MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
AND
THE NATIONAL CAPITAL PLANNING COMMISSION
REGARDING
THE VRE L'ENFANT STATION AND FOURTH TRACK PROJECT
IN
WASHINGTON, D.C.

WHEREAS, the Virginia Railway Express, a transportation partnership of the Potomac and Rappahannock Transportation Commission (PRTC) and the Northern Virginia Transportation Commission (NVTC), herein after referred to as VRE, is proposing to reconstruct the VRE L'Enfant Station and add a continuous fourth track between the L'Enfant (LE) and Virginia (VA) Interlockings (between roughly 10th and 2nd Streets SW)[1] to expand the capacity of the station, provide an enhanced passenger experience, provide additional long-term railroad capacity, and improve the reliability of rail service in this critical segment of the regional and national rail network; and

WHEREAS, the L'Enfant Station and Fourth Track Project (Project) consists of 1.) construction of a new fourth track between the LE and VA Interlockings on the north side of the existing tracks within the existing railroad right-of-way; 2.) construction of a new, 680' long and 22' wide center platform for the VRE L'Enfant Station to the north of existing Track 3 and in the same general location as the existing platform; 3.) replacement of the historic 6th Street SW Bridge; 4.) widening of the 7th Street SW Bridge; 5.) removal of 10 historic catenary portals; 6.) addition of a concrete cap on top of the historic rusticated stone retaining wall along Virginia Avenue from approximately 7th Street SW to 4th Street SW; and 7.) removal of the top two courses of stone from both of the 6th Street SW bridge abutments and replacement with concrete caps in order to accommodate the new bridge structure (Appendix A); and

WHEREAS, the Federal Transit Administration (FTA) anticipates providing funding to the VRE for the construction of the Project, therefore the Project will qualify as an "Undertaking" pursuant to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C.§ 306108) (NHPA), as amended, and its implementing regulations at 36 C.F.R. Part 800 (hereinafter collectively referred to as Section 106); and

WHEREAS, VRE is the Project Sponsor who will be responsible for implementing the Project, including fulfillment of the mitigation measures specified herein; and

WHEREAS, in a letter dated March 20, 2024, FTA initiated Section 106 consultation with the DC State Historic Preservation Officer (DC SHPO) and subsequently established the Project's Area of Potential Effects (APE), as defined under 36 CFR §800.16(d) and DC SHPO concurred with the APE on April 18, 2024. The APE is illustrated in Appendix B; and

WHEREAS, in accordance with 36 CFR § 800.2(a)(4), FTA invited individuals and organizations with a demonstrated interest in the Project to participate as Consulting Parties in the Section 106 process. The full list of Consulting Parties is provided in Appendix C; and

[1] An interlocking is a segment of railroad infrastructure comprised of track, turnouts, and signals linked (interlocked) in a way that allows trains to safely move from one track to another, or across tracks, preventing conflicting train movements.

WHEREAS, FTA, in consultation with DC SHPO and Consulting Parties identified eight (8) historic properties within the APE: the Plan of the City of Washington (listed in the National Register of Historic Places [NRHP] on April 24, 1997), the Baltimore and Potomac (B&P) Railroad (eligible for listing in the NRHP on December 5, 2024), L'Enfant Promenade (eligible for listing the in NRHP), the US Housing and Urban Development Building (listed in the NRHP on August 26, 2008), Federal Office Building 10A (eligible for listing the in NRHP in 2010), Federal Office Building 10B (eligible for listing the in NRHP in 2010), Federal Office Building 6 (listed in the NRHP on March 24, 2017), and St. Dominic's Catholic Church (listed in DC Inventory of Historic Sites on July 24, 1986); and

WHEREAS, FTA, in consultation with DC SHPO and Consulting Parties determined the Project will have an adverse effect on the B&P Railroad due to the removal and replacement of the 6th Street SW Bridge, the removal of up to 10 historic catenary portals, and the removal of portions of the rusticated stone retaining wall, all of which are contributing features to the B&P Railroad; and their direct alteration and removal would diminish the integrity of the property's design, materials, workmanship, feeling, and association; and

WHEREAS, this Memorandum of Agreement (MOA) was developed pursuant to Section 106 of the NHPA and its implementing regulations, 36 CFR Part 800; and

WHEREAS, FTA and VRE considered and adopted several measures to avoid and minimize adverse effects during the Section 106 consultation process including, 1.) dismissing any alternatives that involved constructing new retaining walls or associated railroad infrastructure outside of the railroad right-of-way, thus avoiding potential physical effects on historic properties adjacent to the railroad corridor; 2.) limiting the length of the new platform canopy so that it would not extend over the 6th or 7th Street SW Bridges, thus avoiding potential adverse visual effects caused by additional obstruction of the vistas within the Plan of the City of Washington; and 3.) designing the new 6th Street SW bridge and the widened bridge over 7th Street SW so their vertical clearance, visual appearance and alignment closely reference the existing bridges, thus minimizing potential adverse visual effects caused by less compatible new bridges; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FTA notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects determination and provided the documentation specified in 36 CFR § 800.11(e) on June 4, 2025. ACHP declined the invitation to participate in consultation pursuant to 36 CFR § 800.6(a)(1)(iv) in a letter dated June 16, 2025, which can be found in Appendix D; and

WHEREAS, if the Federal Railroad Administration (FRA) provides funding to the VRE for the Project, the Project will qualify as an "Undertaking" pursuant to Section 106, and FRA has designated FTA as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2); and

WHEREAS, the National Capital Planning Commission (NCPC) has approval authority over projects on Federal land located within the District of Columbia, and has approval authority over all physical alterations to Federal property pursuant to the National Capital Planning Act (40 U.S.C. § 8722(b)(1) and (d)), NCPC has elected to fulfill its Section 106 responsibilities by participating in this consultation and is a Signatory on this agreement document; and

WHEREAS, NPS manages the Federal park property adjacent to the railroad on the north side between 7th and 9th Streets SW within the Project's APE known as Hancock Park (see Appendix B). As part of the Project, the NPS would issue a permit for temporary use of land under its administration for construction staging activities. NPS has elected to fulfill its Section 106 responsibilities by participating in this consultation and is an Invited Signatory of this MOA); and

WHEREAS, VRE is a Consulting Party in the Section 106 process pursuant to 36 CFR § 800.3(f)(1), as the Project Sponsor, and will have roles and responsibilities in the implementation of this MOA and is an Invited Signatory pursuant to 36 CFR § 800.6(c)(2); and

WHEREAS, in letters dated March 20, 2024, FTA contacted the Cherokee Nation and the Pamunkey Indian Tribe (collectively referred to as "Native American tribes" in this MOA), Federally recognized sovereign Indian Nations that have a government-to-government relationship with the United States and an interest in the area affected by the Project pursuant to 36 CFR § 800.2(c)(2). FTA invited each of these Native American tribes to be a Consulting Party and neither the Cherokee Nation nor the Pamunkey Indian Tribe responded to FTA's invitation to consult in the Section 106 process; and

WHEREAS, FTA conducted two Section 106 Consulting Party meetings to provide opportunities for the Consulting Parties to comment on the development of the Action Alternatives, delineation of the APE, identification of historic properties, methodology for assessing effects on historic properties, assessment of effects on historic properties, and potential resolution strategies; and

NOW, THEREFORE, FTA, DC SHPO, and NCPC (collectively referred to as the Signatories) agree that if the Project moves forward, it will be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties and that these stipulations will govern compliance with Section 106 of the NHPA.

STIPULATIONS

FTA shall ensure that the following measures are carried out by VRE:

I GENERAL

A. APPLICABILITY

1. FTA, VRE, DC SHPO, NPS, and NCPC will use the terms and conditions of this MOA to fulfill their Section 106 responsibilities, as well as any other Federal agencies that designate FTA as the lead Federal agency, pursuant to 36 CFR § 800.2(a)(2). Federal agencies that do not designate FTA as the lead Federal agency remain individually responsible for their compliance with Section 106.

2. In the event that a Federal agency or other entity issues Federal funding, permits, licenses, or approvals for the Project and the Project remains unchanged, such Federal agency may become an Invited Signatory to this MOA as a means of satisfying its Section 106 compliance responsibilities, as outlined in Stipulation IX. Any necessary amendments will be considered in accordance with Stipulation X of this MOA.

3. This MOA only binds FTA if it provides financial assistance, permits, licenses, or approvals for construction of the Project and, therefore, meets the definition of Undertaking found at 36 CFR § 800.16(y).

4. In the event that the Project does not become an FTA Undertaking and FTA withdraws its participation in the MOA under Stipulation XI.B, and another Federal agency continues to have an Undertaking and desires to continue to use this MOA to satisfy its responsibilities under Section 106, this MOA will be amended in accordance with the terms of Stipulation X and that Federal agency will assume lead agency responsibilities for Section 106.

B. TIMEFRAMES AND NOTIFICATIONS

1. All time designations are in calendar days unless otherwise stipulated. If a review period ends on a Saturday, Sunday, or Federal holiday, the review period will be extended until the next business day.

2. All communication and notifications required by this MOA will be sent by email or other electronic means.

C. ROLES AND RESPONSIBLITIES

1. FTA

   a. Pursuant to 36 CFR §800.2(a)(2), FTA has the primary responsibility to ensure the provisions of this MOA are carried out.

   b. FTA is responsible for all government-to-government consultation with federally-recognized Native American tribes except as hereafter specified.

   c. FTA is legally responsible for all findings and determinations, including determinations of eligibility, findings of effect as well as resolution of objections or disputes.

2. VRE

   a. VRE will prepare any necessary analyses, documentation, and recommendations for FTA to make determinations.

   b. VRE will conduct investigations and produce analyses, documentation and recommendations in a timely manner to address archaeological resources within the APE not recorded in the field prior to the conclusion of the Section 106 process.

   c. VRE will successfully complete any mitigation measures to minimize and resolve adverse effects on historic properties pursuant to Stipulation III.

   d. VRE is responsible for funding the completion of all investigations, associated documentation, and other mitigation necessitated as a result of adverse effects on historic properties in accordance with the terms prescribed in this MOA.

   e. VRE is responsible for costs incurred during any work stoppages in the event of a Post-Review Discovery.

3. DC SHPO

   a. DC SHPO will review Project submittals according to the timeframes defined within this MOA, and participate in consultation, as requested by FTA.

4. NCPC

   a. NCPC will review Project submittals according to the timeframes defined within this MOA, and participate in consultation, as requested by FTA.

b. These reviews do not supersede the statutory or regulatory obligations of this body, and NCPC will review and approve the project components as required.

5. NPS

a. NPS will review Project submittals according to the timeframes defined within this MOA, and participate in consultation, as requested by FTA.

II PERSONNEL QUALIFICATIONS STANDARDS

FTA and VRE will ensure that all historic preservation work performed pursuant to Stipulation III will be accomplished by or under the direct supervision of a person or persons who meet(s) or exceed(s) the pertinent qualifications in the *Secretary of the Interior's Professional Standards* (48 Federal Register [F.R.] 44716) in the appropriate discipline.

III RESOLUTION OF ADVERSE EFFECTS

A. DOCUMENT REVIEW PROCEDURES

1. The Signatories and Invited Signatories will follow these Document Review procedures, when specified, in Stipulation III.B for Minimization and Mitigation Measures below.

2. VRE and FTA will provide complete draft documentation regarding the Minimization and Mitigation Measures described in Stipulation III.B to the Signatories and Invited Signatories for review and comment. The Signatories and Invited Signatories will review the documentation and provide written comments to FTA and VRE within thirty (30) calendar days of receipt. Any Signatory or Invited Signatory may request a meeting within that review period.

3. VRE, in consultation with FTA, will ensure that written comments received are considered and incorporated, as appropriate, to the fullest reasonable extent into the documentation and that the Signatories and Invited Signatories are notified of the manner in which the comments have been incorporated.

4. If a Signatory or Invited Signatory provides no written comments on the revised documentation prepared under Stipulation III.A.3 within the thirty (30)-day review period, VRE and FTA may proceed with the next step in the process without taking additional steps to seek comments from the non-responding party(ies).

5. If FTA or VRE receives an objection or extensive revision recommendations to the document prepared under Stipulation III.A.3, FTA and VRE will work expeditiously with the objecting Signatories and/or Invited Signatories to respond to the objection and/or resolve the dispute. If no agreement is reached within thirty (30) calendar days, or another timeframe agreed upon by the objecting Signatories and Invited Signatories, FTA may request the ACHP to review the dispute in accordance with Stipulation VIII. FTA will notify the Signatories and Invited Signatories of FTA's decision.

