



**Federal Railroad
Administration**

January 20, 2023

Marc Holma
Office of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23220

Re: DC to Richmond Southeast High Speed Rail Project (DC2RVA)
Arlington, Virginia to Richmond, Virginia
DHR #2014-0666
Re-Initiation of Section 106 Consultation and Determination of Adverse Effect:
Shockoe Hill Burying Ground Historic District and Shockoe Hill African Burying
Ground

Dear Mr. Holma:

The Federal Railroad Administration (FRA) is providing financial assistance to the Virginia Passenger Rail Authority (the Authority) and the Virginia Department of Rail and Public Transportation (DRPT) for the proposed DC2RVA High Speed Rail Project (Project). The Project is located primarily along the existing CSX rail corridor from Arlington, Virginia to the community of Centralia south of Richmond, Virginia. The Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800 (Section 106).

The purpose of this letter is to re-initiate Section 106 consultation pursuant to Section III.A.1.a and III.A.1.b of the Second Amendment to the Project's Memorandum of Agreement (MOA) for two historic properties that were listed in the National Register of Historic Places (NRHP) after the original MOA was signed in 2019: the Shockoe Hill Burying Ground Historic District and the associated Shockoe Hill African Burying Ground. FRA is also transmitting this letter to notify you of our adverse effect determination for both historic properties.

Section 106 Consultation Background

FRA has led Section 106 consultation on the Project since 2014. This includes preparing a MOA in 2019 (2019 MOA) and two amendments. The 2019 MOA was executed on July 16, 2019 among the following Signatories: FRA, Virginia Department of Historic Resources (DHR), Advisory Council on Historic Preservation (ACHP), and DRPT. The First Amendment to the 2019 MOA was executed on April 2, 2021 to add the Federal Highway Administration (FHWA) as an Invited Signatory.

The MOA's Second Amendment was executed on November 9, 2022, to: 1) add a consultation process for assessing potential effects to the newly NRHP-listed Shockoe Hill Burying Ground Historic District (DHR Inventory No. 127-7231) and the associated Shockoe Hill African Burying Ground (44HE1203); 2) recognize that the Authority will be the assignee of MOA responsibilities from DRPT; 3) add Federal Transit Administration (FTA) as an Invited Signatory; 4) recognize that FHWA and FTA could be the Lead Federal Agency for specific

portions of this rail corridor in the event that either agency provides construction funds; and 5) add a requirement that the Lead Project Sponsor prepare an annual report detailing work undertaken pursuant to the terms of the Second Amendment.

Project Description

The Project would include specific rail infrastructure improvements and service upgrades intended to improve the travel time, service frequency, and on-time performance of passenger trains operating between Washington, D.C. and Richmond, Virginia (Figure 1). Proposed Project components in the Shockoe Hill area of Richmond, as contemplated in the 2019 Final Environmental Impact Statement and Record of Decision (FEIS/ROD), include, expanding the current two-track rail configuration to add a third track within the railroad right of way (ROW) to add capacity to the rail corridor and building an overpass to bring Hospital Street over the existing rail alignment. The existing crossing is currently at-grade and it does not meet operational safety standards. There is currently no final design or construction funding for these Project components.

The undertaking would involve subsurface disturbances within the railroad ROW as well as along Hospital Street; the depth of this disturbance has not yet been determined. Visual impacts will include the addition of a third railroad track and new Hospital Street overpass structure and associated landscape modifications.

Area of Potential Effects (APE)

The full-corridor DC2RVA Project APE was approved by the DHR in February 2015. The APE for the Shockoe Hill area is based on this approved full-corridor DC2RVA Project APE. The APE for subsurface resources includes the footprint of physical improvements, inclusive of both the rail modifications and associated new overpass. The APE for above-ground resources includes all areas where direct or indirect alteration to a resource's setting and feeling could occur. Based on previous studies along this corridor and in consultation with the DHR, the above-ground APE for the Shockoe Hill area includes all areas within 500 feet of the corridor. At the intersection of the railroad and Hospital Street, the APE is expanded to 1,000 feet from the rail centerline due to the introduction of a new overpass to the viewshed (Figure 2).

