from both towns and the Southside PDC in the development of these designs to ensure that the project will not impede the development or planned use of the trail.

Preparation of the DEIS includes addressing all potential involvements with resources protected by Section 4(f) of the Department of Transportation Act of 1966. Section 4(f) prevents federal transportation agencies from approving projects that require the use of public parks, recreation areas, wildlife and waterfowl refuges, or lands of historic significance unless there is no feasible or prudent alternative to the use of that land. As a planned public recreation trail, the Tobacco Heritage Trail qualifies as a Section 4(f) resource and the ROW acquisition and re-routing of the trail would be considered a transportation use.

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

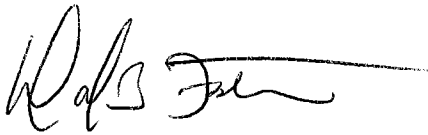
Toll Free  
1-877-749-7245

As a result of the use of the Tobacco Heritage Trail, FRA regulations require a Section 4(f) Evaluation be conducted as part of the DEIS. An exception to this rule is when the impact to the resource is considered to be minimal (i.e., *de minimis*). The purpose of this letter is to request that the Roanoke Rails-to-Trails (RRRT) and the Towns of Alberta and La Crosse, VA, concur with our assessment that the ROW acquisition and re-routing of the trail does not have an adverse effect on the Tobacco Heritage Trail.

If you agree with this assessment, please sign this document, as appropriate, at your earliest convenience to acknowledge that the RRRT and the Towns of Alberta and La Crosse, VA, as the officials with jurisdiction over the Tobacco Heritage Trail, concurs that the project will not adversely affect the activities, features, and attributes that qualify the Tobacco Heritage Trail for protection under Section 4(f). This signed acknowledgement is an element that FRA requires before it can make a *de minimis* determination. In order for us to complete the DEIS on schedule, we request that you please return the signed letter by May 15, 2009.

Thank you in advance for your prompt attention to this matter. If you need further assistance, please contact me at 919-733-7245 x266.

Sincerely,



David B. Foster, PE  
Project Manager  
NCDOT Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

cc: John Winkle, FRA  
Christine Fix, DRPT  
Melissa Parrish, Mayor, Town of Alberta, VA  
Willis Woodall, Mayor, Town of La Crosse, VA

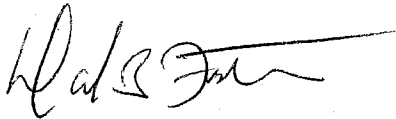
Concurrence:	<u>Sandra J. Janna</u>	<u>5/20/09</u>
	Resource Owner – Roanoke Rails-to-Trails	Date
Concurrence:	_____	_____
	Resource Owner – Alberta, VA	Date
Concurrence:	_____	_____
	Resource Owner – La Crosse, VA	Date

As a result of the use of the Tobacco Heritage Trail, FRA regulations require a Section 4(f) Evaluation be conducted as part of the DEIS. An exception to this rule is when the impact to the resource is considered to be minimal (i.e., *de minimis*). The purpose of this letter is to request that the Roanoke Rails-to-Trails (RRRT) and the Towns of Alberta and La Crosse, VA, concur with our assessment that the ROW acquisition and re-routing of the trail does not have an adverse effect on the Tobacco Heritage Trail.

If you agree with this assessment, please sign this document, as appropriate, at your earliest convenience to acknowledge that the RRRT and the Towns of Alberta and La Crosse, VA, as the officials with jurisdiction over the Tobacco Heritage Trail, concurs that the project will not adversely affect the activities, features, and attributes that qualify the Tobacco Heritage Trail for protection under Section 4(f). This signed acknowledgement is an element that FRA requires before it can make a *de minimis* determination. In order for us to complete the DEIS on schedule, we request that you please return the signed letter by May 15, 2009.

Thank you in advance for your prompt attention to this matter. If you need further assistance, please contact me at 919-733-7245 x266.

Sincerely,




David B. Foster, PE  
Project Manager  
NCDOT Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

cc: John Winkle, FRA  
Christine Fix, DRPT  
Melissa Parrish, Mayor, Town of Alberta, VA  
Willis Woodall, Mayor, Town of La Crosse, VA

Concurrence: \_\_\_\_\_  
Resource Owner – Roanoke Rails-to-Trails Date

Concurrence: \_\_\_\_\_  
Resource Owner – Alberta, VA Date

Concurrence:  \_\_\_\_\_  
Resource Owner – La Crosse, VA 04-27-09  
Date

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

Toll Free  
1-877-749-7245



resource and the ROW acquisition and re-routing of the trail would be considered a transportation use.