6. Should any substantive changes be made to the Project design at any time within the duration of this MOA after the Signatories' and Invited Signatories' review under Stipulations III.A.3-5, including but not limited to the separate review processes required as part of the statutory or regulatory obligations of the NCPC and CFA, VRE, in

consultation with FTA, will submit changes to the Signatories and Invited Signatories and provide additional opportunities for review following the same timeline and process as outlined above. A substantive change means a change to the design or plan that meaningfully alters the agreed-upon approach, such as changes to structure type or materials (design) or changes to the location or number of interpretive panels (plan).

B. MINIMIZATION AND MITIGATION MEASURES

1. *Design Review:* VRE will design every aspect of the Project that will be visible from the public right-of-way to be compatible with the character of the historic B&P Railroad and appropriate for the context of Washington DC's Monumental Core, particularly as expressed through the Plan of the City of Washington. Design Review will minimize potential adverse effects of replacing or altering elements of the historic properties affected by the Project by ensuring the design appearance and materials used are compatible with the relevant historic character.

    a. VRE, in consultation with FTA, will consult with the Signatories and Invited Signatories pursuant to Stipulation III.A of this MOA as designs are advanced for the Project. VRE shall provide the proposed design documentation to the Signatories and Invited Signatories for review and comment when 30% and 60% design plans are available. Design Review by the Signatories and Invited Signatories shall include review of the following design elements pursuant to Stipulation III.A above: a) visual appearance of the new railroad bridge across 6th Street SW, including bridge exterior girder type, material and color; b) aesthetic treatment of the retaining walls and proposed concrete cap, historic stone abutments, structural bridge piers, and station entrances; c) landscape design; and d) any signage or lighting necessitated by the Project. Review of interpretative signage shall be reviewed in accordance with Stipulation III.B.3 below.

    b. The Signatories and Invited Signatories agree that "through plate girders" of weathering steel or, at a minimum, a weathering steel color shall be used as exterior girders for the new bridge over 6th Street SW. "Through plate girders" of weathering steel, or a weathering steel color, are proposed for the new bridges within the Long Bridge corridor located west of project area and this will minimize adverse effects by establishing a common structural vocabulary and a visual connection between the historic and new bridges. In addition, the B&P Railroad is a linear resource that should be treated as consistently as possible.

    c. The Signatories and Invited Signatories concur that the majority of the existing 6th Street SW Bridge stone masonry abutments shall be preserved and that only the top 1-2 courses of stone shall be removed to facilitate construction of the new bridge seats that will be located behind the existing abutments.

    d. The Signatories and Invited Signatories agree that the new concrete wingwall on the north side of the 6th Street Bridge shall not project beyond the historic bridge abutments any more than necessary and/or that the design of the new concrete wingwall shall be refined in other ways that will allow the historic abutments to remain as visually prominent as possible. Such design refinements may include setting the new wingwall back as far as possible, chamfering the edges of the new wingwall, wrapping any available salvaged stone or matching new stone around the corners of the wingwall or similar treatments.

e. The Signatories and Invited Signatories agree that if the historic steel piers cannot be retained or replaced in-kind, the design of the new bridge piers at the 6th Street SW Bridge shall not consist of plain concrete surfaces as often used with highway bridges, as it would be incompatible with the historic character of the B&P Railroad Corridor. The final design of the piers shall be determined through the Design Review process that shall follow the Document Review Procedures outlined in Stipulation III.A above. VRE shall provide to the Signatories and Invited Signatories recommendations from project architects for designs that are compatible with the remaining historic material while considering the aesthetic treatments of the proposed improvements for the Long Bridge corridor west of the project area, such as 1) concrete members clad with new stone veneer of a compatible appearance to the remaining historic stonework or 2) a combination of new steel support columns supported on stone-clad concrete knee walls or pedestals. Signatories and Invited Signatories agree that new stone cladding similar to the proposed improvements for the Long Bridge corridor west of the project area would be an appropriate aesthetic treatment that would further minimize adverse effects by establishing a common structural vocabulary and a visual connection between the historic and new bridges and ensuring a consistent treatment for the linear B&P Railroad.

f. The final aesthetic treatment of the proposed concrete caps on the Virginia Avenue retaining wall shall be determined through the Design Review process that shall follow the Document Review Procedures outlined in Stipulation III.A above. During the Design Review process, VRE shall provide to the Signatories and Invited Signatories recommendations from project architects for aesthetic treatments that are compatible with the remaining historic stonework while considering the aesthetic treatments of the proposed improvements for the Long Bridge corridor west of the project area. As the amount of salvageable stone will be minimal due to the retention of the majority of the existing 6th Street SW Bridge abutments, use of salvaged stone cladding may be limited on the proposed concrete caps on the Virginia Avenue retaining walls (as will be determined per Stipulation III.B.4 below), but the Signatories and Invited Signatories agree that new stone cladding similar to the proposed improvements for the Long Bridge corridor west of the project area would be an appropriate option for the same reasons as in Stipulation III.B.1.e above.

g. If aesthetic treatments different from those specified in the above stipulations are ultimately used for the new 6th Street SW Bridge, the Signatories shall consult further pursuant to Stipulation IV to identify additional measures that will be used to mitigate any adverse effects that these treatments will cause, and this MOA will be amended pursuant to Stipulation X.

2. *Construction Management Control Plan:*

a. VRE shall develop and implement a *Construction Management Control Plan* in coordination with NPS that shall identify approaches and methods to avoid or minimize, to the extent feasible, impacts on Hancock Park from construction of the Project.

b. The *Construction Management Control Plan* shall identify approaches and methods to avoid or minimize, to the extent feasible, visual impacts from construction activities on historic properties within the APE, including, but not limited to, providing appropriate screening between construction staging

areas and historic properties, limiting the size of construction staging areas, and/or locating them away from sensitive views and viewsheds.

c. Within 6 months of the award of a construction contract, VRE shall submit the draft *Construction Management Control Plan* to the Signatories and Invited Signatories for review and comment in accordance with the procedures described in Stipulation III.A above. VRE shall revise and finalize the *Construction Management Control Plan* according to Signatory and Invited Signatory comment, as appropriate, prior to the start of construction.

d. VRE shall implement the *Construction Management Control Plan* through the completion of the construction of the Project.

3. *Interpretation Plan:* VRE, in consultation with the DC SHPO, will prepare and implement an interpretation plan to inform the public about the history and significance of the B&P Railroad, the original 6th Street SW Bridge, and related topics through interpretive panels. As part of the interpretation plan, VRE will design, fabricate, and install at least three (3) physical interpretive panels in locations accessible to the general public and VRE riders. Specific locations for each of the panels shall be determined through coordination with the Signatories and Invited Signatories. VRE shall be responsible for maintenance of the panels. VRE may consider graphic-focused designs created by visual artists. The plan, design, and locations of the interpretive panels will be reviewed by the Signatories and Invited Signatories pursuant to Stipulation III.A.VRE shall install the agreed upon panels within 1 year of completion of construction.

4. *Evaluation of Re-Use of Existing Stonework:* VRE will make good faith and reasonable efforts to reuse as much original stone from the 6th Street SW bridge as possible in the replacement bridge. Specifically, VRE will evaluate the feasibility of reusing stone that must be removed from the abutments and the rusticated stone retaining wall. Any reused stone will be in the form of a stone veneer on the proposed wingwall as described under Stipulations III.B.1.d. VRE will prepare documentation summarizing the findings of the evaluation and feasibility of the reuse of the existing stone. If reuse of existing stone is determined to be feasible, the documentation will include a summary of the recommended construction process, order of magnitude construction cost, and assumed limits of coverage as a stone veneer. This documentation will be submitted to the Signatories and Invited Signatories for review and comment in accordance with Stipulation III.A.

5. *Documentation of the 6th Street SW Bridge:*

a. Within twelve (12) months of the last signature on this MOA, and as well in advance of any alteration or demolition of the 6th Street SW Bridge as possible, VRE shall hire a person or firm who meets or exceeds applicable *Secretary of the Interior's Professional Standards* to document the historic structure.

b. The photographic and narrative documentation shall be consistent with Historic American Engineering Record (HAER) Level II standards. Prior to undertaking the documentation effort, VRE shall coordinate with HAER staff to determine whether the final documentation package shall be formally submitted to the

HAER collections and if large-format photographs are required. If formal submission to HAER is not required, VRE shall submit the final documentation to the DC SHPO and standard size digital photographs shall be prepared in lieu of large-format photographs. At a minimum, the narrative documentation shall include a description of the bridge, its historic context, and its overall dimensions.

c. No later than six (6) months prior to the start of demolition activities, and as well in advance as possible, VRE shall prepare and submit the draft photographic and narrative documentation package to the Signatories and Invited Signatories for review and comment in accordance with Stipulation III.A above. As-built drawings of the existing 6th Street SW Bridge will be submitted separately when made available per Stipulation III.B.5.e below. VRE shall revise and finalize the photographic and narrative documentation according to Signatory and Invited Signatory comment within thirty (30) days of receipt of comments and in accordance with Stipulation III.A above.

d. To accommodate the demolition schedule, the final photographic documentation and narrative documentation may be prepared as separate submittals to Signatories and Invited Signatories. VRE shall not begin any alteration or demolition of the 6th Street SW Bridge until the photographic documentation has been approved by the Signatories and Invited Signatories. Narrative documentation may be finalized after demolition has begun provided no additional information from the existing structure is required.

e. Existing as-built drawings of the 6th Street Bridge SW may be used to document the dimensions and design of the bridge per HAER Level II standards. The as-built drawings of the 6th Street SW Bridge are currently held by CSX Transportation (CSXT), and it is CSXT practice not to publicly disclose critical infrastructure drawings prior to demolition of the structure. As such, the as-built drawings are not anticipated to be available as part of the draft documentation package outlined in Stipulation III.B.5.c above. After demolition activities are completed and the as-built drawings are made available, VRE shall amend the documentation package to include these as-built drawings and submit the completed package to the Signatories and Invited Signatories for approval within sixty (60) days of receipt of the as-built drawings from CSXT.

IV POST-REVIEW CHANGES

If VRE proposes changes to the Project that may result in additional or new effects on historic properties, VRE will notify the Signatories and Invited Signatories of such changes. Before VRE takes any action that may result in additional or new effects on historic properties, the Signatories, Invited Signatories, and other Consulting Parties, as appropriate, must consult to determine the appropriate course of action. This may include revision to the APE, identification and evaluation of historic properties, assessment and/or reassessment of effects on historic properties, development and evaluation of alternatives or modifications to the Project that could avoid or minimize any adverse effects, or development of additional measures to mitigate any adverse effects. If required, the MOA may be amended, as necessary, pursuant to Stipulation X.

V POST-REVIEW DISCOVERIES

A. If newly identified historic properties are discovered during Project construction or unanticipated effects or damage to known historic properties are identified as a result of construction activities, FTA and VRE will comply with 36 CFR § 800.13 by consulting with Signatories and, if applicable, Native American tribes that may attach religious and/or cultural significance to the affected property; and by developing and implementing avoidance, minimization, or mitigation measures with the concurrence of Signatories and, if applicable, Native American tribes.

1. VRE will immediately cease all ground disturbing and/or construction activities within a 50-foot radius of the discovery. VRE will not resume ground disturbing and/or construction activities until the specified Section 106 process required by this MOA is complete.

2. FTA will notify Signatories and, if applicable, Native American tribes of any discovery within forty-eight (48) hours.

3. FTA will notify the Signatories and Native American tribes, as appropriate, of the projected path forward to comply with Section 106 by providing documentation related to the eligibility of the discovery or assumed eligibility, and if applicable, a proposal to resolve adverse effects, within fourteen (14) calendar days.

4. The Signatories and, if applicable, Native American tribes will review the documents and provide written comments to FTA and VRE within seven (7) calendar days or another agreed upon timeframe.

5. FTA will consider the written comments to the fullest reasonable extent.

6. If VRE receives an objection from a Signatory or Native American tribe regarding a post-review discovery, VRE will notify FTA and then work in consultation with FTA to take the appropriate action in accordance with Stipulation VIII.

7. If no Signatory or Native American tribe provides written comments on the notification specified in Stipulation V.A.3 within the agreed upon timeframe noted above, VRE may proceed with the submitted plan.

B. *Treatment of Human Remains*.

6. In the event that human remains, burials, or funerary objects are discovered during construction of the Project or any action taken pursuant to this MOA within the District of Columbia, VRE will immediately halt subsurface construction disturbance in the area of the discovery and in the surrounding area where additional remains can reasonably be expected to occur and will immediately notify FTA, DC SHPO and the District Chief Medical Examiner ("CME") of the discovery under DC Code Section 5-1406 and other applicable laws and regulations.

   a. If the CME determines that the human remains are not subject to a criminal investigation by Federal or local authorities, FTA will ensure VRE complies with the applicable Federal or local laws and regulations governing the discovery and disposition of human remains and consider the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects (March 1, 2023).

b. For actions involving Native American human remains or burials, VRE shall make every effort to immediately notify FTA, which shall immediately contact the appropriate federally recognized Native American tribes. VRE shall propose a treatment plan for the avoidance, recovery, or reburial of the remains in consultation with the Signatories and federally recognized Native American tribes if participating.

c. VRE shall make all reasonable efforts to ensure that the general public is excluded from viewing any Native American gravesites and associated funerary objects discovered during the Project.