Identification of Historic Properties

Two historic properties located in the APE were listed in the NRHP after the 2019 MOA: Shockoe Hill Burying Ground Historic District (127-7231) and the associated Shockoe Hill African Burying Ground (44HE1203) (Figure 3).

The 40-acre Shockoe Hill Burying Ground Historic District is located north of downtown Richmond. It includes four cemeteries (the Almshouse, the Shockoe Hill Cemetery, the Hebrew Cemetery, and the Shockoe Hill African Burying Ground), associated archaeological sites, and landscape features that were established in the nineteenth century and represents the final resting place of many Richmond residents (Photo 1). Nineteenth- and twentieth-century development encroached on the Shockoe Hill African Burying Ground Historic District, having notable impacts to the archaeological sites in particular. The historic district was listed in the NRHP on July 16, 2022 under Criteria A, C, and D for its significance at the national, state, and local level.

The Shockoe Hill African Burying Ground was established in the early-nineteenth century. In 1816, the existing burial ground for both free and enslaved African Americans in Richmond's

Shockoe Bottom closed. A new cemetery was established on Shockoe Hill with separate sections for free Blacks and enslaved people. The cemetery was in use until the 1870s (Photo 2). No above-ground evidence of the cemetery exists today but the historic property is eligible for the NRHP as an individual archaeological site under Criteria A and D and contributes to the eligibility of the surrounding NRHP-listed Shockoe Hill Burying Ground Historic District.

Assessment of Effects

Based on the 2019 FEIS/ROD Project description, and after applying the criteria of adverse effect, FRA finds the Project would alter characteristics of the Shockoe Hill Burying Ground Historic District (127-7231) and the associated Shockoe Hill African Burying Ground (44HE1203) that qualify these historic properties for inclusion in the NRHP in a manner that would diminish their integrity. Therefore, in accordance with 36 CFR Part 800.5 and Stipulation III.A.1.b. of the Second Amendment, FRA determines the Project would have an Adverse Effect on the Shockoe Hill Burying Ground Historic District and the associated Shockoe Hill African Burying Ground.

The existing circa 1900 two-track rail alignment traverses through the eastern and northern segments of the Shockoe Hill Burying Ground Historic District and Shockoe Hill African Burying Ground (see Figure 3). The work currently proposed along the existing rail alignment would add a third track within the railroad ROW (Photo 3). In addition, Hospital Street—which runs east-west through the two properties along their southern perimeter—would be altered by building an overpass to bring the road over the proposed expansion of the rail alignment (Photo 4). Between 2017 and 2019, DRPT reworked roadway plans to minimize the LOD in this area. The northern limit of modifications to Hospital Street was reduced to parallel the existing street cut and the overall project footprint was narrowed (Figure 4). Despite these efforts, there would be impacts to Shockoe Hill Burying Ground Historic District and the associated Shockoe Hill African Burying Ground. The introduction of a new overpass within the eastern segment of the historic properties where Hospital Street would now cross over the rail tracks would introduce a new visual element that would diminish the integrity of setting, feeling, and association.

Proposed Project roadwork has the potential to impact both intact and displaced human remains. A full delineation of the cemetery has not occurred, but in 2022 the City of Richmond conducted limited investigations on land they own adjacent to the APE. These non-intrusive investigations included ground penetrating radar and the use of cadaver dogs. The City's investigations suggest that interments and displaced remains are likely still present within the cemetery boundaries, including the area along Hospital Street within the APE (Photo 5). As such, the activity has the potential to diminish the integrity of site location, materials, feeling, and association.

Lastly, the historic properties are eligible under Criterion A not only for their association with historic burial practices and the general development of Richmond, but also as a reflection of the treatment of African American resources during the Jim Crow-era. Numerous roadways, an artillery magazine, a gas station, and rail modifications were installed in this area between the 1870s and the 1960s, greatly impacting contributing resources to the historic district and interments within the Shockoe Hill African Burying Ground. The proposed Project activities in this area would alter several of these Jim Crow-era changes, resulting in a revised landscape with additional impacts to these historic properties and diminished overall design.