As a result of the use of the Tobacco Heritage Trail, FRA regulations require a Section 4(f) Evaluation be conducted as part of the DEIS. An exception to this rule is when the impact to the resource is considered to be minimal (i.e., *de minimis*). The purpose of this letter is to request that the Roanoke Rails-to-Trails (RRRT) and the Towns of Alberta and La Crosse, VA, concur with our assessment that the ROW acquisition and re-routing of the trail does not have an adverse effect on the Tobacco Heritage Trail.

If you agree with this assessment, please sign this document, as appropriate, at your earliest convenience to acknowledge that the RRRT and the Towns of Alberta and La Crosse, VA, as the officials with jurisdiction over the Tobacco Heritage Trail, concurs that the project will not adversely affect the activities, features, and attributes that qualify the Tobacco Heritage Trail for protection under Section 4(f). This signed acknowledgement is an element that FRA requires before it can make a *de minimis* determination. In order for us to complete the DEIS on schedule, we request that you please return the signed letter by May 15, 2009.

Thank you in advance for your prompt attention to this matter. If you need further assistance, please contact me at 919-733-7245 x266.

Sincerely,

David B. Foster, PE  
Project Manager  
NCDOT Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

cc: John Winkle, FRA

Christine Fix, DRPT  
Melissa Parrish, Mayor, Town of Alberta, VA  
Willis Woodall, Mayor, Town of La Crosse, VA

Concurrence: \_\_\_\_\_  
Resource Owner – Roanoke Rails-to-Trails

\_\_\_\_\_  
Date

Concurrence: Melissa B. Parrish  
Resource Owner – Alberta, VA

9/22/09  
Date

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

Toll Free  
1-877-749-7245

From: Sauer, Diane [mailto:Diane.Sauer@ci.raleigh.nc.us]  
Sent: Friday, September 11, 2009 2:48 PM  
To: Sams, Larry H  
Subject: RE: Middle Crabtree Creek Greenway - Section 4(f) and SEHSR  
Hi Larry,

I apologize that you have not received our response. I do recall reviewing the information, discussing with staff and signing, but not sure where it ended up.

We concur with the stipulation that continuous operation of the greenway trail during construction will need to be addressed.

Please let me know if you need any additional information.

Thank you!

Diane B. Sauer, Director  
City of Raleigh Parks and Recreation Dept.  
PO Box 590  
Raleigh, NC 27602  
Telephone: 996-4815  
Email: diane.sauer@ci.raleigh.nc.us  
www.raleighnc.gov

Join the City of Raleigh, Parks and Recreation Department for our upcoming special events! [Click here for details.](#)

-----Original Message-----

From: Sams, Larry H [mailto:lsams@ncdot.gov]  
Sent: Thursday, September 10, 2009 2:37 PM  
To: Sauer, Diane  
Cc: Foster, David B; Unger Young, Suzanne; Lamb, Eric  
Subject: Middle Crabtree Creek Greenway - Section 4(f) and SEHSR

Hi Diane,

I am following up on a letter we sent in early July regarding the proposed Southeast High Speed Rail project's crossing over the Middle Crabtree Creek Greenway at Hodges Street in Raleigh. We were checking on some of our "loose ends" yesterday and realized that we had not yet received a response from the city. I have attached a copy of the letter and map for your convenience.

The letter explains how a 4(f) Evaluation is required in the Draft

Environmental Impact Statement (DEIS) for the project unless there is no adverse effect on the greenway. We think there is no adverse effect, and the July letter was designed to provide a simple signature location where the City of Raleigh could concur. A simple email response also would be sufficient if that is easier for you.

Whatever you could do to expedite a response would be greatly appreciated.

FYI, some other city/town parks and recreation departments have deferred to their Public Works Director for concurrence. I would be very happy to communicate with Carl Dawson if the city would rather go that route. I also have copied Eric Lamb on this note again because he is very familiar with the project.

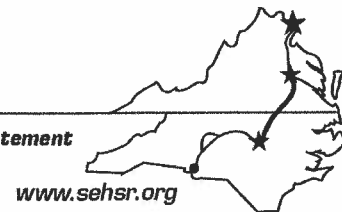
Thanks again for your time and attention to this. Please let us know if you have any questions.