7. In the event that human remains, burials, or funerary objects are discovered on lands under the authority of NPS during construction of the Project or any action taken pursuant to this MOA, NPS shall ensure compliance with applicable laws in accordance with provisions of the Native American Graves Protection and Repatriation Act, as amended (Public Law 101-601, 25 U.S.C. 3001 et seq) and regulations of the Secretary of the Interior at 43 CFR § 10.

VI CONFIDENTIALITY

A. If disclosure of location information could result in the disturbance of a cultural resource, all Signatories and Invited Signatories to this MOA will ensure shared data, including data concerning the precise location and nature of historic properties, archaeological sites, and properties of religious and cultural significance to Native American tribes, are protected from public disclosure to the greatest extent permitted by law, in accordance with 36 CFR § 800.11(c), Section 304 of the NHPA, Section 9 of the Archeological Resource Protection Act of 1979 (ARPA), and Executive Order 13007 Indian Sacred Sites (61 F.R. 26771-26772) dated May 24, 1996.

B. For work executed on NPS land, NPS standard policies, Director's Orders #28 and 28A, along with NPS management policies will be followed. Per ARPA, the Superintendent of each park is the arbiter for what information can and cannot be released publicly.

C. Consulting Parties and members of the public are not entitled to receive information protected from public disclosure.

VII MONITORING AND REPORTING

A. VRE will provide the Signatories with a summary report detailing work undertaken pursuant to the MOA's terms each year on or before October 1 until the MOA expires or is terminated. This report will include any scheduling changes proposed, any problems encountered, and any disputes or objections received in VRE's efforts to carry out the terms of this MOA.

VIII DISPUTE RESOLUTION

A. Should any Signatory or Invited Signatory to this MOA object at any time to any actions proposed or the manner in which the terms of the MOA are implemented, FTA will consult with such Signatory or Invited Signatory to resolve the objection. If FTA determines that such objection cannot be resolved within thirty (30) calendar days, or another timeframe agreed upon by all Signatories or Invited Signatories, FTA will:

1. Forward all documentation relevant to the dispute, including FTA's proposed resolution, to the ACHP with a copy to the other Signatories and Invited Signatories to this MOA and request that ACHP provide FTA with its comments on the resolution of the objection within thirty (30) calendar days of receiving the documentation.

2. If the ACHP does not provide comment regarding the dispute within the thirty (30) calendar- day time period, FTA will make a final decision on the dispute and proceed accordingly.

3. FTA will document this decision in a written response to the objection that takes into account any timely comments regarding the dispute from the Signatories and Invited Signatories and provide the ACHP and Signatories and Invited Signatories with a copy of such written response.

4. FTA may then proceed according to its decision.

5. The Signatories and Invited Signatories remain responsible for carrying out all other actions subject to the terms of the MOA that are not the subject of the dispute.

B. Should a Consulting Party or member of the public object to any proposed action(s) or the manner in which the terms of the MOA are implemented by submitting its objection to VRE and/or FTA in writing, VRE or FTA will notify the other Signatories and Invited Signatories and FTA will take the objection into consideration. FTA will notify the other Signatories and Invited Signatories of the objection, consult with the objecting party, and if FTA determines it appropriate, also consult with the other Signatories and Invited Signatories for not more than thirty (30) calendar days. Within fourteen (14) calendar days after closure of the consultation period, FTA will provide the objecting party and the Signatories and Invited Signatories with its final decision in writing.

IX ADOPTABILITY

In the event that a Federal agency other than FTA is considering providing financial assistance, permits, licenses, or approvals for the Project, such Federal agency may become an Invited Signatory to this MOA as a means of satisfying its Section 106 compliance responsibilities. To become an Invited Signatory to this MOA, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA, and identifying the lead Federal agency for the Undertaking. The participation of the agency is subject to approval by the Signatories, who must respond to the written notice within thirty (30) calendar days, or the approval will be considered implicit. Any other modifications to the MOA will be considered in accordance with Stipulation X.

X AMENDMENTS

Any Signatory or Invited Signatory to this MOA may request that it be amended. The Signatories and Invited Signatories will consult within thirty (30) calendar days, or another time period agreed upon by all Signatories and Invited Signatories, to consider such amendment. The amendment will be effective on the date it is signed by all of the Signatories and Invited Signatories. FTA will file the executed amendment with the ACHP.

XI TERMINATION AND WITHDRAWAL

A. If any Signatory or Invited Signatory to this MOA determines that the terms of the MOA will not or cannot be carried out, that Signatory or Invited Signatory will immediately notify the other Signatories and Invited Signatories in writing and consult with them to seek resolution or amendment pursuant to Stipulation X of the MOA. If within sixty (60) days, or another timeframe agreed upon by all Signatories and Invited Signatories, a resolution or amendment cannot be reached, any Signatory or Invited Signatory may terminate the MOA upon written notification to the other Signatories and Invited Signatories. Once the MOA is terminated, and prior to work continuing on the Undertaking, FTA, or other responsible Federal agency(ies) must either (a) execute a new MOA pursuant to 36 CFR § 800.6(c); (b) comply with 36 CFR Part 800 for all remaining aspects of the Project; or (c) request, take into account, and respond to the comments of the ACHP under 36 CFR§ 800.7. FTA will notify the Signatories and Invited Signatories as to the course of action it will pursue.

B. If FTA determines it does not have an Undertaking relating to this Project, FTA may withdraw from participation in this MOA entirely upon ninety (90)-days written notification to all Signatories and Invited Signatories. If another Federal agency or other agency acting as a Federal agency does not elect to continue utilizing the MOA per Stipulation I.A.4 then the MOA is terminated.

XII SIGNATURES AND EFFECTIVE DATE

A. *Effective Date.* This MOA will become effective immediately upon signature by the Signatories.

B. *Counterparts.* This MOA may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Agreement.

C. *Electronic Copies.* Within one (1) week of the last signature on this MOA, FTA shall provide each Signatory and Invited Signatory with one high quality, legible, full color, electronic copy of the fully-executed MOA and all of its attachments fully integrated into one, single document. If the electronic copy is too large to send by e-mail, FTA shall provide each Signatory and Invited Signatory with an electronic copy of the fully executed MOA as described above, on a compact disc or other suitable, electronic means.

XIII DURATION

A. This MOA will expire if its terms are not carried out within ten (10) years from the date of its execution.

B. At least six (6) months prior to expiration, FTA, or VRE with FTA's approval, may consult with the Signatories to re-evaluate this MOA and amend it in accordance with Stipulation X above.

C. If FTA does not amend this MOA prior to its expiration and the terms of the MOA have not been satisfied, FTA shall either (a) execute a new MOA pursuant to 36 CFR § 800.14(b) or (b) comply with 36 CFR Part 800 for all remaining aspects of the Project as applicable.

D. If FTA, in consultation with the Signatories, determines that the terms of this MOA have been satisfactorily fulfilled prior to the expiration date, the MOA shall terminate, and FTA shall provide all Consulting Parties with written notice of the termination.

Execution and filing of this MOA with the ACHP is evidence that FTA has considered the effects of this Undertaking on historic properties, afforded the ACHP a reasonable opportunity to comment, and satisfied its responsibilities under Section 106 of the NHPA and its implementing regulations.

[*Signature Pages Follow*]

SIGNATURE PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
AND
THE NATIONAL CAPITAL PLANNING COMMISSION
REGARDING
THE VRE L'ENFANT STATION AND FOURTH TRACK PROJECT
IN
WASHINGTON, D.C.

FEDERAL TRANSIT ADMINISTRATION

Theresa "Terry" Garcia Crews

Digitally signed by THERESA GARCIA CREWS
Date: 2025.12.04 12:24:28 -05'00'

BY: Terry Garcia Crews, Regional Administrator Date

SIGNATURE PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
AND
THE NATIONAL CAPITAL PLANNING COMMISSION
REGARDING
THE VRE L'ENFANT STATION AND FOURTH TRACK PROJECT
IN
WASHINGTON, D.C.

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER

for DSM 9-30-25

BY: David Maloney, State Historic Preservation Officer Date

SIGNATURE PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
AND
THE NATIONAL CAPITAL PLANNING COMMISSION
REGARDING
THE VRE L'ENFANT STATION AND FOURTH TRACK PROJECT
IN
WASHINGTON, D.C.

NATIONAL CAPITAL PLANNING COMMISSION

11/18/2025

BY: Marcel Acosta, Executive Director — Date

SIGNATURE PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
AND
THE NATIONAL CAPITAL PLANNING COMMISSION
REGARDING
THE VRE L'ENFANT STATION AND FOURTH TRACK PROJECT
IN
WASHINGTON, D.C.

INVITED SIGNATORY

VIRGINIA RAILWAY EXPRESS

By: _____ Date___9-30-2025_____
Rich Dalton, CEO

SIGNATURE PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
AND
THE NATIONAL CAPITAL PLANNING COMMISSION
REGARDING
THE VRE L'ENFANT STATION AND FOURTH TRACK PROJECT
IN
WASHINGTON, D.C.

INVITED SIGNATORY

NATIONAL PARK SERVICE

By: Kevin J. Griess Date: 2025.11.14 09:47:18 -05'00' Date_____
Kevin Griess, Superintendent, National Mall and Memorial Parks

APPENDIX A
VRE L'ENFANT STATION AND FOURTH TRACK PROJECT FIGURES

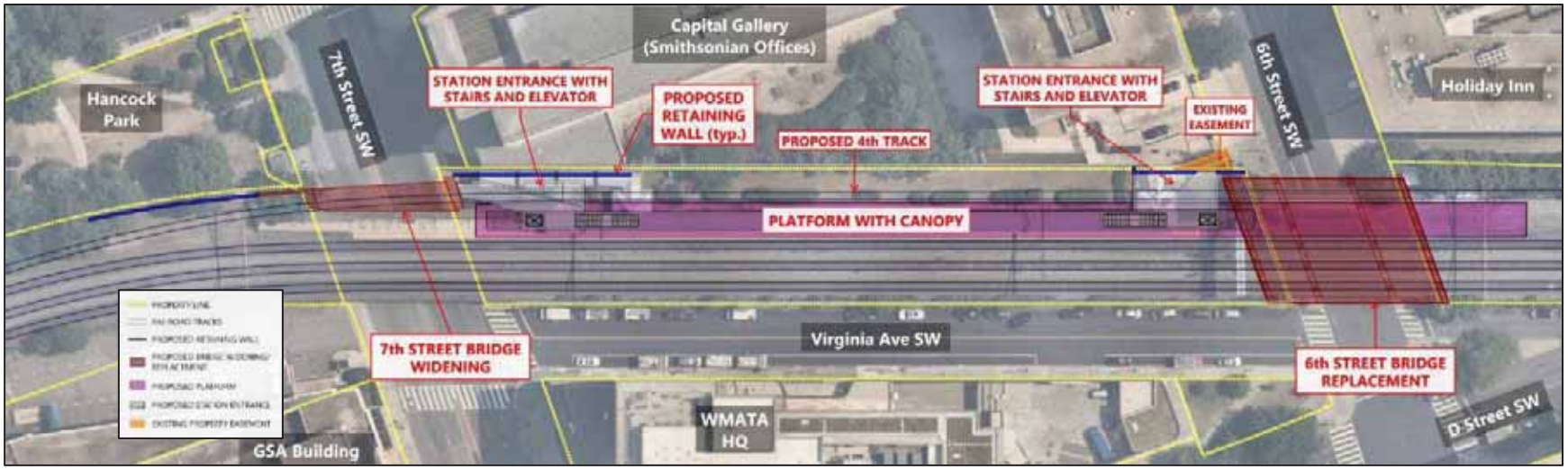


Figure A-1. Plan Overview of the Proposed Platform and Bridges

Figure A-2. Rendering of the Proposed L'Enfant Station Canopy (the appearance of this rendering is illustrative and is not intended to convey specific design, colors, or materials, which will continue to be refined through Design Review)