Consulting Party Outreach and Next Steps

Coordination with consulting parties has been ongoing since 2015, and all DC2RVA Project consulting parties are copied on this letter. Per Section III.A.1.a of the Second Amendment to the MOA, FRA will continue to coordinate with the Signatories and appropriate consulting parties that have an identified interest in the Shockoe Hill Burying Ground Historic District and the associated Shockoe Hill African Burying Ground to resolve adverse effects. If a consulting party wishes to be involved with the re-initiated Section 106 consultation on the Shockoe Hill historic properties, they should identify their interest in these properties and notify me within 30 calendar days from the date on this letter.

Pursuant to Stipulation III.C.2. of the Second Amendment, FRA will consult with the MOA Signatories and appropriate consulting parties to seek ways to avoid adverse effects to the Shockoe Hill Burying Ground Historic District and the Shockoe Hill African Burying Ground. As a first step, FRA will schedule a meeting with Signatories and appropriate consulting parties in early 2023 to discuss the adverse effect determination and the next steps in consultation. VPRA and DRPT will also present the methodology they will use to conduct additional analysis to help determine the impacts of alternative infrastructure improvements to what is currently proposed. Those analyses include additional rail operations modeling based on the original DC2RVA assumptions, as well as an updated analysis for the grade crossing at Hospital and 7th Streets. This analysis will help inform ways to avoid the adverse effect of the Project to the Shockoe Hill historic properties.

Request for Comment on Effect Determination

FRA requests any comments on our determination of adverse effect to the Shockoe Hill Burying Ground Historic District and Shockoe Hill African Burying Ground. Further, as indicated above, consulting parties are encouraged to identify their interest in the Shockoe Hill historic properties and notify me if they wish to be involved in the re-initiated Section 106 consultation on these properties. Please provide responses within 30 calendar days from the date on this letter to: amanda.murphy2@dot.gov and kbarile@dovetailerg.com. Thank you for your continued cooperation and coordination on this Project.

Sincerely,



Amanda Murphy
Acting Federal Preservation Officer
Federal Railroad Administration

cc: Emily Choi & Rachel Magnum, Advisory Council on Historic Preservation
David Clarke, Federal Highway Administration
Dan Koenig, Federal Transit Administration
Colin Burch & Gerica Goodman, Virginia Passenger Rail Authority
Randy Selleck, Virginia Department of Rail and Public Transportation
Alexandria Archaeology
American Battlefield Protection Program
American Battlefield Trust
Arlington County

Ashland Museum Caroline County
Central Virginia Battlefields Trust
Chickahominy Indian Tribe
City of Alexandria
City of Fredericksburg
City of Richmond
Council of Virginia Archaeologists
Eastern Chickahominy Indian Tribe
Friends of Shockoe Hill African Burying Ground
Hanover County
Historic Fredericksburg Foundation, Inc.
Historic Richmond Foundation
National Park Service (NPS)- Captain John Smith Chesapeake National Historic Trail
NPS- Fredericksburg
NPS- GW Memorial Parkway
NPS- National Capital Region
NPS- Northeast Regional Office
NPS- Potomac Heritage National Scenic Trail
NPS- Richmond
NPS- Washington-Rochambeau National Historic Trail
National Trust for Historic Preservation
Lenora McQueen
Monocan Indian Tribe
L. Daniel Mouer
Nansemond Indian Tribe
Pamunkey Indian Tribe
Preservation Virginia
Prince William County
Quantico Marine Corps Base
Rappahannock Indian Tribe
Richmond Voting District 6/Richmond Gateway (*invited to be consulting party, 1/2023*)
Sacred Ground Historical Reclamation Project
Ryan Smith
Stephen Thompson
Town of Ashland
The Cultural Landscape Foundation
Upper Mattaponi Indian Tribe