-Larry Sams  
NCDOT Rail Division  
919-733-7245 ext 268

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

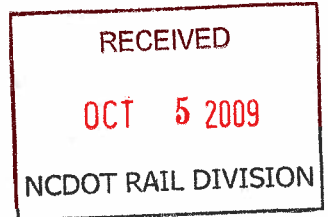
# SOUTHEAST HIGH SPEED RAIL

Richmond, VA to Raleigh, NC - Tier II Environmental Impact Statement



September 17, 2009

The Honorable Willis Woodall  
Mayor, Town of La Crosse  
126 High Street  
La Crosse, VA 23950



RE: Section 4(f) Coordination  
Southeast High Speed Rail Project, Richmond, VA, to Raleigh, NC

Dear Mayor Woodall,

The Virginia Department of Rail and Public Transportation (DRPT) and the North Carolina Department of Transportation (NCDOT) Rail Division, in cooperation with the Federal Railroad Administration (FRA), are preparing a Tier II Draft Environmental Impact Statement (DEIS) for the Southeast High Speed Rail (SEHSR) project between Richmond, VA, and Raleigh, NC. The DEIS will document the potential impacts of the proposed alternatives under consideration.

The proposed project will return rail service adjacent to Centennial Park in the Town of La Crosse, VA. The attached map shows the designs for the proposed rail alignments and associated road work in this area. The project will close the existing pedestrian crossing just east of the park and also require a small amount of right of way (approximately 0.06 acres) to accommodate the railroad improvements. The project will provide a new pedestrian underpass along the Tobacco Heritage Trail, approximately 300 feet to the north along Main Street, which will allow trail users to cross under the proposed rail alignment and rejoin the existing rails-to-trails corridor.

Preparation of the DEIS includes addressing all potential involvements with resources protected by Section 4(f) of the Department of Transportation Act of 1966. Section 4(f) prevents federal transportation agencies from approving projects that require the use of public parks, recreation areas, wildlife and waterfowl refuges, or lands of historic significance unless there is no feasible or prudent alternative to the use of that land. As a planned public recreation trail, Centennial Park qualifies as a Section 4(f) resource and the ROW acquisition and re-routing of the trail would be considered a transportation use.

As a result of the use of Centennial Park, FRA regulations require a Section 4(f) Evaluation be conducted as part of the DEIS. An exception to this rule is when the impact to the resource is considered to be minimal (i.e., *de minimis*). The purpose of this letter is to request that the Town of La Crosse, VA, concur with our assessment that the ROW acquisition and re-routing of the trail does not have an adverse effect on Centennial Park.

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

Toll Free  
1-877-749-7245

If you agree with this assessment, please sign this document and return to me by October 1, 2009.

Thank you in advance for your prompt attention to this matter. If you need further assistance, please contact me at 919-733-7245 x266.

Sincerely,



David B. Foster, PE  
Project Manager  
NCDOT Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

cc: John Winkle, FRA  
Christine Fix, DRPT

Concurrence:



Resource Owner – La Crosse, VA

09-30-09  
Date

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

Toll Free  
1-877-749-7245



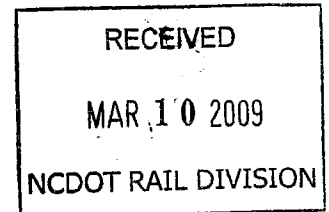
United States Department of the Interior  
NATIONAL PARK SERVICE

PETERSBURG NATIONAL BATTLEFIELD  
1539 Hickory Hill Road  
Petersburg, Virginia 23803-4721



In Reply Refer to:  
K-14

March 4, 2009



Mr. David P. Foster, PE, CPM  
Rail Environmental Programs Manager  
Environmental & Planning Branch  
1553 Mail Service Center  
Raleigh, N.C. 27699-1553

Dear Mr. Foster:

As discussed in your meeting of February 26 with my staff members Chris Calkins and Julia Steele, the following general and conceptual undertakings were discussed:

- In reference to the National Park Service (NPS) property known as the Fort Wadsworth Unit (10.54 acres), your organization, the Southeast High Speed Rail, may wish to obtain a 30 foot wide taking along the western portion of this tract and adjacent to Collier rail yard and the CSX line.
- At the southern end of Collier yard and between Halifax Road, you may be building a flyover bridge, the design as yet to be determined, affecting a portion of the Weldon Railroad battlefield (aka Globe Tavern).