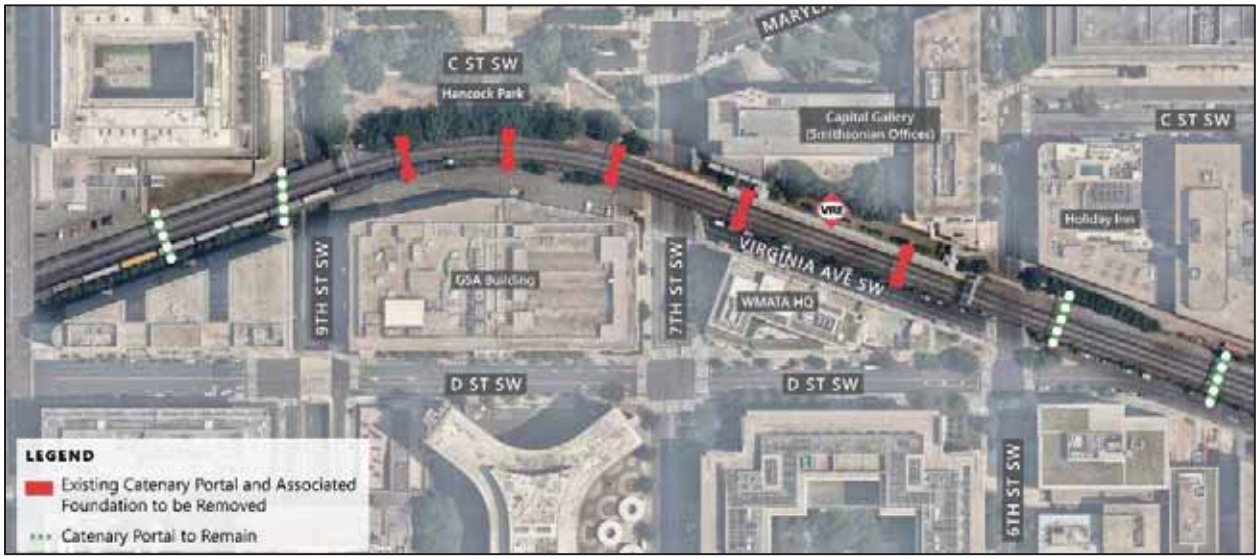


Figure A-3. Proposed Catenary Portals to be Removed

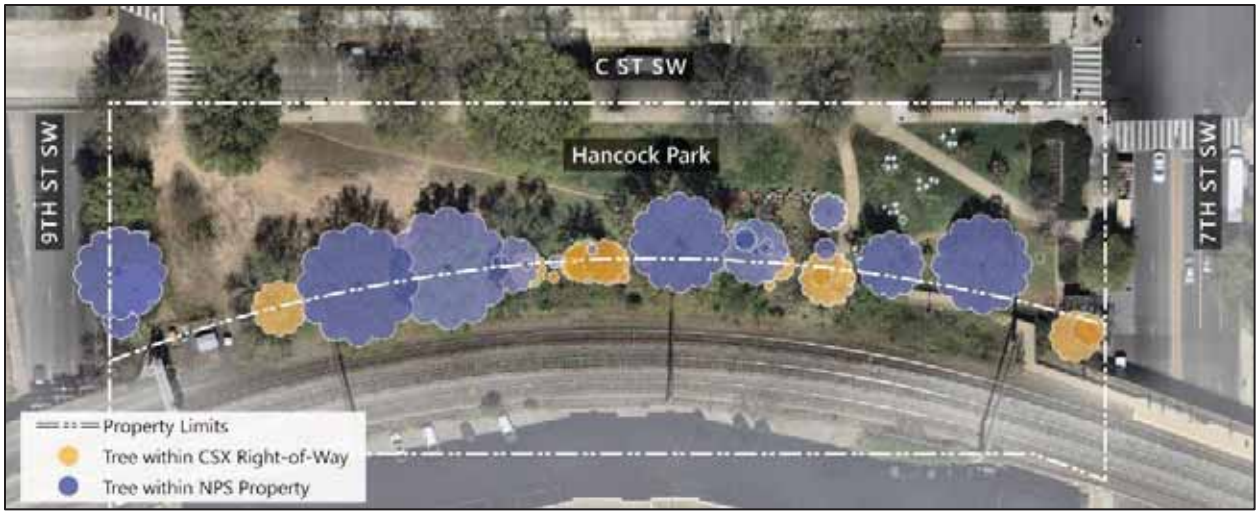


Figure A-4. Trees Within or Adjacent to Railroad

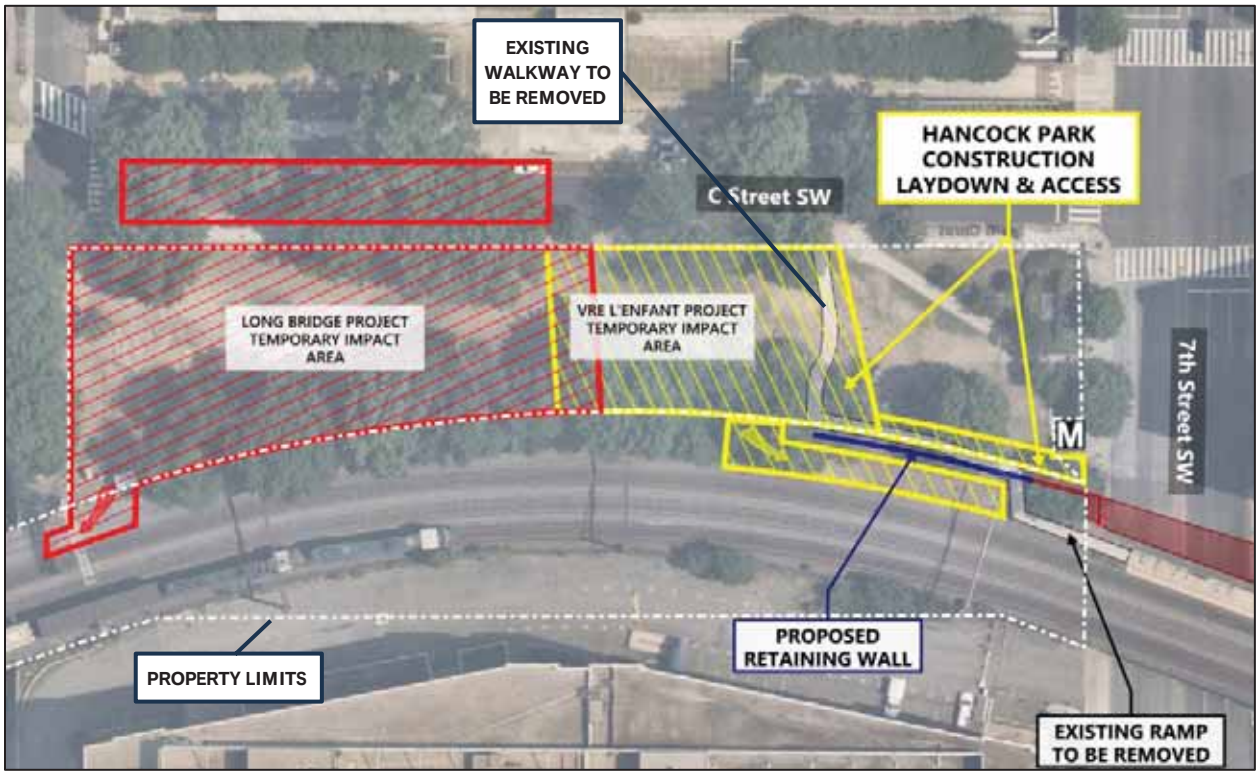


Figure A-5. Site Plan of the Undertaking at Hancock Park

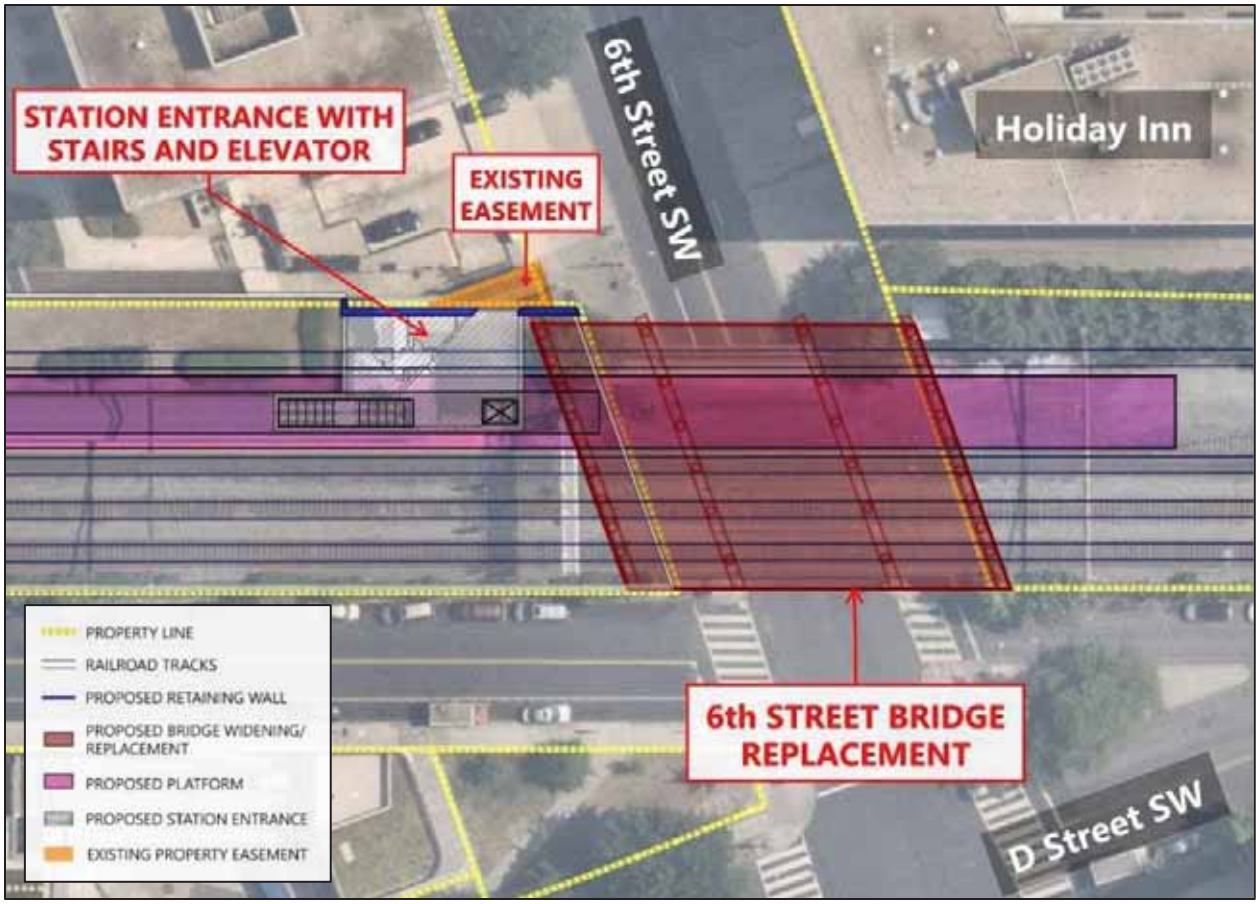


Figure A-6. Site Plan of the Undertaking at the 6th Street SW Bridge

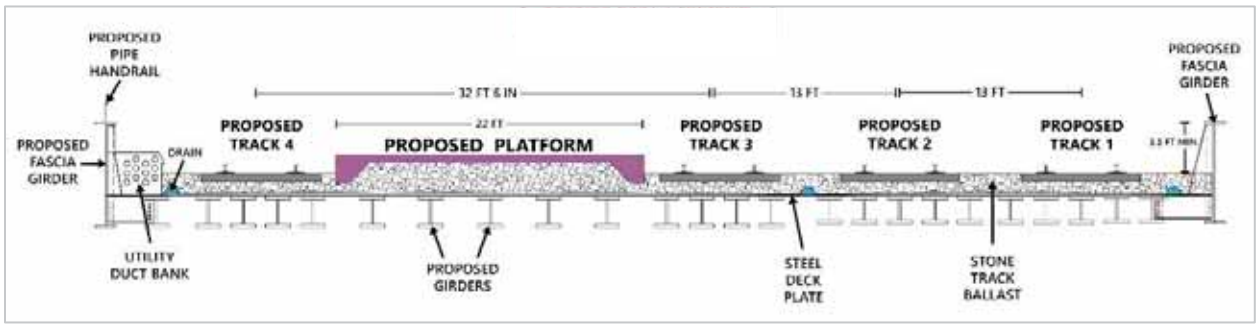


Figure A-7. Cross Section of the Proposed Replacement Bridge over 6th Street SW

Figure A-8. Rendering of the Proposed 6th Street SW Station Entrance (the appearance of this rendering is illustrative and is not intended to convey specific design, colors, or materials, which will continue to be refined through Design Review)

Figure A-9. Aerial Rendering of the Proposed 6th Street SW Bridge and Station Entrance (the appearance of this rendering is illustrative and is not intended to convey specific design, colors, or materials, which will continue to be refined through Design Review)