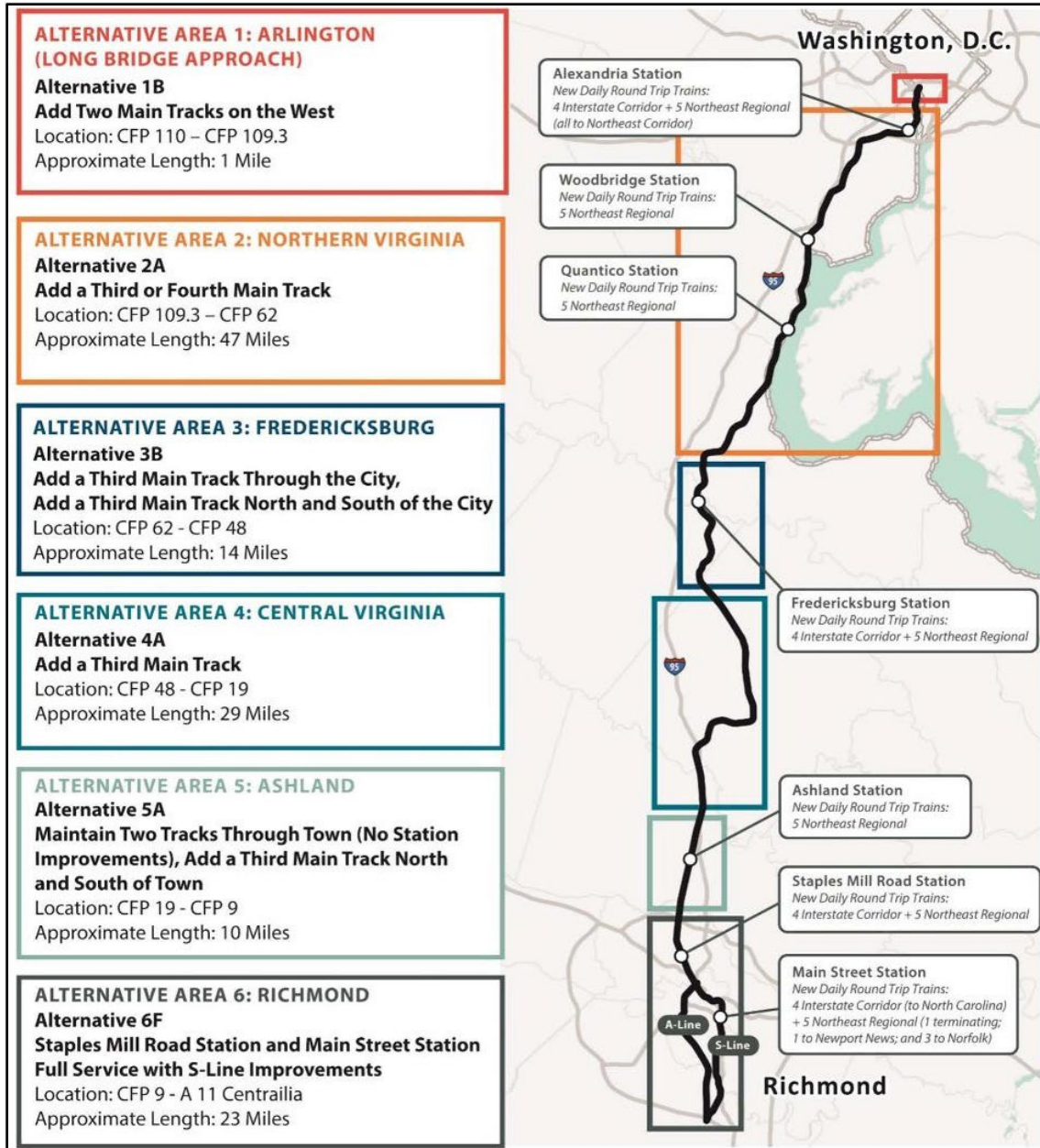


Figure 1: Overview of the DC2RCA Project.