In mitigation for the above potential adverse impacts to and conveyance of NPS public lands and historic properties, Mr. Calkins suggested the study of requirements and authorities for a proposed land exchange, generally outlined as follows:

1. Mr. Calkins suggested that in exchange for the 0.45 acres of National Park Service land, your organization would agree, in principle, to acquire 15.31 acres (three parcels) north of said government land and located between Halifax Road and Collier Yard by either fee simple or by a conservation easement. At the present time, these parcels are not currently within the park boundary, but are included in the land identified in the park's General Management Plan for inclusion within the boundary. Before these parcels can be considered for an exchange, they must be within the park's boundary. This action requires federal legislation, which has not yet occurred.
2. The park can only enter into a land exchange agreement for parcels currently within our boundary. The only privately held lands within the existing boundary of Petersburg National Battlefield are at Five Forks. We identify this property as

TO MITIGATE TO  
A NO ADVERSE IMPACT  
ON FLYOVER AT 490  
EAST END OF COLLIER  
YARD,

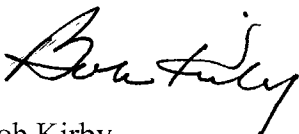
AND WE DO A  
LETTER AGREEMENT  
CONTINGENT ON  
LEGISLATIVE ACTION

Tract 07-107. The landowner, Williams A. Parham has been approached in the past but was not willing to sell. NPS would consider a land exchange for some or all of Tract 07-107. Otherwise, no land exchange can occur until the park has legislative authority to expand its existing boundary.

3. If an exchange occurs, the difference in value between these two exchange components will be donated to the U.S. Government.
4. Land exchanges require National Environmental Policy Act (NEPA) and Historic Preservation Act, Section 106 compliance. The costs of all compliance work will be the sole responsibility of the ~~railroad~~ <sup>STATE</sup> (or whoever the other party will be).
5. The costs of all federal due diligence requirements, such as, but not limited to surveys, title, environmental site assessments and appraisals for all properties involved in this federal land exchange would be paid by the ~~railroad~~ <sup>STATE</sup>. Concerning the flyover bridge across the southern end of Collier Yard and between Halifax Road, the dirt embankment and surrounding field will be required to have tree plantings to minimize the visual intrusion on the landscape.
6. Archeological investigations of the areas of potential effect will be completed by your organization before a land exchange commences and will occur before any land is taken or disturbed.
7. Attached is a general simplified outline of the land exchange process which assumes all properties are within the park boundary.

Should you wish to discuss any of these matters further, please feel free to contact me.

Sincerely,



Bob Kirby  
Superintendent

CC: Harriet Wright, NER Lands  
Rachel McManus, NER Lands  
Patricia Bentley, NER  
Chris Calkins, PETE  
Julie Steele, PETE

Encl.

## **General Outline of NPS Land Exchange Process**

Exchanges are authorized under the L&WCF Act and often by the individual park establishing legislation.

Comparable Parcels to be identified and obtain/draft legal descriptions of each. Parcels must be approx. equal in value or will require cash payment to equalize.

Justification Memo from Supt to Regional Director for approval of the land exchange.

- Must demonstrate benefit to the USA
- Suitability of exchange parcels
- List any special resource considerations
- Interests to be exchanged
- Analysis/effect on local taxing authority

Request DOI to appraise parcels. Appraisals must comply with federal Uniform Appraisal Standards for Federal Land Acquisitions, which can be found at [www.usdoj.gov/enrd/land-ack/yb2001.pdf](http://www.usdoj.gov/enrd/land-ack/yb2001.pdf). Appraisals must be requested through DOI Appraisal Services Directorate and/or all third party appraisals must comply with SO 3258, which includes the requirement that the USA is the sole client.

Prepare preliminary non-binding Exchange Agreement/NPS& non-federal land owner.

NEPA compliance EA or EIS to include land exchange transaction.

Contract for Title work and obtain title opinion for acquisition parcel, Department of Justice Title Standards, 2001, which can be found at [www.usdoj.gov/enrd/title.htm](http://www.usdoj.gov/enrd/title.htm).

Contract for Haz-mat Assessment for both parcels. Environmental Site Assessment in compliance with Secretarial Order 3127 and Department of the Interior guidelines.

Publish Notification of Realty Action in the local newspaper for 3 consecutive weeks notify abutters and public officials. Allow 45 day comment period. If controversial must publish in Federal Register.

If over \$500,000, send package to Washington Lands for submittal to appropriations committee for 30 day review period.

Prepare Offer to Exchange Real Property.

Prepare Deeds.