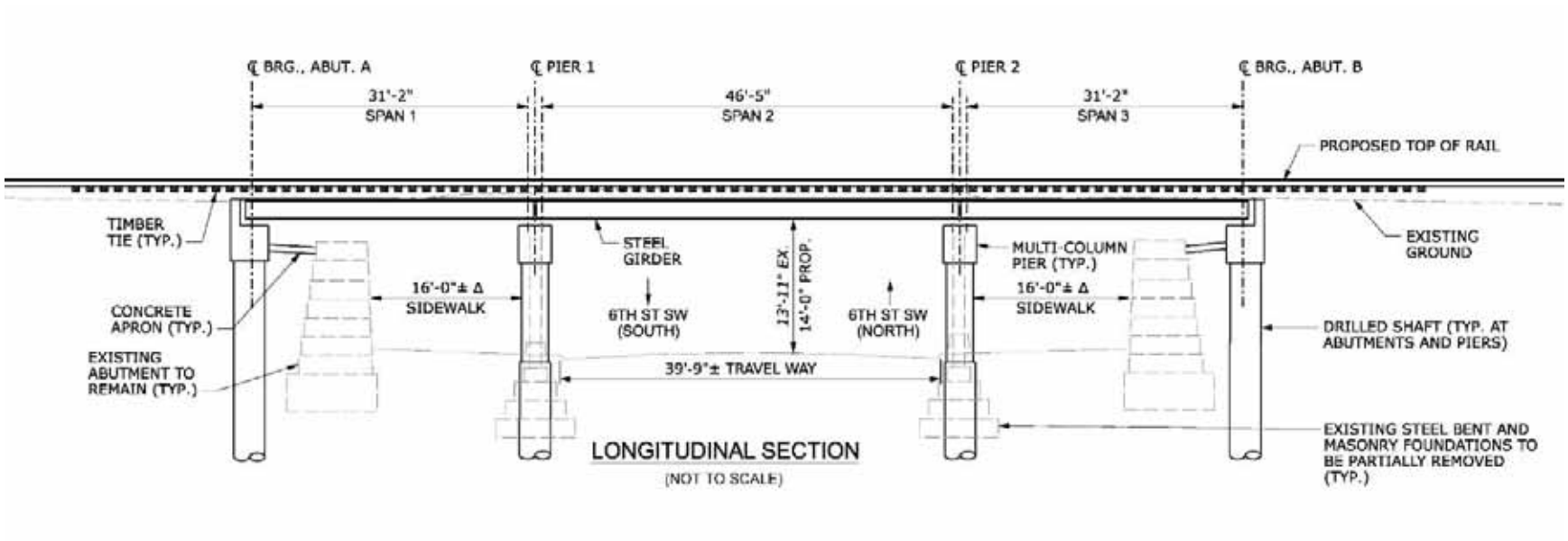


Figure A-10. Longitudinal Section of the Proposed 6th Street SW Bridge with New Bridge Seat Behind Existing Bridge Abutments

Figure A-11. Photo Simulation of the 6th Street Bridge (South Side) (the appearance of this photo simulation is illustrative and is not intended to convey specific design, colors, or materials, which will continue to be refined through Design Review)

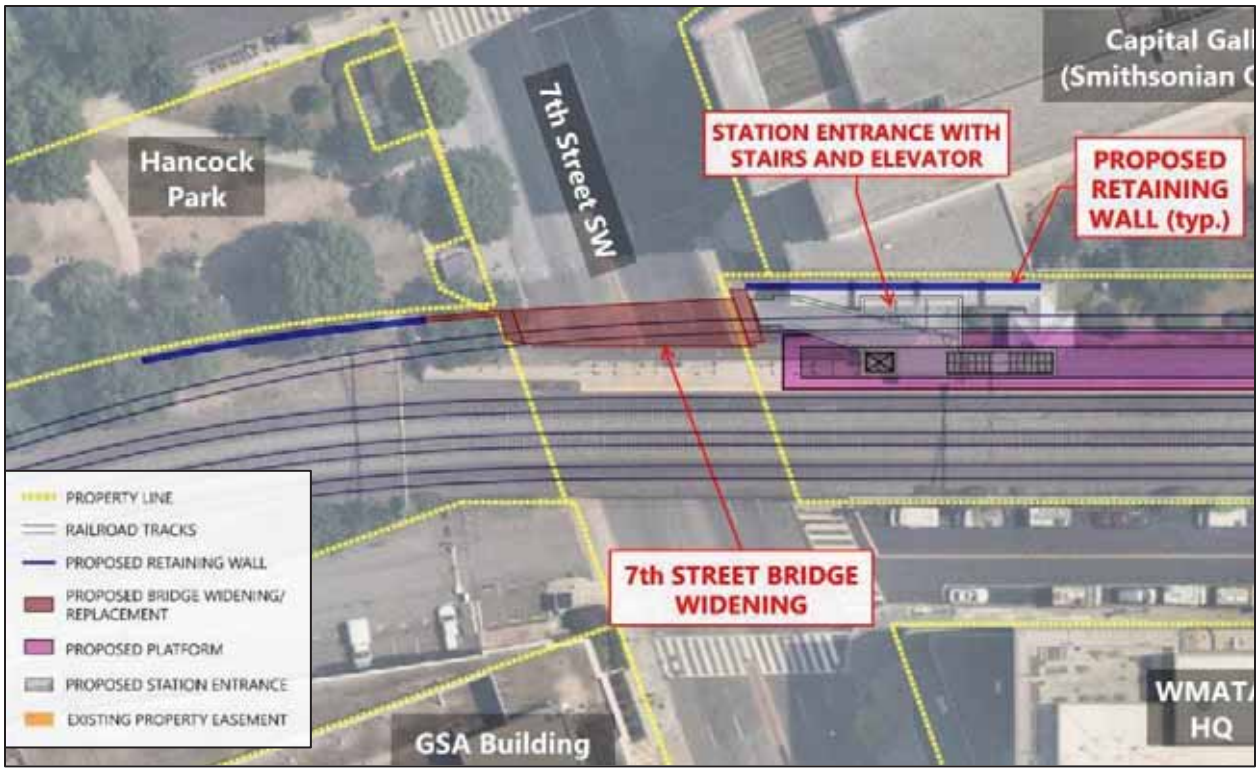


Figure A-12. Site Plan of the Undertaking at the 7th Street SW Bridge

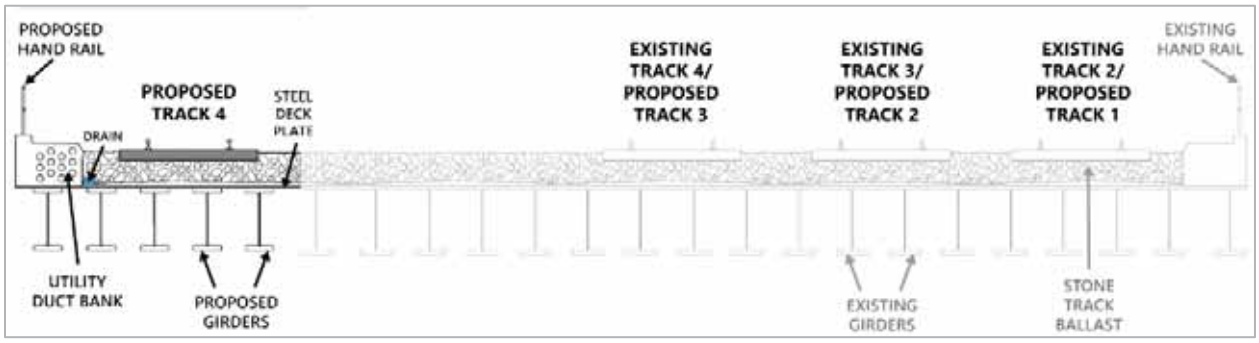
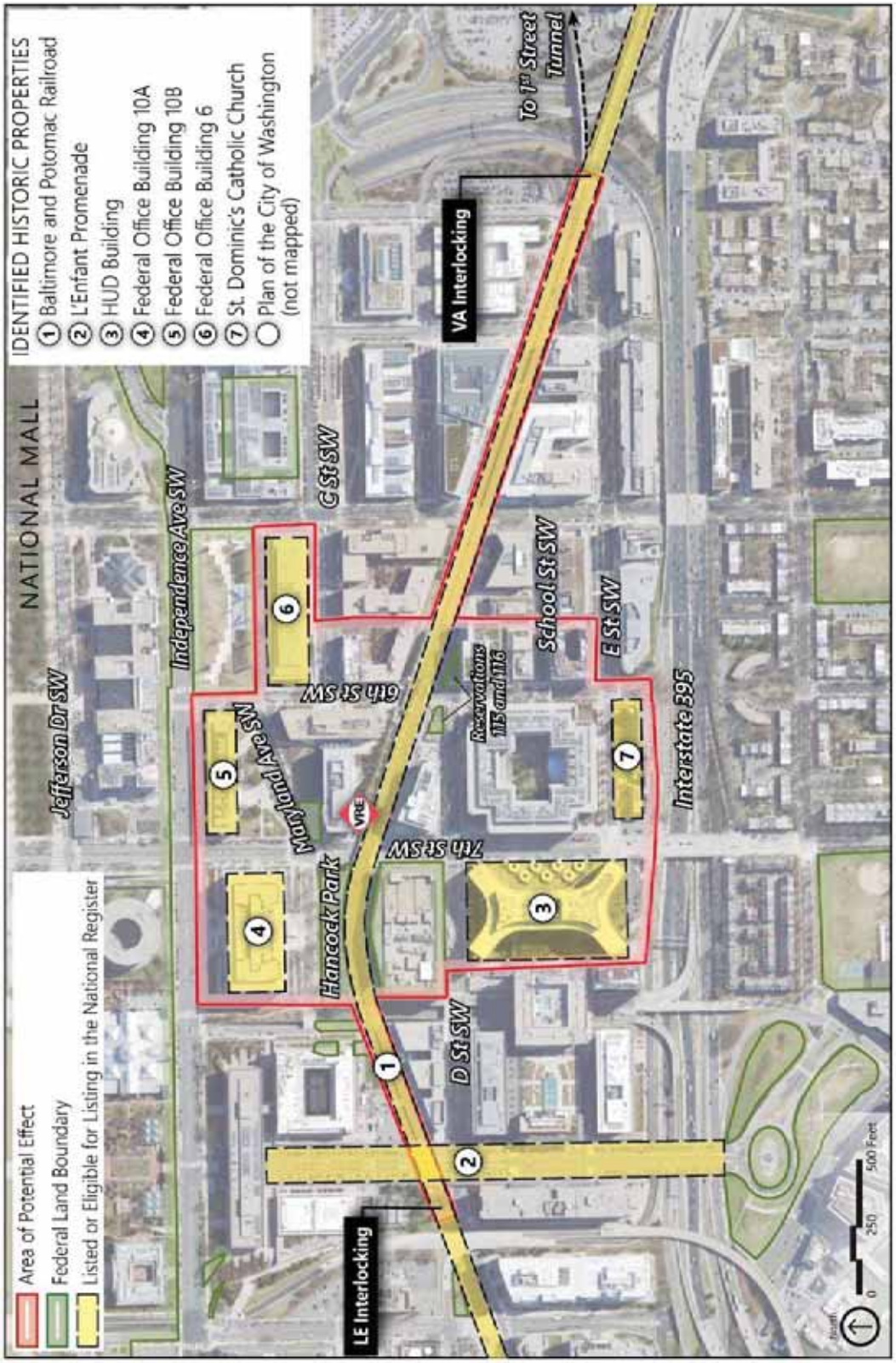


Figure A-13. Cross Section of the Proposed Widening of the 7th Street SW Bridge

Figure A-14. Rendering of the Proposed 7th Street SW Station Entrance (the appearance of this rendering is illustrative and is not intended to convey specific design, colors, or materials, which will continue to be refined through Design Review)

APPENDIX B
AREA OF POTENTIAL EFFECT



Area of Potential Effect for the L'Enfant Station and Fourth Track Project, Washington, DC

APPENDIX C
LIST OF CONSULTING PARTIES

Agencies and Organizations Invited to Participate as Consulting Parties

DC Historic Preservation Office	General Services Administration
Advisory Neighborhood Commission 6D	National Capital Planning Commission
Amtrak	National Park Service
Cherokee Nation	Northern Virginia Transportation Commission
Commission of Fine Arts	Pamunkey Indian Tribe
Committee of 100	Potomac and Rappahannock Transportation Commission
CSX Transportation	Smithsonian Institution
DC Preservation League	Southwest Business Improvement District
District Department of Transportation	Virginia Passenger Rail Authority
Federal Railroad Administration	Washington Metropolitan Area Transit Authority*

*Declined to participate as a Consulting Party

APPENDIX D
SECTION 106 CORRESPONDENCE

U.S. Department of Transportation
Federal Transit Administration

REGION III
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

1835 Market St
Suite 1910
Philadelphia, PA 19103-2968
215-656-7100

March 20, 2024

Mr. David Maloney
State Historic Preservation Officer
District of Columbia Office of Planning
1100 4th Street SW, Suite 650 East
Washington, DC 20024

RE: Section 106 Initiation – VRE L'Enfant Station and Fourth Track Project, Washington, DC

Dear Mr. Maloney:

The Virginia Railway Express (VRE) in coordination with the Federal Transit Administration (FTA) is proposing to improve the L'Enfant Station and add a continuous fourth track between the L'Enfant (LE) and Virginia (VA) Interlockings (roughly 4th and 12th streets SW) to provide a better passenger experience and reduce congestion on the platform and within the railroad corridor. The Project anticipates using funding from both the FTA and the Federal Railroad Administration (FRA). For purposes of consultation pursuant to Section 106 of the National Historic Preservation Act of 1966, FTA is initiating consultation with the District of Columbia State Historic Preservation Office (DC SHPO) as the lead Federal agency. FRA is an invited Section 106 Consulting Party.