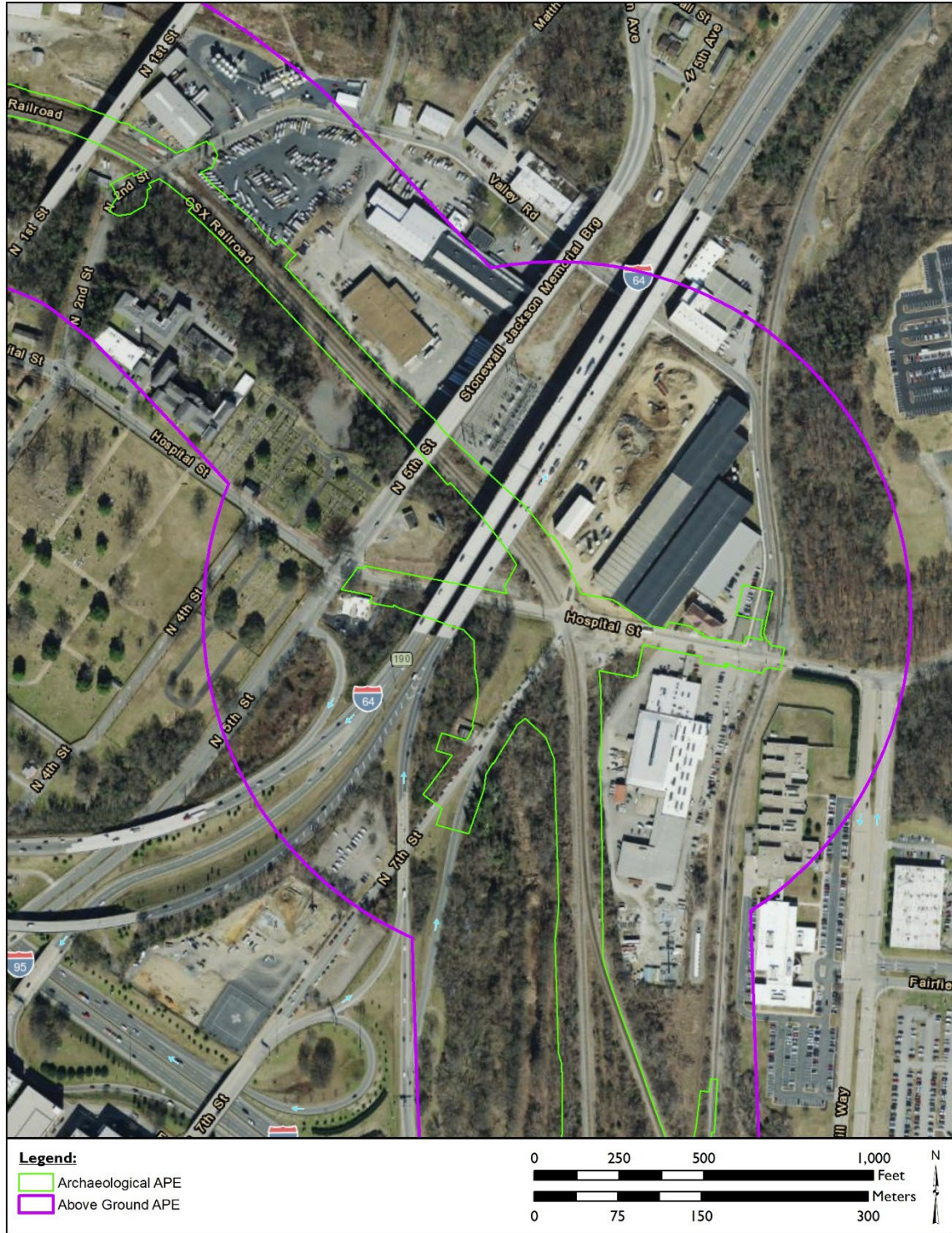


Figure 2: APE Map

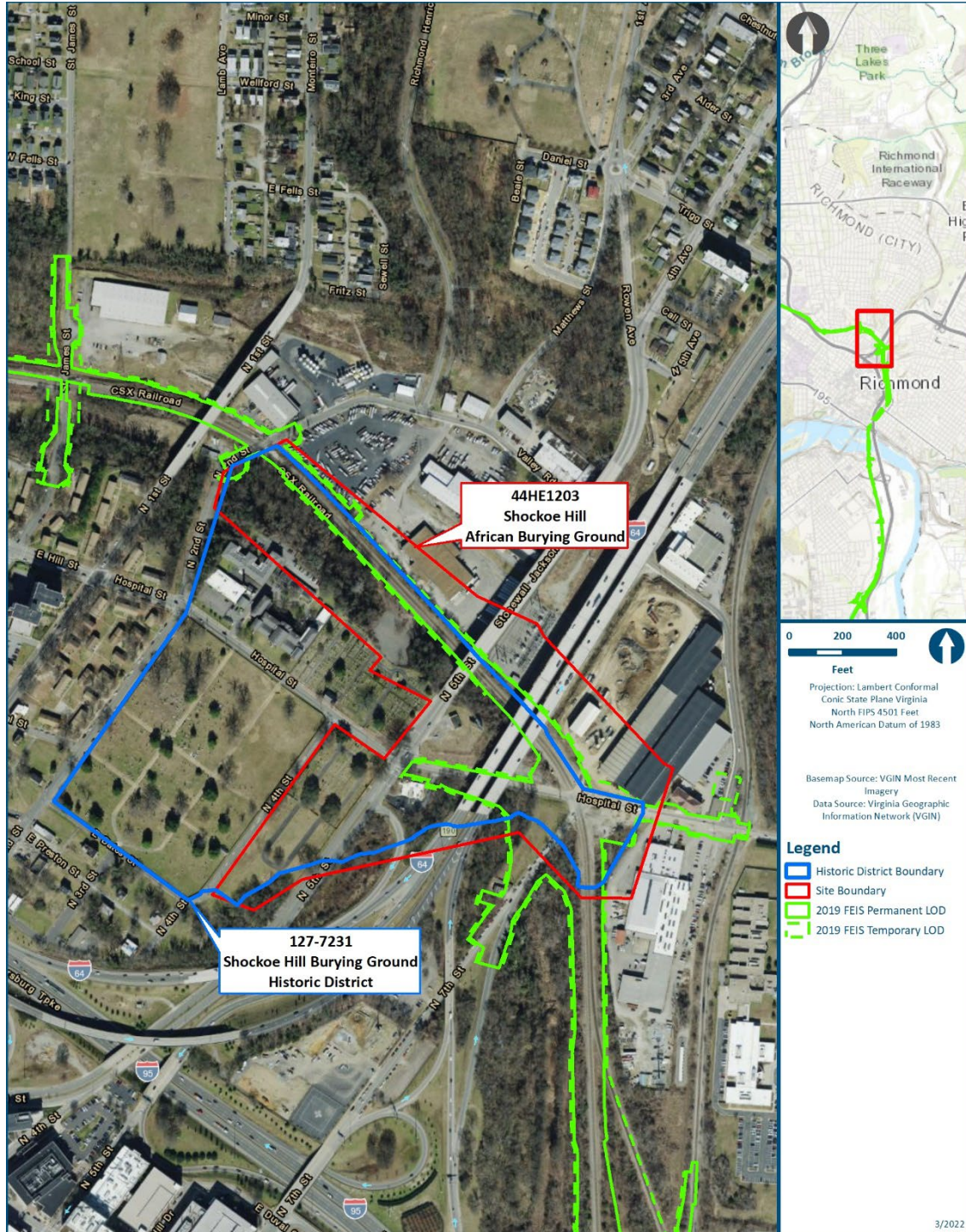


Figure 3: Location of the Shockoe Hill Burying Ground Historic District and the Shockoe Hill African Burying Ground with Current DC2RVA APE/LOD.