Prepare Closing package.

All of the above, with the exception of NEPA/106 Compliance, is guided/directed or obtained by NPS Lands staff. Completion will take 1-2 years when there are no serious impediments to any of the above steps.

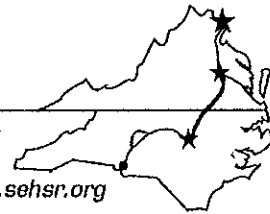
Contact: Rachel McManus, Deputy Realty Officer, 978-970-5260.



# **SOUTHEAST HIGH SPEED RAIL**

Richmond, VA to Raleigh, NC - Tier II Environmental Impact Statement

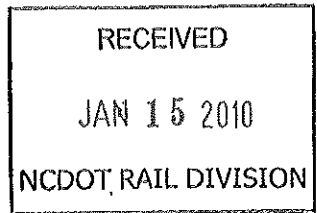
www.sehsr.org



September 22, 2009

John R. Pope, Jr., Director

Department of Parks, Recreation, & Community Facilities  
900 E. Broad Street, Room 407  
Richmond, VA 23219



RE: Section 4(f) Coordination

Southeast High Speed Rail Project, Richmond, VA, to Raleigh, NC

Dear Mr. Pope,

The Virginia Department of Rail and Public Transportation (DRPT) and the North Carolina Department of Transportation (NCDOT) Rail Division, in cooperation with the Federal Railroad Administration (FRA), are preparing a Tier II Draft Environmental Impact Statement (DEIS) for the Southeast High Speed Rail (SEHSR) project between Richmond, VA, and Raleigh, NC. The DEIS will document the potential impacts of the proposed alternatives under consideration.

The proposed project involves construction of a rail bridge over Ruffin Road (see attached map). This bridge will ensure the safety of automobiles crossing the SEHSR corridor. Due to the need to lower Ruffin Road to accommodate the railroad bridge, a small amount of right of way (ROW) is needed in southwest corner of the Thomas B. Smith Community Center and Park. The ROW is approximately 0.07 acres along Ruffin Road adjacent to the community center. Although detailed designs for the project are not yet complete, we are committed to ensuring that automobile access to the community center is maintained. The existing rail crossing has daily freight and passenger rail traffic that can be heard from the community center and park; therefore, the new bridge should not alter its character or setting.

Preparation of the DEIS includes addressing all potential involvements with resources protected by Section 4(f) of the Department of Transportation Act of 1966. Section 4(f) prevents federal transportation agencies from approving projects that require the use of public parks, recreation areas, wildlife and waterfowl refuges, or lands of historic significance unless there is no feasible or prudent alternative to the use of that land. As a public park, the Thomas B. Smith Community Center and Park qualifies as a Section 4(f) resource and the ROW acquisition would be considered a transportation use.

As a result of the use of the Thomas B. Smith Community Center and Park, FRA regulations require a Section 4(f) Evaluation be conducted as part of the DEIS. An exception to this rule is when the impact to the resource is considered to be minimal (i.e., *de minimis*). The purpose of this letter is to request that the City of Richmond Department of Parks, Recreation, & Community Facilities concur with our assessment

**For more information, contact:**

David B. Foster, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x266  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

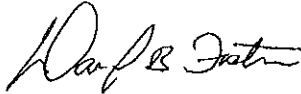
Toll Free  
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that the ROW acquisition does not have an adverse effect on the Thomas B. Smith Community Center and Park.

If you agree with this assessment, please sign this document at your earliest convenience to acknowledge that the City of Richmond Department of Parks, Recreation, & Community Facilities, as the official with jurisdiction over the property, concurs that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). This signed acknowledgement is an element that FRA requires before it can make a *de minimis* determination. In order for us to complete the DEIS on schedule, we request that you please return the signed letter by October 15, 2009.

Thank you in advance for your prompt attention to this matter. If you need further assistance, please contact me at 919-733-7245 x266.

Sincerely,

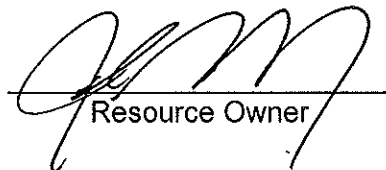


David B. Foster, PE  
Project Manager  
NCDOT Rail Division  
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Raleigh, NC 27699-1553

cc: John Winkle, FRA

Christine Fix, DRPT  
Viktoria Badger, City of Richmond

Concurrence:

  
Resource Owner

1/8/10  
Date