Project Description
The purpose of the Project is to enhance the user experience for passengers boarding and alighting at L'Enfant Station and to relieve an existing bottleneck that hinders the efficient movement of passenger and freight trains in a critical segment of the national rail network. The existing VRE L'Enfant Station is located along Virginia Avenue between 6th and 7th Streets SW in the Southwest Federal Center section of Washington, DC. The station is located on the three track, shared-use rail corridor that also serves CSX Transportation, Inc. (CSXT) freight trains as part of its national freight network and Amtrak trains traveling between Washington, DC and Richmond, Virginia, and points beyond. The three tracks in this corridor are designated as Tracks 2, 3, and 4 from south to north (or railroad east to railroad west).

The Project will construct a fourth track between the LE and VA Interlockings on the north side of the existing tracks. To accommodate installation of the proposed track, the Project would require replacement of the railroad bridge over 6th Street SW (henceforth referred to as the 6th Street Bridge) and widening of the railroad bridge over 7th Street SW (henceforth referred to as the 7th Street Bridge).

The Project also proposes to improve and expand the VRE L'Enfant Station by constructing a new center platform 22 feet wide and 680 feet long, located in the same general location as the existing platform, which will be able to serve two trains simultaneously. The current 12.5-foot wide by 550 feet long platform is shorter than the longest VRE train operated, and therefore all cars on the train are not accessible for boarding or alighting. Some passengers must walk through one or more cars on the train to exit at the station, which increases station dwell times.

Station improvements will also include stairs at 7th and 6th Streets SW and ADA improvements including elevators at 7th and 6th Street SW. A retaining wall would be required along the north side of the railroad tracks along the Hancock Park boundary. This includes some encroachment and construction activities

within Hancock Park (Reservation 113) where a pedestrian walkway to the existing station is currently located. That existing walkway will be removed once the track and station improvements are complete.

For additional information and project documents, please see the Project website at: https://projects.vre.org/project?Project=L%27Enfant%20Track%20and%20Station%20Improvements

Area of Potential Effects
The proposed Area of Potential Effects (APE) (see **Enclosure 1**) includes those geographic areas which may be directly or indirectly affected by the Project (36 CFR 800.16(d)). This includes the Project footprint, or limit of disturbance, as well as those areas which may experience other effects such as visual effects. The APE takes into consideration proposed modifications to the 7th Street Bridge and replacement of the 6th Street Bridge, which could be visible along the north-south axes of those streets.

Identification of Historic Properties
An initial desktop survey was conducted to identify historic properties within the APE using information from the DC SHPO Inventory of Historic Sites, the National Register of Historic Places (NRHP) database, and GIS mapping data via the DC Office of Planning. The properties identified in **Table 1** below are listed in the NRHP or have been recommended eligible for listing in the NRHP via a Determination of Eligibility (DOE). These properties are shown on the APE map (see **Enclosure 1**) as properties 1-7. Hancock Park is being considered as a part of the Plan of the City of Washington rather than an individual historic property.

Table 1. Historic Properties Previously Identified within the Proposed APE

Property No.	Property Name	Address	Designation / Eligibility
n/a	Plan of the City of Washington	Washington, DC	DC Historic Landmark NRHP Listed
1	U.S. Department of Housing and Urban Development (HUD) Building	451 7th Street SW	DC Historic Landmark NRHP listed
2	General Services Administration (GSA) Regional Office Building	801 D Street SW	DC Historic Landmark
3	Federal Office Building 10A (Orville Wright Building)	800 Independence Ave SW	DOE recommended eligible
4	Federal Office Building 10B (Wilbur Wright Building)	600 Independence Ave SW	DOE recommended eligible
5	Federal Office Building 6 (US Department of Education)	400 Maryland Ave SW	DC Historic Landmark NRHP listed
6	L'Enfant Promenade	10th Street SW	DOE recommended eligible
7	St. Dominic's Catholic Church	630 E Street SW	DC Historic Landmark

Four properties within the APE are 45 years of age or older and have not yet been evaluated for eligibility for listing in the NRHP, as shown on the APE map as properties 8-11 (see **Enclosure 1**). This age was selected to account for the 50-year threshold that is generally observed in the evaluation of historic significance, and to account for the implementation schedule of the Project. These resources were identified using a range of documentation sources including real property and building data, historic maps and photographs, and aerial photographs.

Three of these potentially historic properties would be modified or replaced by the Project: the railroad corridor, the 7th Street Bridge, and the 6th Street Bridge (properties 8-10 on **Enclosure 1**). One potentially historic property (property 11) has the potential to be affected as a result of visual changes to its setting and

viewshed. FTA will complete determinations of eligibility for these four properties to determine their historic significance and to assess the effects the Project would have on these properties (see **Table 2**).

Table 2. Properties Over 45 Years Old to Be Evaluated

Property No.	Property Name	Address
8	Railroad Corridor	Washington, DC
9	7th Street Bridge	7th Street SW
10	6th Street Bridge	6th Street SW
11	American Road Builders Association	525 School St SW

One additional property (400 7th Street SW) was identified within the APE as over 45 years of age but has been heavily modified. Available information indicates it was previously surveyed and determined to be ineligible for listing in the NRHP. Documentation related to that determination was not uncovered during the initial desktop search and FTA is conducting further research to confirm the previous evaluation.

The Project may include development in the southeast corner of Hancock Park for expansion of the rail corridor and construction of a retaining wall. Additionally, other areas of Hancock Park may be necessary for construction access or staging. FTA is conducting research for available information from previous surveys and underground utility mosaics to determine whether an archaeological survey of Hancock Park is warranted to determine the potential for the Project to affect intact archaeological resources.

Consulting Parties

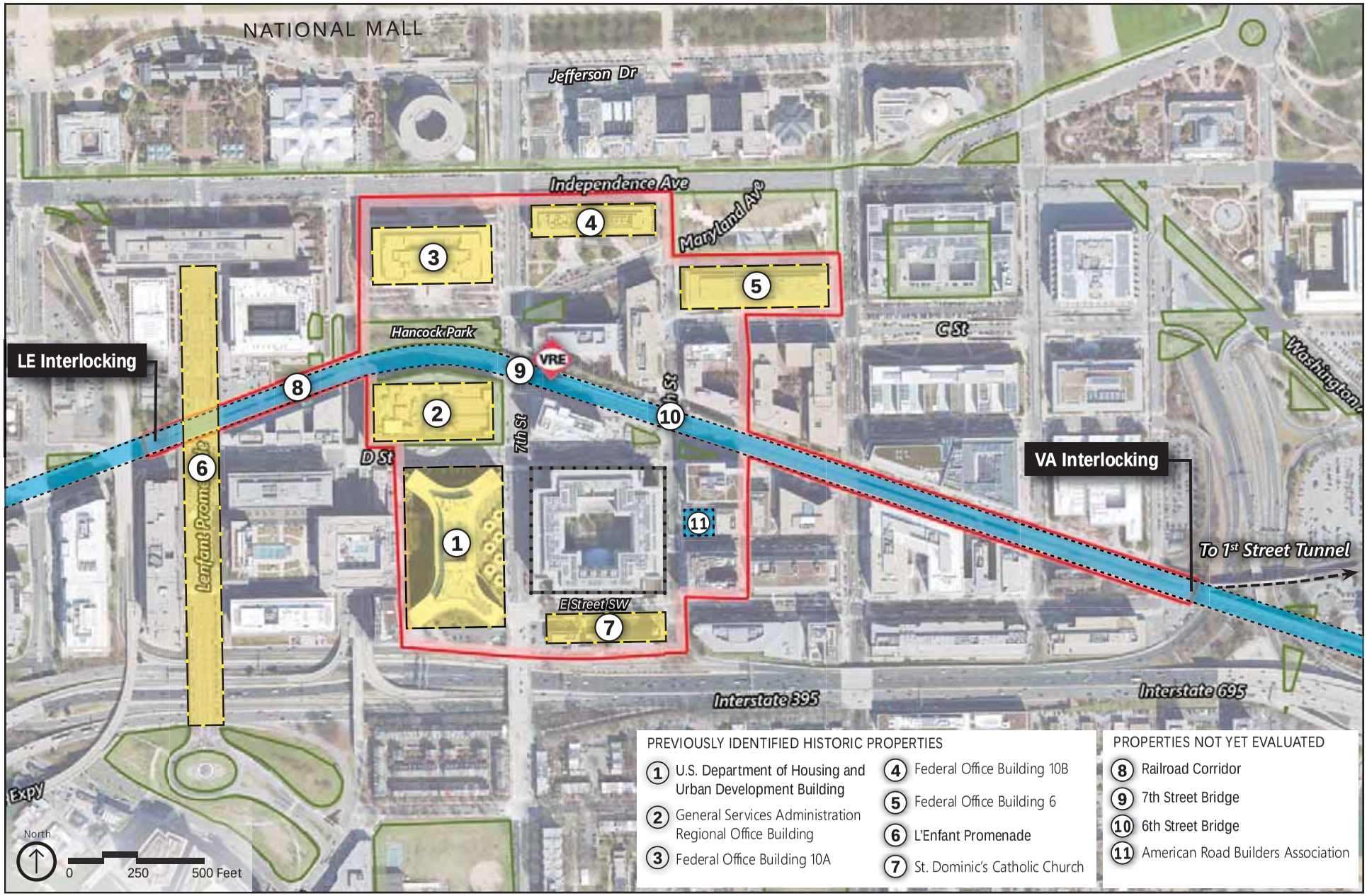
As part of the Section 106 process and pursuant to 36 CFR 800.3(f), FTA is identifying potential consulting parties that may have an interest in this Project. We invite those organizations included on this letter to participate in the Section 106 consultation process. A list of potential consulting parties invited is included in **Enclosure 2**. The consulting parties that accept the invitation will be invited to review cultural resource documentation and provide input on the identification of historic properties and the evaluation of the Project's effect. If your organization is interested in participating, please notify FTA within 30 days of receipt of this letter.

FTA is seeking concurrence on the proposed APE, previously identified historic properties within the APE, proposed survey strategy, and is also seeking input on other potential consulting parties. We appreciate your initial input on this Project and look forward to working with you as the Project continues. If you would like any additional information regarding this Project, please contact Dan Koenig, Community Planner at daniel.koenig@dot.gov.