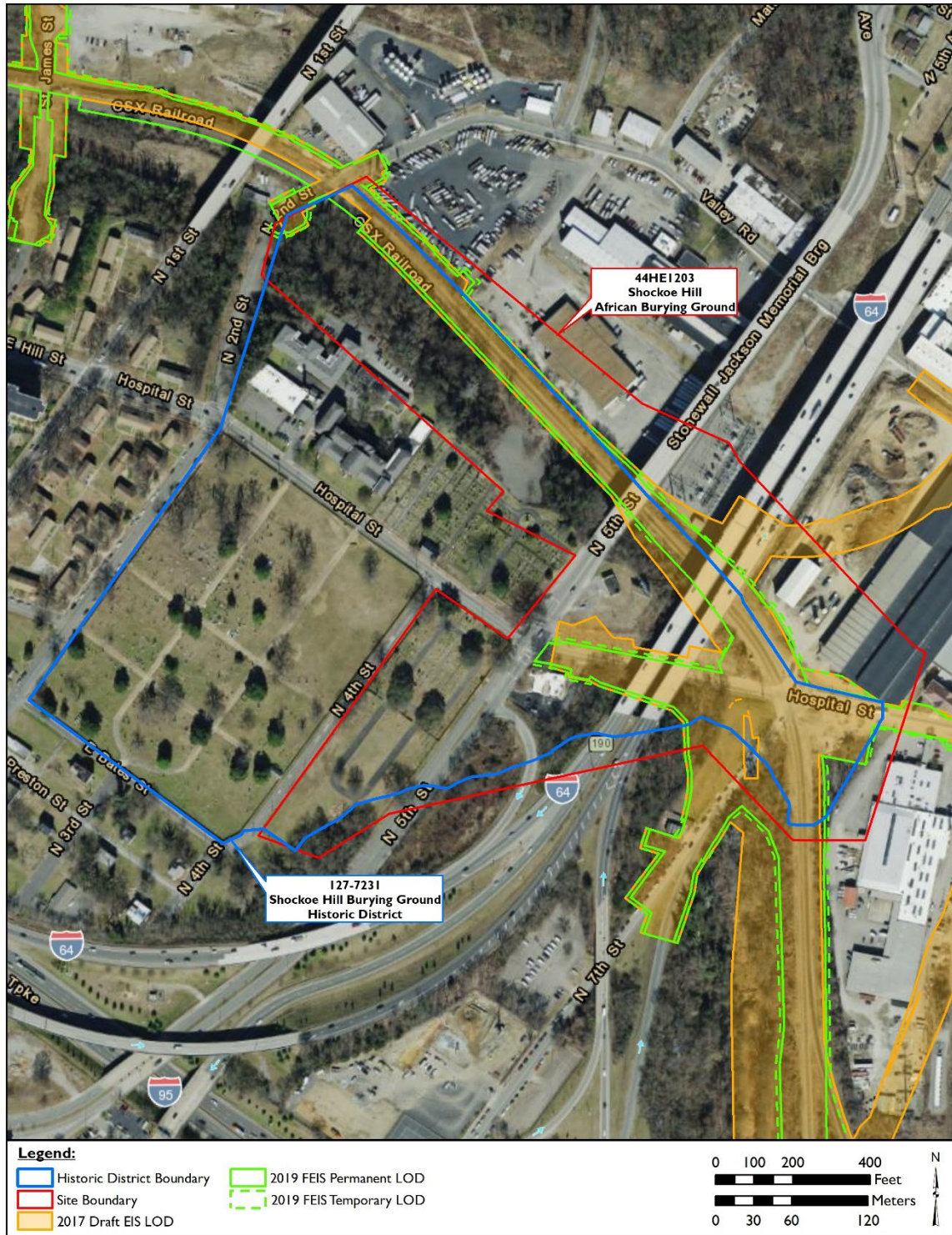


Figure 4: Shockoe Hill Historic Properties Showing 2017 LOD (orange) and Minimized 2019 LOD (green).



Photo 1: The Almshouse and Associated Cemetery in the Northwestern Portion of the Shockoe Hill Burying Ground Historic District, Looking Northwest.



Photo 2: Overview of the Shockoe Hill African Burying Ground at the intersection of North 5th Street and Hospital Street (at right), Looking Northeast.



Photo 3: Overview of Rail Corridor in Northeast Corner of Historic Properties, Looking East from North 5th Street. Existing tracks will be realigned and a third track added.



Photo 4: Intersection of Rail Corridor and Hospital Street, Looking West. Hospital Street will be brought over the rail but under Interstate 64 (in background).



Photo 5: Looking East Along Hospital Street. The alignment cut through the Shockoe Hill African Burying Ground.