Sincerely,

Heidi E. Krofft
Environmental Protection Specialist

Enclosures: 1: Area of Potential Effect Map
2: List of Potential Consulting Parties



LEGEND

- Area of Potential Effect
- Federal Land Boundary
- Listed or Eligible for Listing in the National Register
- Over 45 Years Old, Not Yet Evaluated
- Ineligible (to be confirmed)

L'Enfant Track and Station Improvements
Area of Potential Effect
Washington DC

Enclosure 2:

List of Potential Consulting Parties

Organization	Project Interest
DC State Historic Preservation Officer	Section 106 Review
CSX Transportation, Inc.	Rail operator through corridor
Amtrak	Rail operator through corridor
Federal Railroad Administration	Funding partner for Transforming Rail in Virginia; Lead Federal Agency for adjacent rail project
Virginia Passenger Rail Authority	Project partner through Transforming Rail in Virginia.
Washington Metropolitan Area Transit Authority	Metrorail operator with L'Enfant Metrorail Station within close proximity to project area.
District Department of Transportation	Manages transportation infrastructure in the District
National Park Service – National Mall and Memorial Parks	Administration of Hancock Park and National Mall
National Park Service – National Capital Area Regional Office	Administration of Hancock Park and National Mall
US Commission of Fine Arts	Project in jurisdiction for review
National Capital Planning Commission	Federal agency with approval authority for federal construction projects
Committee of 100 on the Federal City	Local preservation organization
DC Preservation League	Local preservation organization
General Services Administration – National Capital Region	Property owner – GSA Regional Office Building
Smithsonian Institution	Nearby property owner
Southwest Business Improvement District	Nonprofit organization for improvements to Southwest DC funded through a self-imposed assessment of commercial property owners
Advisory Neighborhood Commission 6D	Non-partisan, neighborhood body for Southwest DC made up of locally elected representatives
Northern Virginia Transportation Commission	Co-owner of VRE
Potomac and Rappahannock Transportation Commission	Co-owner of VRE
Cherokee Nation	Tribe with interests in DC
Pamunkey Indian Tribe	Tribe with interests in DC

District of Columbia Office of Planning

April 18, 2024

Ms. Heidi E. Kroft
Environmental Protection Specialist
U.S. Department of Transportation
Federal Transit Administration, Region III
1835 Market Street, Suite 1910
Philadelphia, PA 19103-2968

RE: Initiation of Section 106 Consultation for the VRE L'Enfant Station and Fourth Track Project

Dear Ms. Kroft:

Thank you for initiating consultation with the District of Columbia State Historic Preservation Officer (SHPO) regarding the above-referenced undertaking and for hosting a consulting parties' meeting on April 11, 2024. Based upon our review of the project submittal and our participation in the meeting, we are writing to provide our initial comments regarding effects on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.

We understand that the Federal Transit Administration (FTA) and the Federal Rail Administration (FRA) are providing funding to the Virgnia Railway Express (VRE) to make improvements at VRE's L'Enfant Railway Station in SW Washington, DC. FTA is serving as the Lead Federal Agency for purposes of Section 106. Proposed improvements include a new center platform and a fourth track to facilitate boarding and alleviate "bottlenecks" with other trains. Construction of the additional track will require replacing the existing bridge over 6th Street, SW and widening the existing bridge over 7th Street, SW.

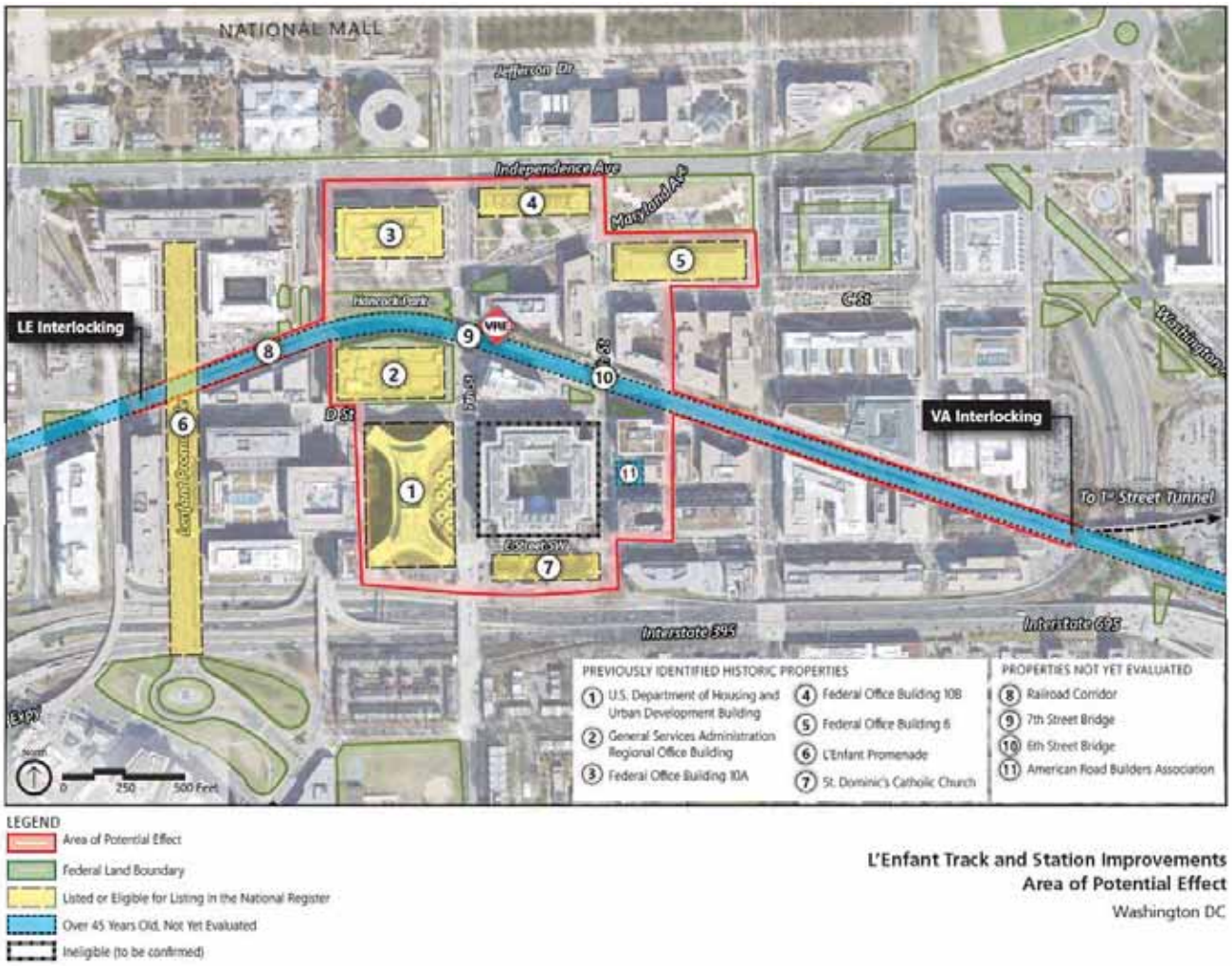
We have reviewed the proposed Area of Potential Effect (APE) and agree that it should be sufficient to take into account the effects of the project on historic properties. A copy of the APE is attached for reference. On a related note, we look forward to receiving the Determination of Eligibility (DOE) Forms we requested for the American Road Builder's Association Building at 525 School Street, SW and for the historic rail corridor that passes through the project site but, as a linear resource, should be evaluated for its full length within the District of Columbia and specifically include evaluations of related infrastructure such as the aforementioned bridges and those that cross over other streets within DC. A search of our records yielded the attached DOE Form that was prepared for the Baltimore & Potomac (B&P) Railroad in 2014. Although this DOE recommends the resource eligible and documents our concurrence with that finding for purposes of another project, it also notes that additional research would be needed to make a more definitive determination. The DOE we are requesting for this project should include that research. We are also providing a copy of the related DOE that was prepared for the nearby Baltimore & Ohio (B&O) Alexandria Branch Railroad for reference. Finally, as discussed in the consulting parties meeting, we would appreciate more information about how the bridge at 7th Street, SW was altered in association with the construction of the Metro system since information of this sort could be useful in evaluating the potential significance of that structure.

We look forward to consulting further with FTA, VRE and all other consulting parties to continue the Section 106 review of this project. In the meantime, if you should have any questions or comments regarding any of these matters, please contact me at andrew.lewis@dc.gov or 202-442-8841. Questions or comments related to archaeology should be directed to Ruth Trocolli at ruth.trocolli@dc.gov or 202-442-8836. Thank you for providing this initial opportunity to review and comment.

Sincerely,

C. Andrew Lewis
Senior Historic Preservation Officer
DC State Historic Preservation Office

Enclosures
24-0393



From:	Lee Farmer
To:	andrew. gov (andrew.lewis@dc.gov); David.maloney@dc.gov; 6d01@anc.dc.gov; 6d@anc.dc.gov; 6d02@anc.dc.gov; HillA; amy.wetterskog@amtrak.com; daniel.thomas.2@amtrak.com; Rhodes, John T; chart@cfa.gov; Daniel Fox; Sarah Batcheler; tluebke@cfa.gov; jasmailes@gmail.com; monte.edwards@verizon.net; Knapp, Brandon; Brett Sanders (Brett_Sanders@csx.com); Randy Marcus (randy_marcus@csx.com); will_roseborough@csx.com; Rebecca@dcpreservation.org; Chamberlin, Anna (DDOT); Emma Blondin (Emma.Blondin@dc.gov); Randall Brown - Federal Highway Administration/ FHWA (randall.brown@dot.gov); Courtney Benton (courtney.benton@gsa.gov); Eliza Voigt (eliza.voigt@gsa.gov); Kristi Tunstall Williams (kristi.tunstall@gsa.gov); mina.wright@gsa.gov; Sullivan, Diane (diane.sullivan@ncpc.gov); Flis, Matthew; Michael Weil; Laurel D Hammig - National Park Service (Laurel_Hammig@nps.gov); lee.webb@ncpc.gov; Tammy Stidham (tammy_stidham@nps.gov); Sophia Kelly (sophia_kelly@nps.gov); Allan Fye (allanfye@novatransit.org); Cynthia Porter-Johnson; carranchom@si.edu; lalbe@swbid.org; Sydney Moore; zbaldwin@swbid.org; Theuer, Jason
Cc:	Rachel Hearon (rachel.hearon@dot.gov); Koenig, Daniel (FTA); Christine Hoeffner, AICP, PLA; Dagmawie Shikurye; Christine Fix; Kurgan, Kate (DDOT); Mark Schnaufer; Mark Colgan; Josh Bendyk; Meghan Powell; Lee Dwyer; Erin Leatherbee
Subject:	FOR CONSULTING PARTY REVIEW - VRE L"Enfant Station and Fourth Track - Draft Determination of Eligibility (DOE) Forms
Date:	Monday, November 4, 2024 1:48:27 PM
Attachments:	2024-11-04_LEF_DC DOE FORM_BandPRailCorridor_DRAFT.pdf image001.png image002.png image003.png image004.png image005.png 2024-11-04_LEF_DC DOE FORM_AmericanRoadBuild_DRAFT.pdf

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Dear VRE L'Enfant Station and Fourth Track Section 106 Consulting Parties,

On March 20, 2024, the Virginia Railway Express (VRE) in coordination with the Federal Transit Administration (FTA) initiated consultation pursuant to Section 106 of the National Historic Preservation Act of 1966. The invitation included the proposed Area of Potential Effect (APE), previously identified historic properties within the APE, proposed survey strategy, and list of potential consulting parties. VRE and FTA held a meeting with the invited consulting parties on April 11, 2024, to discuss these items. Thank you to all who were able to attend.

The District of Columbia State Historic Preservation Office (DC SHPO) provided comments on April 18, 2024. DC SHPO agreed with the proposed APE and requested that VRE and FTA prepare Determination of Eligibility (DOE) Forms for the American Road Builder's Association Building at 525 School Street SW and for the full length of the rail corridor within the District of Columbia (DC), specifically including the rail bridges crossing over streets with the APE as well as those crossing over other streets in DC. No other comments were received on the APE, identified historic properties, or other items included in the initiation letter.

VRE and FTA have completed draft DOE Forms and propose that both the American Road Builder's Association Building and the Baltimore and Potomac (B&P) Railroad Corridor within DC be recommended eligible. In the draft form for the B&P Railroad Corridor, within the APE the bridge over 6th Street SW, as well as the alignment, trackage, rusticated stone retaining walls, and catenary poles, are recommended as contributing to the significance of the resource. The bridge over 7th Street SW is recommended as a non-contributing resource. VRE and FTA are providing the attached draft DOE Forms for your review and comment as a consulting party in the Section 106 process. **Please provide any comments by December 4, 2024.**

If you would like any additional information regarding this Project, please contact Dan Koenig, Community Planner at daniel.koenig@dot.gov.

Thank you,
Lee Farmer

Lee Farmer, AICP (She, Her, Hers)
Project Development Manager, T&R

X

P 202.739.9505
www.vhb.com

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Washington DC 20001

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From:	Lee Farmer
To:	andrew. gov (andrew.lewis@dc.gov); David.maloney@dc.gov; 6d01@anc.dc.gov; 6d@anc.dc.gov; 6d02@anc.dc.gov; HillA; amy.wetterskog@amtrak.com; daniel.thomas.2@amtrak.com; Rhodes, John T; chart@cfa.gov; Daniel Fox; Sarah Batcheler; tluebke@cfa.gov; jasmailes@gmail.com; monte.edwards@verizon.net; Knapp, Brandon; Brett Sanders (Brett_Sanders@csx.com); Randy Marcus (randy_marcus@csx.com); will_roseborough@csx.com; Rebecca@dcpreservation.org; Emma Blondin (Emma.Blondin@dc.gov); Randall Brown - Federal Highway Administration/ FHWA (randall.brown@dot.gov); Courtney Benton (courtney.benton@gsa.gov); Kristi Tunstall Williams (kristi.tunstall@gsa.gov); mina.wright@gsa.gov; Sullivan, Diane (diane.sullivan@ncpc.gov); Flis, Matthew; Michael Weil; Laurel D Hammig - National Park Service (Laurel_Hammig@nps.gov); lee.webb@ncpc.gov; Cynthia Porter-Johnson; carranchom@si.edu; lalbe@swbid.org; zbaldwin@swbid.org; Theuer, Jason; Andrew D"huyvetter (andrewdhuyvetter@novatransit.org)
Cc:	Hearon, Rachel (FTA); Koenig, Daniel (FTA); Christine Hoeffner, AICP, PLA; Dagmawie Shikurye; Christine Fix; Kurgan, Kate (DDOT); Mark Schnaufer; Mark Colgan; Josh Bendyk; Meghan Powell; Lee Dwyer; Erin Leatherbee; Chloe Swann
Subject:	FOR CONSULTING PARTY REVIEW - VRE L"Enfant Station and Fourth Track - Draft Assessment of Effects
Date:	Monday, February 24, 2025 5:03:31 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png 2025-02-24_LEF Draft Assessment of Effects_Comments.xlsx

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Dear VRE L'Enfant Station and Fourth Track Section 106 Consulting Parties,

On March 20, 2024, the Virginia Railway Express (VRE) in coordination with the Federal Transit Administration (FTA) initiated consultation pursuant to Section 106 of the National Historic Preservation Act of 1966. VRE and FTA held a meeting with the invited consulting parties on April 11, 2024, to discuss the proposed Area of Potential Effect (APE), previously identified historic properties within the APE, proposed survey strategy, and list of potential consulting parties.

In response to a request from the District of Columbia State Historic Preservation Office (DC SHPO) via their comments provided on April 18, 2024, VRE and FTA prepared Determination of Eligibility (DOE) forms for the American Road Builders Association Building at 525 School Street SW and for the full length of the rail corridor within the District of Columbia (the District), specifically including the rail bridges crossing over streets with the APE as well as those crossing over other streets in the District. These draft DOE Forms were submitted to the consulting parties for review on November 4, 2024. VRE and FTA initially recommended that both the American Road Builders Association Building and the Baltimore and Potomac (B&P) Railroad Corridor within the District be eligible. Based on comments received from the DC SHPO on December 5, 2024, VRE and FTA revised their recommendation for the American Road Builders Association Building to be considered not eligible. VRE and FTA addressed all other comments received on the Draft DOE Forms and are providing the Final DOE Forms for your records. They can be downloaded at this link: LEF DOEs.

As the next step in the Section 106 process, VRE and FTA have now completed the draft Assessment of Effects (AOE) Report for the project. In the draft AOE Report, VRE and FTA recommend a finding of adverse effect on the B&P Railroad due to the replacement of the 6th Street SW Bridge, removal of portions of the rusticated stone retaining wall, and removal of some catenary poles, all of which are contributing elements to the B&P Railroad. VRE and FTA are providing the draft AOE Report for your review and comment as a consulting party in the Section 106 process. It can be downloaded at this link: LEF Assessment of Effects. See attached for a comment matrix for your use. **Please provide any comments by March 27, 2025.**

As a consulting party, you are also invited to attend the next consulting parties meeting scheduled for **March 20, 2025, at 2:00 pm ET** to discuss the adverse effects and potential mitigation strategies.

An invitation with additional information will be provided separately from this email. We look forward to your continued participation in this process.

If you would like any additional information regarding this project, please contact Dan Koenig, Community Planner at daniel.koenig@dot.gov.

Thank you,
Lee

Lee Farmer, AICP (She, Her, Hers)
Project Development Manager, T&R

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From: Lewis, Andrew (OP) <andrew.lewis@dc.gov>
Sent: Thursday, March 20, 2025 3:30 PM
To: Lee Farmer <lfarmer@VHB.com>; Koenig, Daniel (FTA) <daniel.koenig@dot.gov>; Mark Colgan <mcolgan@VHB.com>
Subject: [External] Summary of DC SHPO Comments from this afternoon's VRE L'Enfant Station 2nd CP Meeting

All:

Thank you for hosting the second consulting parties meeting for the VRE L'Enfant Station Project this afternoon. A brief summary of the primary comments/questions I offered in the meeting is pasted below for reference.

1. Is the height of the 6th Street Bridge going to change or are any elements of the replacement bridge going to be substantially different? If so, were these taken into account in terms of potential visual effects on L'Enfant view corridors?

2. We do not necessarily agree that there will be no adverse visual effect on the B&P because the replacement bridge will appear quite different from the rest of the bridges and diminish the appearance of the linear resource (e.g. along the south side of VA Ave where one can see a large portion of the railroad line) and because the removal of five catenary portals will alter the view corridor of the railroad line itself (not any L'Enfant views).

3. The effect tables on pages 26 and 30 of the Draft Assessment of Effects Report provide contradictory findings regarding adverse visual effects. We believe there will be both visual and physical adverse effects on the B&P.

4. What will the replacement bridge look like from the south side of 6th Street where the historically significant rusticated stone retaining wall is much more intact (see image below) vs. the north side where the wall has already been substantially altered?

5. As I have previously suggested, the design of the 6th St replacement bridge should be based upon the Long Bridge Project designs that reinforce the linear continuity of the B&P as a whole. We recognize that the design will have to be customized for the specific location, but it should incorporate the same types of materials and details, especially through plate girders (even if the latter are essentially a veneer). Some examples of Long Bridge Project designs are pasted below for reference. These design approaches were all supported DC SHPO, CFA, NPS & NCPC.

6. We agree with the suggested mitigation/minimization measures and stress the importance of design review (see reference to Long Bridge designs above); recommend that interpretive signage be designed for all passersby (not just limited to areas that will only be accessible to VRE commuters); request that salvage and reuse of bridge elements be included, especially on the replacement bridge; and point out that HABS/HAER recordation of the 6th St bridge should be carried out before the bridge is altered in any way. This is not necessarily an exhaustive list of mitigation/minimization measures. We may have others to offer once the draft PA is provided for review.

I do not recall the other individuals that you suggested we copy our comments on but feel free to forward these to anyone you believe could benefit from reviewing them. I will be happy to address any questions or comments you may have.

Hope all is well,

C. Andrew Lewis, Senior Historic Preservation Specialist
DC State Historic Preservation Office, DC Office of Planning
899 North Capitol Street, NE, Suite 7100, Washington, DC 20002
202-442-8841
andrew.lewis@dc.gov
http://planning.dc.gov/historicpreservation

From:	Theuer, Jason
To:	Lee Farmer
Cc:	Hammig, Laurel D
Subject:	RE: E TERNAL FOR CONSULTING PARTY REVIEW - VRE L"Enfant Station and Fourth Track - Draft Assessment of Effects
Date:	Friday, March 21, 2025 :04:2 AM
Attachments:	image006.png image00 .png image00 .png image00 .png image010.png image011.png

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Lee,
Thank you for the opportunity to review the Assessment of Effect draft report and for the informative consulting parties meeting yesterday.
From the perspective of the NPS National Capital Region, Section 106 review, I have no comments and the report accurately reflects the potential effects to NPS managed historic properties, conditioned upon the results of the Phase I archeological survey results.

Please note that Phase I archeological survey results are critical to understanding not only the ground disturbance from the construction, but also from the construction staging area located on NPS managed lands at Hancock Park. Per our ongoing coordination with VRE and VPRA for the Long Bridgge project, that project's use of Hancock Park is also conditioned to the adequate completion of the Archeological Phase I report.

Thank you,
-jay

Jason G. Theuer, Ph.D. – NCR Regional Section 106 Coordinator
Acting Chief of Resource Management
National Mall and Memorial Parks
1100 Ohio Drive, SW
Washington, D.C. 20242
Jason_theuer@nps.gov
Office: 202-619-7273
Mobile: 202-993-3476 (preferred)

Forms and are providing the Final DOE Forms for your records. They can be downloaded at this link: LEF DOEs.

As the next step in the Section 106 process, VRE and FTA have now completed the draft Assessment of Effects (AOE) Report for the project. In the draft AOE Report, VRE and FTA recommend a finding of adverse effect on the B&P Railroad due to the replacement of the 6th Street SW Bridge, removal of portions of the rusticated stone retaining wall, and removal of some catenary poles, all of which are contributing elements to the B&P Railroad. VRE and FTA are providing the draft AOE Report for your review and comment as a consulting party in the Section 106 process. It can be downloaded at this link: LEF Assessment of Effects. See attached for a comment matrix for your use. Please provide any comments by March 27, 2025.

As a consulting party, you are also invited to attend the next consulting parties meeting scheduled for March 20, 2025, at 2:00 pm ET to discuss the adverse effects and potential mitigation strategies. An invitation with additional information will be provided separately from this email. We look forward to your continued participation in this process.

If you would like any additional information regarding this project, please contact Dan Koenig, Community Planner at daniel.koenig@dot.gov.

Thank you,
Lee

Lee Farmer, AICP (She, Her, Hers)
Project Development Manager, T&R

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From:	Lee Farmer
To:	Lewis, Andrew (OP; Maloney, David (OP; Washington, Marquell (SMD 6D01; ANC 6D Office (ANC 6D; Simon, Gottlieb (SMD 6D02; HillA; Amy Wetterskog (amy.wetterskog@amtrak.com); daniel.thomas.2@amtrak.com; Rhodes, John T; chart@cfa.gov; Daniel Fox; Sarah Batcheler; tluebke@cfa.gov; jasmailes@gmail.com; monte.edwards@verizon.net; Knapp, Brandon; Brett Sanders (Brett_Sanders@csx.com); Randy Marcus (randy_marcus@csx.com); will_roseborough@csx.com; Rebecca@dcpreservation.org; Blondin, Emma (DDOT; Randall Brown - Federal Highway Administration/ FHWA (randall.brown@dot.gov); Courtney Benton (courtney.benton@gsa.gov); Kristi Tunstall Williams (kristi.tunstall@gsa.gov); mina.wright@gsa.gov; Sullivan, Diane (diane.sullivan@ncpc.gov); Flis, Matthew; Weil, Michael; Hammig, Laurel D; lee.webb@ncpc.gov; Cynthia Porter-Johnson; carranchom@si.edu; lalbe@swbid.org; zbaldwin@swbid.org; Theuer, Jason; Andrew D"huyvetter (andrewdhuyvetter@novatransit.org); daniel_weldon; Murphy, Amanda (FRA)
Cc:	Koenig, Daniel (FTA); Dagmawie Shikurye; Christine Hoeffner, AICP, PLA; Mark Colgan; Josh Bendyk; Meghan Powell; Chloe Swann; Lee Dwyer; Mark Schnaufer; Naomi Klein; Erin Leatherbee
Subject:	VRE L"Enfant Station and Fourth Track Project - Draft Memorandum of Agreement for Consulting Party Review
Date:	Wednesday, April 30, 2025 7:25:23 PM
Attachments:	2025-04-30_LEF_Section106-MOA_DRAFT.docx image001.png image002.png image003.png image004.png image005.png 2025-04-30_LEF S106 Assessment of Effects_FINAL.pdf 2025-04-30_LEF Draft MOA Comment Matrix.xlsx

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Consulting Parties,

FTA and VRE have prepared a Draft Memorandum of Agreement (MOA) to resolve adverse effects of the VRE L'Enfant Station and Fourth Track Project on historic properties as identified in the Assessment of Effects Report. Attached please find a draft version of the MOA for your review and comment (for this review, the appendices, which consist of existing, previously shared documents as referenced in the text, are not included). Please also find attached the Final Assessment of Effects Report, which has been revised based on comments received from DC SHPO.

Thank you for providing your comments by May 30, 2025 to me at lfarmer@vhb.com and Dan Koenig at daniel.koenig@dot.gov. Please find attached a blank comment matrix for your use, at your convenience. Comments may also be provided directly using tracked changes and comments within the attached Draft MOA Word document.

Thanks,
Lee

Lee Farmer, AICP (She, Her, Hers)
Project Development Manager, T&R

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June 16, 2025

Daniel Koenig
Federal Transit Administration
1990 K St Suite 510
Washington, DC 20006

Ref: *Virginia Railway Express (VRE) L'Enfant Station and Fourth Track Project*
Washington, DC
ACHP Project Number: 023076

Dear Mr. Koenig:

On June 4,2025, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

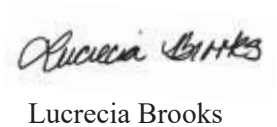
However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the District of Columbia SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Max Sickler at (202) 517-0220 or by e-mail at msickler@achp.gov

and reference the ACHP Project Number above.

Sincerely,



Lucrecia Brooks
Historic Preservation Technician
Office of Federal Agency Programs